



Town and Country Planning Act 1990

1990 CHAPTER 8

PART III

CONTROL OVER DEVELOPMENT

[^{F1}Non-material changes to planning permission

[^{F1}96A Power to make non-material changes to planning permission [^{F2}or permission in principle]

- (1) A local planning authority ^{F3}... may make a change to any planning permission [^{F4}, or any permission in principle (granted following an application to the authority),] relating to land in their area if they are satisfied that the change is not material.
- (2) In deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission [^{F5}or permission in principle] as originally granted.
- (3) The power conferred by subsection (1) includes power [^{F6}to make a change to a planning permission] —
 - (a) to impose new conditions;
 - (b) to remove or alter existing conditions.

[The conditions referred to in subsection (3)(b) do not include the condition under ^{F7}(3A) paragraph 13 of Schedule 7A (biodiversity gain condition).]

[The conditions referred to in subsection (3)(b) do not include the condition under ^{F8}(3B) section 90B (condition relating to development progress reports in England).]

- (4) The power conferred by subsection (1) may be exercised only on an application made by or on behalf of a person with an interest in the land to which the planning permission [^{F9}or permission in principle] relates.
- (5) An application under subsection (4) [^{F10}to a local planning authority in England] must be made in the form and manner prescribed by development order.

Status: Point in time view as at 12/02/2024.

Changes to legislation: Town and Country Planning Act 1990, Section 96A is up to date with all changes known to be in force on or before 06 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- [A development order may provide that an application under subsection (4) to a local ^{F11}(5A) planning authority in Wales must be made—
- (a) in the form prescribed by the order or in a form published by the Welsh Ministers; and
 - (b) in the manner prescribed by the order.]
- (6) Subsection (7) applies in relation to an application under subsection (4) made by or on behalf of a person with an interest in some, but not all, of the land to which the planning permission [^{F12}or permission in principle] relates.
- (7) The application may be made only in respect of so much of the planning permission [^{F13}or permission in principle] as affects the land in which the person has an interest.
- (8) A local planning authority [^{F14}in England] must comply with such requirements as may be prescribed by development order as to consultation and publicity in relation to the exercise of the power conferred by subsection (1).]
- [^{F15}(9) A development order may make provision about how a local planning authority in Wales are to deal with an application under subsection (4) (including provision imposing requirements as to consultation and publicity and as to when steps specified in the order are to be taken).
- (10) For the purposes of this section as it applies in relation to Wales, a person has an interest in land only if in relation to that land (or any mineral in, on or under it) the person—
- (a) is the estate owner of the fee simple;
 - (b) is entitled to a tenancy granted or extended for a term of years certain of which not less than two years remain unexpired;
 - (c) is the mortgagee of any interest or estate in the land; or
 - (d) is a party to an estate contract within the meaning of section 2(4) of the Land Charges Act 1972.]

Textual Amendments

- F1** S. 96A and cross-heading inserted (1.10.2009) by [Planning Act 2008 \(c. 29\)](#), **ss. 190(2)**, 241 (with s. 226); [S.I. 2009/2260](#), **art. 3**
- F2** Words in s. 96A heading inserted (E.) (27.3.2017) by [The Housing and Planning Act 2016 \(Permission in Principle etc\) \(Miscellaneous Amendments\) \(England\) Regulations 2017 \(S.I. 2017/276\)](#), regs. 1, **3(4)(a)**
- F3** Words in s. 96A(1) omitted (1.9.2014) by virtue of [The Town and Country Planning \(Non-Material Changes and Correction of Errors\) \(Wales\) Order 2014 \(S.I. 2014/1770\)](#), arts. 1, **2(2)**
- F4** Words in s. 96A(1) inserted (E.) (27.3.2017) by [The Housing and Planning Act 2016 \(Permission in Principle etc\) \(Miscellaneous Amendments\) \(England\) Regulations 2017 \(S.I. 2017/276\)](#), regs. 1, **3(4)(b)**
- F5** Words in s. 96A(2) inserted (E.) (27.3.2017) by [The Housing and Planning Act 2016 \(Permission in Principle etc\) \(Miscellaneous Amendments\) \(England\) Regulations 2017 \(S.I. 2017/276\)](#), regs. 1, **3(4)(c)**
- F6** Words in s. 96A(3) inserted (E.) (27.3.2017) by [The Housing and Planning Act 2016 \(Permission in Principle etc\) \(Miscellaneous Amendments\) \(England\) Regulations 2017 \(S.I. 2017/276\)](#), regs. 1, **3(4)(d)**
- F7** S. 96A(3A) inserted (12.2.2024) by [Environment Act 2021 \(c. 30\)](#), s. 147(3), **Sch. 14 para. 3(10)** (with s. 144); [S.I. 2024/44](#), **reg. 2(1)(e)** (with reg. 4)
- F8** S. 96A(3B) inserted (26.12.2023 for specified purposes) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), **ss. 114(7)**, 255(3) (with s. 247)

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- F9** Words in s. 96A(4) inserted (E.) (27.3.2017) by The Housing and Planning Act 2016 (Permission in Principle etc) (Miscellaneous Amendments) (England) Regulations 2017 (S.I. 2017/276), regs. 1, **3(4)(c)**
- F10** Words in s. 96A(5) inserted (1.9.2014) by The Town and Country Planning (Non-Material Changes and Correction of Errors) (Wales) Order 2014 (S.I. 2014/1770), arts. 1, **2(3)**
- F11** S. 96A(5A) inserted (1.9.2014) by The Town and Country Planning (Non-Material Changes and Correction of Errors) (Wales) Order 2014 (S.I. 2014/1770), arts. 1, **2(4)**
- F12** Words in s. 96A(6) inserted (E.) (27.3.2017) by The Housing and Planning Act 2016 (Permission in Principle etc) (Miscellaneous Amendments) (England) Regulations 2017 (S.I. 2017/276), regs. 1, **3(4)(c)**
- F13** Words in s. 96A(7) inserted (E.) (27.3.2017) by The Housing and Planning Act 2016 (Permission in Principle etc) (Miscellaneous Amendments) (England) Regulations 2017 (S.I. 2017/276), regs. 1, **3(4)(c)**
- F14** Words in s. 96A(8) inserted (1.9.2014) by The Town and Country Planning (Non-Material Changes and Correction of Errors) (Wales) Order 2014 (S.I. 2014/1770), arts. 1, **2(5)**
- F15** S. 96A(9)(10) inserted (1.9.2014) by The Town and Country Planning (Non-Material Changes and Correction of Errors) (Wales) Order 2014 (S.I. 2014/1770), arts. 1, **2(6)**

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