

Draft Regulations laid before Parliament under section 303 of the Town and Country Planning Act 1990, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2008 No.

TOWN AND COUNTRY PLANNING, ENGLAND

The Town and Country Planning (Fees for
Applications and Deemed Applications)
(Amendment) (England) Regulations 2008

Made - - - - 2008
Coming into force - - 6th April 2008

The Secretary of State, in exercise of the powers conferred by section 303 of the Town and Country Planning Act 1990(1), makes the following Regulations, a draft of which has been laid before and approved by each House of Parliament:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations 2008 and shall come into force on 6th April 2008.

(2) These Regulations apply in relation to England only.

Amendment of Regulations

2.—(1) The Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 1989(2) are amended as follows.

(2) After regulation 1(2)(a) (application), insert —

“(aa) to requests for confirmation that a condition or conditions attached to a grant of planning permission has been complied with where the request is made on or after 6th April 2008;”.

(3) In regulation 10A (fees for applications for certificates of lawful use or development)—

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- (1) 1990 c.8. Section 303 was amended by section 6(6) of the Planning and Compensation Act 1991 (c.34) and by section 53 of the Planning and Compulsory Purchase Act 2004 (c.5). These powers are devolved, in relation to Wales, to the Welsh Ministers; see the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), article 2, Schedule 1, and paragraphs 30 to 32 of Schedule 11 to the Government of Wales Act 2006 (c.32).
- (2) S.I. 1989/193, amended by S.I. 1990/2473, 1991/2735, 1992/1817, 1992/3052, 1993/3170, 1997/37, 2001/2719, 2002/768 (England only), 2005/843 (England only) and 2006/994 (England only).

- (a) in paragraph (5)(b), for “£135” substitute “£170”;
- (b) in paragraph (6)(a), for “£265” substitute “£335”; and
- (c) in paragraph (6)(b)—
 - (i) for “£13,250” substitute “£16,565”, and
 - (ii) for “£50,000” substitute “£250,000”.
- (4) In regulation 11A (fees for certain applications under the General Permitted Development Order)—
 - (a) in paragraph (1)(a), for “£50” substitute “£70”; and
 - (b) in paragraph (1)(b), for “£265” substitute “£335”.
- (5) After regulation 11B (fees in respect of the monitoring of mining and landfill sites), insert —

**“Fee for confirmation of compliance with condition attached to planning permission:
England**

11D.—(1) Where a request is made to a local planning authority for written confirmation of compliance with a condition or conditions attached to a grant of planning permission, a fee shall be paid to that authority as follows—

- (a) where the request relates to a permission for development which falls within category 6 or 7(a) of Part 2 to Schedule 1, £25 for each request;
- (b) where the request relates to a permission for development which falls within any other category of that Schedule, £85 for each request.

(2) Any fee paid under this regulation shall be refunded if the local planning authority fails to give the written confirmation requested within a period of twelve weeks from the date on which the authority received the request.”

- (6) In Part 1 of Schedule 1 (general provisions)—
 - (a) in paragraphs 4(1) and 6(2), for “£265” substitute “£335”;
 - (b) in paragraphs 7 and 7A, for “£135” substitute “£170”;
 - (c) omit paragraph 7B;
 - (d) in paragraph 15(2)(a), for “£265”, substitute “£335”;
 - (e) in paragraph 15(2)(b)—
 - (i) for “£6,625” substitute “£8,285”; and
 - (ii) for “£25,000” substitute “£125,000”.
- (7) For Part 2 of Schedule 1 (scale of fees), substitute the Part set out in Schedule 1 to these Regulations.
- (8) For Schedule 2 (scale of fees for advertisement applications), substitute the Schedule set out in Schedule 2 to these Regulations.

Revocation

3. The Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations 2005(3) are revoked.

Signed by authority of the Secretary of State for Communities and Local Government

Date

Name
Parliamentary Under Secretary of State
Department of Communities and Local
Government

SCHEDULE 1

Regulation 2(7)

PART SUBSTITUTED FOR PART 2 OF SCHEDULE 1 TO THE 1989 REGULATIONS

PART 2

Scale of Fees in Respect of Applications Made or Deemed to be Made on or after 6th April 2008

<i>Category of Development</i>	<i>Fee Payable</i>
<i>I Operations</i>	
1. The erection of dwelling houses (other than development in category 6)	<p>(a) Where the application is for outline planning permission and-</p> <p>(i) the site area does not exceed 2.5 hectares, £335 for each 0.1 hectare of the site area;</p> <p>(ii) the site area exceeds 2.5 hectares, £8,285; and an additional £100 for each 0.1 hectare in excess of 2.5 hectares, subject to a maximum in total of £125,000;</p> <p>(b) in other cases-</p> <p>(i) where the number of dwelling houses to be created by the development is 50 or fewer, £335 for each dwelling house;</p> <p>(ii) where the number of dwelling houses to be created by the development exceeds 50, £16,565; and an additional £100 for each dwelling house in excess of 50 dwelling houses, subject to a maximum in total of £250,000.</p>
2. The erection of buildings (other than	(a) Where the application is for outline

<i>Category of Development</i>	<i>Fee Payable</i>
buildings in categories 1, 3, 4, 5 or 7).	planning permission and- <ul style="list-style-type: none"> (i) the site area does not exceed 2.5 hectares, £335 for each 0.1 hectare of the site area; (ii) the site area exceeds 2.5 hectares, £8,285; and an additional £100 for each 0.1 hectare in excess of 2.5 hectares, subject to a maximum in total of £125,000; (b) in other cases- <ul style="list-style-type: none"> (i) where no floor space is to be created by the development, £170; (ii) where the area of gross floor space to be created by the development does not exceed 40 square metres, £170; (iii) where the area of the gross floor space to be created by the development exceeds 40 square metres, but does not exceed 75 square metres, £335; (iv) where the area of the gross floor space to be created by the development exceeds 75 square metres, but does not exceed 3750 square metres, £335 for each 75 square metres of that area; (v) where the area of gross floor space to be created by the development exceeds 3750 square metres, £16,565; and an

<i>Category of Development</i>	<i>Fee Payable</i>
	<p>additional £100 for each 75 square metres in excess of 3750 square metres, subject to a maximum in total of £250,000.</p>
<p>3. The erection, on land used for the purposes of agriculture, of buildings to be used for agricultural purposes (other than buildings in category 4).</p>	<p>(a) Where the application is for outline planning permission and-</p> <p>(i) the site area does not exceed 2.5 hectares, £335 for each 0.1 hectare of the site area;</p> <p>(ii) the site area exceeds 2.5 hectares, £8,285; and an additional £100 for each additional 0.1 hectare in excess of 2.5 hectares, subject to a maximum in total of £125,000;</p> <p>(b) in other cases-</p> <p>(i) where the area of gross floor space to be created by the development does not exceed 465 square metres, £70;</p> <p>(ii) where the area of gross floor space to be created by the development exceeds 465 square metres but does not exceed 540 square metres, £335;</p> <p>(iii) where the area of the gross floor space to be created by the development exceeds 540 square metres but does not exceed 4215 square metres, £335 for the first 540 square metres, and an additional £335 for</p>

<i>Category of Development</i>	<i>Fee Payable</i>
	each 75 square metres in excess of 540 square metres; and (iv) where the area of gross floor space to be created by the development exceeds 4215 square metres, £16,565; and an additional £100 for each 75 square metres in excess of 4215 square metres, subject to a maximum in total of £250,000.
4. The erection of glasshouses on land used for the purposes of agriculture	(a) Where the area of gross floor space to be created by the development does not exceed 465 square metres, £70; (b) where the area of gross floor space to be created by the development exceeds 465 square metres, £1,870.
5. The erection, alteration or replacement of plant or machinery	(a) Where the site area does not exceed 5 hectares, £335 for each 0.1 hectare of the site area; (b) where the site area exceeds 5 hectares, £16,565; and an additional £100 for each 0.1 hectare in excess of 5 hectares, subject to a maximum in total of £250,000.
6. The enlargement, improvement or other alteration of existing dwelling houses	(a) Where the application relates to one dwelling house, £150; (b) where the application relates to 2 or more dwelling houses, £295.
7(a) The carrying out of operations (including the erection of a building) within the curtilage	£150

<i>Category of Development</i>	<i>Fee Payable</i>
of an existing dwelling house, for purposes ancillary to the enjoyment of the dwelling house as such, or the erection or construction of gates, fences, walls or other means of enclosure along a boundary of the curtilage of an existing dwelling house	
(b) The construction of car parks, service roads and other means of access on land used for the purposes of a single undertaking, where the development is required for a purpose incidental to the existing use of the land	£170
8. The carrying out of any operations connected with exploratory drilling for oil or natural gas	(a) Where the site area does not exceed 7.5 hectares, £335 for each 0.1 hectare of the site area; (b) where the site area exceeds 7.5 hectares, £25,000, and an additional £100 for each 0.1 hectare in excess of 7.5 hectares, subject to a maximum in total of £250,000.
9. The carrying out of any operations not coming within any of the above categories.	(a) In the case of operations for the winning and working of minerals – (i) where the site area does not exceed 15 hectares, £170 for each 0.1 hectare of the site area; (ii) where the site area exceeds 15 hectares, £25,315; and an additional £100 for each 0.1 hectare in excess of 15

<i>Category of Development</i>	<i>Fee Payable</i>
	hectares, subject to a maximum in total of £65,000; (b) in any other case, £170 for each 0.1 hectare of the site area, subject to a maximum of £250,000.
<i>II Uses of Land</i>	
<p>10. The change of use of a building to use as one or more separate dwelling houses.</p>	<p>(a) Where the change of use is from a previous use as a single dwelling house to use as two or more single dwelling houses-</p> <p>(i) where the change of use is to use as 50 or fewer dwelling houses, £335 for each additional dwelling house;</p> <p>(ii) where the change of use is to use as more than 50 dwelling houses £16,565, and an additional £100 for each dwelling house in excess of 50 dwelling houses, subject to a maximum in total of £250,000;</p> <p>(b) in all other cases-</p> <p>(i) where the change of use is to use as 50 or fewer dwelling houses, £335 for each dwelling house;</p> <p>(ii) where the change of use is to use as more than 50 dwelling houses £16,565, and an additional £100 for each dwelling house in excess of 50 dwelling houses, subject to a maximum in total of £250,000.</p>
<p>11(a) The use of land for the disposal of refuse</p>	<p>(a) Where the site area does not exceed 15</p>

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations 2008 No. 958*

<i>Category of Development</i>	<i>Fee Payable</i>
or waste materials or for the deposit of material remaining after minerals have been extracted from land; (b) the use of land for the storage of minerals in the open.	hectares, £170 for each 0.1 hectare of the site area; (b) where the site area exceeds 15 hectares, £25,315; and an additional £100 for each 0.1 hectare in excess of 15 hectares, subject to a maximum in total of £65,000.
12. The making of a material change in the use of a building or land (other than a material change of use in category 10, 11(a) or 11(b))	£335

SCHEDULE 2

Regulation 2(8)

SCHEDULE SUBSTITUTED FOR SCHEDULE 2 TO THE 1989 REGULATIONS

SCHEDULE 2

Scale of Fees in Respect of Applications for Consent to Display Advertisements Made on or after 6th April 2008

<i>Category of Development</i>	<i>Fee Payable</i>
1. Advertisements displayed externally on business premises, the forecourt of business premises or other land within the curtilage of business premises, wholly with reference to all or any of the following matters- (a) the nature of the business or other activity carried on on the premises; (b) the goods sold or the services provided on the premises; or (c) the name and qualifications of the person	£95

<i>Category of Development</i>	<i>Fee Payable</i>
carrying on such business or activity or supplying such goods or services.	
2. Advertisements for the purpose of directing members of the public to, or otherwise drawing attention to the existence of, business premises which are in the same locality as the site on which the advertisement is to be displayed but which are not visible from that site.	£95
3. All other advertisements.	£335

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 1989 ('the 1989 Regulations'). The 1989 Regulations make provision for the payment of fees to local planning authorities in respect of applications made under the Town and Country Planning Act 1990 for planning permission for development or for approval of matters reserved by an outline planning permission, in respect of fees for applications for certificates of lawful use or development, in respect of applications for consent for the display of advertisements and in respect of certain applications made under the Town and Country Planning (General Permitted Development) Order 1995; and for the payment of fees to the Secretary of State in respect of applications for planning permission which are deemed to have been made in connection with an appeal against an enforcement notice.

These Regulations amend the 1989 Regulations to increase certain fees payable under those Regulations. The increase in fees is approximately 25%, though with two exceptions. In respect of applications in fee categories 6 and 7(a) (relating to the alteration of existing dwelling houses or development within the curtilage), the increase is 11%. In respect of maximum fees payable by virtue of regulation 2, the increase is to a level of £250,000 for all applications (or £125,000 for an outline application), other than applications for minerals or waste development in fee categories 9(a) and 11, where the new maximum is £65,000.

Regulation 2 also amends the 1989 Regulations to add a new category of fee where a local planning authority confirms in writing, following a request, that a condition or conditions attached to an earlier grant of planning permission have been complied with.

Replacement scales of fees (Part 2 of Schedule 1 and Schedule 2 to the 1989 Regulations) are set out in the Schedules to these Regulations.

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These Regulations revoke the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations 2005 ([S.I.2005/843](#)), which made changes to the level of fees in the 1989 Regulations.

An Impact Assessment has been prepared in relation to these Regulations. It has been placed in the library of each House of Parliament and can also be viewed on the website of the Department for Communities and Local Government, www.communities.gov.uk.