



Non-Material Variation Guidance

What is a Non-Material Variation?

After planning permission has been granted applicants may want to make small changes to the approved details and drawings. Section 64 of the Town and Country Planning (Scotland) Act 1997 (as amended) allows a Planning Authority to “*vary any planning permissions granted by them, if it appears to them that the variation sought is not material*”.

If the changes do not significantly change the development that was originally granted planning permission, we may be able to treat the change as a Non-Material Variation rather than requiring you to submit a further planning application for consideration.

A Non-Material Variation means that the changes proposed will not significantly change the scheme that was originally granted planning permission. Alterations that qualify as a non-material variation are therefore by definition minor changes.

What permissions does a Non-Material Variation relate to?

A Non-Material Variation application can only relate to a planning permission which has been granted. It is tied to the original permission and is not a new planning permission. As the variation is not a new planning permission, the date of approval of the original planning permission still applies.

It is not possible to apply for a Non-Material Variation for any other type of application such as:

- Listed Building consent
- Conservation Area consent
- Advertisement consent
- Prior Approval/Notifications

Any changes to buildings or structures also need to be checked with the Council's Building Standards Service to confirm if any permission is needed to change the Building Warrant plans or approvals.

How does the Council assess a Non-Material Variation?

There is no statutory definition of a Non-Material Variation, but the Council must be satisfied that the changes sought are non-material in order to approve an application for a Non-Material Variation.

All requests for a variation to a planning permission require to be assessed in the context of the development as approved and will be assessed on their own merits. Each case is different and the judgement as to when a variation is material is a matter of fact and degree.

A Non-Material Variation cannot introduce changes to a proposal which would require planning permission in its own right. Also, some changes to buildings once they are constructed and

occupied can be built without the need for planning permission. This is called “Permitted Development” and is set out in the planning legislation.

The scale of the change relative to the size and scale of the originally approved development and the nature of the surrounding area will be the main factors in considering whether the proposed change is non-material.

The following are examples of criteria used to assess any variations.

- The varied scheme must be within the same application site boundary as the original planning permission. It must be submitted by the original applicant or someone acting with their consent.
- The varied scheme must comply with the development plan policies and any relevant guidance.
- The proposed variation must not re-introduce or alter any aspect of the development that had previously been removed or added to a scheme through a planning condition or subsequent discussions with the Council to address consultation responses, objections or comments raised through the assessment of the original planning application. For the avoidance of doubt, details covered by a planning condition cannot be deleted or adjusted through a Non-Material Variation application.
- The varied scheme must not require the imposition of any additional planning conditions for it to be considered acceptable, nor must it require the alteration of a condition or the terms of any legal agreement relating to the original planning permission.
- The varied scheme must not require further neighbour notification nor further consultations.
- The cumulative impact of a series of Non-Material Variations must be considered by the Council. Whilst each variation may be minor in itself, the combined impact of a series of smaller variations could result in more significant changes to the original planning permission which could require a new planning application.