

Dumfries and Galloway Council

PLANNING SERVICES

Application for Non-Material Variation to Planning Permission

Guidance Notes - March 2024



When to apply for a non-material variation

Following a grant of planning permission, it may become necessary to make amendments to the permission. Where these are minor changes that do not materially alter the development as a whole, they may be classed as non-material variations; i.e. a further planning application is not required. Where any more significant changes are proposed that materially alter a development, a new application would be required.

This service can be used to establish whether any change is non-material or material. Whether or not a proposed amendment is non-material will depend on the circumstances of the case – a change which may be non-material in one case could be material in another.

There is no statutory definition of non-material, but the planning authority must be satisfied that the amendment sought is non-material in order to approve an application. The following criteria are used to assess any variation. The varied scheme:

- must be within the original application site boundary
- must still comply with the provisions of the Development Plan
- must not alter the character or appearance of a Listed Building
- must not involve a material change of use requiring planning permission
- must not require the deletion or alteration of conditions attached to the original planning permission
- must not require the imposition of additional planning conditions in order to make it acceptable
- must not require further neighbour notification
- must not conflict with a change to the originally approved scheme, or conditions attached to the original planning permission which were required to mitigate a material impact identified through third party representations made on the original proposal
- must not involve an alteration, alternative house design, redesign or addition to individual house plots that were previously approved as part of larger collective permission for housing development.

Furthermore it should be noted that houses under construction do not have any 'permitted development' rights until they have been completed. For example if a new outbuilding/garage was proposed that was not part of the original scheme, this could not be considered as a non-material variation. In such cases, where the house was not yet completed, the outbuilding/garage would require to be the subject of a new application for planning permission and any request for a non-material variation would be declined.

Applying for Non-Material Variation

The Non-Material Variation Form should be used to make an application for a non-material variation to an existing planning permission.

The application can only be made by the person to whom the permission was granted, someone acting with their consent, or successors in title to the land in question.

In addition to the form you must submit an amended drawing or drawings clearly showing the proposed changes as listed on the application form. Drawings should be to the same scale as those approved under the original planning permission and the proposed changes should be highlighted in colour.

If a previous NMV has been submitted, then the previous date of decision should be provided. These previous changes should be highlighted (e.g. using a different colour/annotation) on the drawing, although your current non-material variation application will be considered against the original proposal, not the subsequent changes. However, it must be noted that, where more than one application for non-material variation is made, the cumulative effect of all variations will be assessed to establish whether the resultant development is materially different from the original approval to the extent that a new application is required.



Application fee

Please refer to the Schedule of Fees for the amount to be paid, which must accompany the application. Payment can be made via the Council's website [Dumfries and Galloway Council - ePayments \(e-paycapita.com\)](https://www.dumgal.gov.uk/e-payments)

Submitting your application

The application form and drawings should be submitted in electronic format through the eDevelopment Planning Portal. Guidance notes on how to submit Post Submission Additional Documents can be found on the Council's website at [Discharge of Conditions and Non-Material Variations - Dumfries and Galloway Council \(dumgal.gov.uk\)](https://www.dumgal.gov.uk/discharge-of-conditions-and-non-material-variations).

What happens next?

On receipt, the application will be checked to ensure that sufficient information has been provided and the appropriate fee has been paid.

If an application for a non-material variation is successful, we will agree the variation in writing and place a copy of the decision and drawings on the Council website. The drawings will then constitute the approved drawings for your planning permission. The original permission remains in effect but must be read in conjunction with the variations agreed under this application.

If an application for a non-material variation is unsuccessful you will be advised accordingly by letter and a copy of the letter will be placed on the Council website. You may then choose to submit a further planning application for the amendments.

Approval of a non-material variation relates to the planning permission only. There is no equivalent process for Listed Building Consent, and a new application would normally be required instead. Please also make sure that you have checked whether any other relevant amendment, permission or consent is required by any other Council service or external agency, e.g. building warrant, road opening permit, CAR license, etc.

