



**POLICY ON NON-MATERIAL VARIATIONS TO PLANNING PERMISSIONS**

Section 64 of the Town and Country Planning (Scotland) Act 1997, states: “Notwithstanding any other provision of this Part, a Planning Authority may, at the request of the grantee or a person acting with his consent, vary any planning permission granted by them, if it appears to them that the variation sought is not material.

A non-material variation is one that is termed ‘de minimus’, i.e. legally of no consequence. All requests for variation require to be assessed in the context of the development as approved. Each case is different and the judgement as to when a variation is material is a matter of fact and degree. e.g. a proposed variation in a small but visually prominent development may be material while that same change may be inconsequential and therefore non-material in a larger scale development.

If a variation is assessed to be ‘de minimus’ or non-material then following assessment, a letter confirming the non-material change can be issued for appending to the original consent and no further planning permission would be required.

In contrast, where a variation to a development proposal is deemed to be ‘material’ i.e. the change proposed will materially alter a scheme from one that has been approved by planning permission, then this will require a new planning application to be submitted

The following criteria will be used to assess requests for variations to planning consents:

- (a) The request for a non-material consideration requires to be made in writing to the Comhairle as Planning Authority. Details of the variation must be stated clearly, and identified as appropriate on scaled plans or drawing. Retrospective requests for non-material changes will be assessed with no less scrutiny than pre-emptive requests.
- (b) The non-material variation request is such that the development proposal following implementation of the variation will remain compliant with the Development Plan.
- (c) The proposed change which is the subject of a request for a non-material variation does not:
  - result in a requirement for a further planning permission, or Listed Building/Conservation Area Consent in its own right; or
  - require the imposition of additional planning conditions; or
  - involves a change of use that is catergorised as non specific (*Sui Generi*) in the Town and Country Planning (Use Classes) (Scotland ) Order 1997, or the Town and Country Planning Use Classes Order or a change of use requiring planning permission; or
  - relate to an aspect or feature of the development which had been the subject of representations (assessed to be a material consideration at the planning application stage) and where the request for variation would compromise a change or conditions agreed or imposed to mitigate an impact identified at application stage; or
  - require neighbour notification in its own right.

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