

Amending Approved Planning Applications a summary:

	Application under s.96A for non-material amendment	Application under s.73 for minor material amendment	Application for extension of time limits
Who can apply?	A person with an interest in the land.	In theory anybody. In practice, copyright considerations may limit it to the original applicant or someone authorised by them.	In theory anybody. In practice, copyright considerations may limit it to the original applicant or someone authorised by them.
What is the application process?	Standard application for	Standard application form	Standard application form
What is the application considered against?	Local planning authority have to be satisfied it is not material; they must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted.	Development plan and material considerations, under s.38(6) of the 2004 Act. Local planning authorities should, in making their decisions, focus their attention on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission.	Development plan and material considerations, under s.38(6) of the 2004 Act. Local planning authorities should, in making their decisions, focus their attention on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission.
Does it result in a new permission?	No	Yes	Yes
Expiry date of new permission	N/A	As original permission	Local planning authorities have discretion to set time limit, as set out in ss.91 and 92 of the 1990 Act.
Are design and access statements required?	No.	No.	No.
Decision appears on planning register?	From April 2010 this has been a statutory requirement.	Yes.	Yes.
Is there a right of appeal?	No	Yes, under s.78 of the 1990 Act.	Yes, under s.78 of the 1990 Act.
In what form must the decision issued?	In writing. There is no prescribed form for this.	Grant: new decision notice describing the whole development, listing all conditions and including a summary of the reasons for the grant. Refuse: decision notice listing reasons for refusal.	Grant: new decision notice describing the whole development, listing all conditions and including a summary of the reasons for the grant. Refuse: decision notice listing reasons for refusal.
EIA requirements	As by definition the changes sought will be non-material, we do not anticipate that in the majority of cases there will be effects which would need to be addressed under the 1999 EIA Regulations.	This is considered to be a new application for development consent under the 1999 EIA Regulations.	This is considered to be a new application for development consent under the 1999 EIA Regulations.

Requirements on publicity (Article 13 DMPO)	Applications under s.96A are not applications for planning permission, so they are not covered by these requirements. Local planning authorities therefore have discretion.	Applications under s.73 are covered by these requirements. Within the discretion they have, local planning authorities should adopt a proportionate approach.	Applications for extension are covered by these requirements. Within the discretion they have, Local planning authorities should adopt a proportionate approach.
Requirements on statutory consultation (Schedule 5 DMPO)	Applications under s.96A are not applications for planning permission, so they are not covered by these requirements. Local planning authorities therefore have discretion.	For non-EIA schemes, local planning authorities have discretion in whom they consult under this article. For EIA schemes, there is no discretion.	For non-EIA schemes, local planning authorities have discretion in whom they consult under this article. For EIA schemes, there is no discretion.
Time limits for decision to be made	28 days, or a longer period if that has been agreed in writing.	As per new application.	As per new application.
Appeal time limits (refusal)	N/A	Householder application: 12 weeks Non-householder: six months	Householder application: 12 weeks Non-householder: six months
Appeal time limits (non-determination)	N/A	Householder and non-householder: six months from end of statutory determination period	Householder and non-householder: six months from end of statutory determination period