

Draft Regulations laid before Parliament under section 303(8)(a) of the Town and Country Planning Act 1990, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2019 No.

TOWN AND COUNTRY PLANNING, ENGLAND

The Town and Country Planning (Fees for Applications,
Deemed Applications, Requests and Site Visits)
(England) (Amendment) Regulations 2019

Made - - - -

Coming into force in accordance with regulation 1

The Secretary of State, in exercise of the powers conferred by sections 303(1), (5) and (6) and 333(2A) of the Town and Country Planning Act 1990(1), makes the following Regulations.

In accordance with section 303(8)(a) of that Act, a draft of this instrument has been laid before and approved by resolution of each House of Parliament.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2019.

(2) These Regulations come into force—

- (a) for the purposes of regulation 2, on the day after the day on which they are made; and
- (b) for all other purposes, on the twenty eighth day after the day on which they are made.

(3) In these Regulations “the 2012 Regulations” means the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012(2).

Amendment of regulation 1

2. In regulation 1 of the 2012 Regulations, omit paragraph (3).

(1) 1990 c.8. Section 303 was substituted by section 199 of the Planning Act 2008 (c.29). Section 333(2A) was inserted by section 118(1) of, and paragraph 14 of Schedule 6 to, the Planning and Compulsory Purchase Act 2004 (c.5).
(2) S.I. 2012/2920. Relevant amending instruments are S.I. 2013/2153, 2014/357, 2014/2026 and 2017/1314.

Amendments in relation to fees for certain applications under the General Permitted Development Order

- 3.—(1) Regulation 14 of the 2012 Regulations is amended as follows.
- (2) In paragraph (1), after sub-paragraph (za) insert—
- “(zab) for an application under Part 1 of that Schedule relating to development permitted by Class A of that Part (enlargement, improvement or other alteration of a dwellinghouse) which exceeds the limits in paragraph A.1(f) of that Class but is allowed by paragraph A.1(g), £96;”
- (3) In paragraph (1A), before the words “or (zb)”, insert “, (zab)”.
- (4) After paragraph (1A), insert—
- “(1B) This regulation shall not apply to impose a fee in relation to an application of a type described in paragraph (1)(zab) (“the approval application”) where the local planning authority to whom the approval application is made are satisfied that the application relates solely to operations referred to in sub-paragraph (a) or (b) of regulation 4(1).”

Transitional provision

- 4.—(1) The 2012 Regulations shall continue to apply in relation to applications of the kind mentioned in paragraph (2), as if regulation 3 had not been made.
- (2) This paragraph applies to an application which—
- (a) falls within the description in regulation 14(1)(zab) of the 2012 Regulations; and
- (b) is made before the date on which regulation 3 come into force.

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

Date

Name
Minister of State
Ministry for Housing, Communities and Local
Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (“the 2012 Regulations”).

Regulation 19 of the 2012 Regulations required the Secretary of State to carry out a review of the Regulations and publish a report within five years after the 2012 Regulations came into force. That review was published in December 2017 and it concluded that the objectives of the 2012 Regulations (as amended) remained appropriate and that the objectives were best met within a framework of a national fee regime. The published review can be found at http://www.legislation.gov.uk/ukxi/2012/2920/pdfs/ukxi0d_20122920_en.pdf. Following the review, the Secretary of State was required to consider whether the 2012 Regulations should be allowed to expire (as regulation 1(3) of the 2012 Regulations provides for them to cease to have effect at the end of the period of seven years beginning with the day on which they came into force). In light of the review findings, the Secretary of State considers that the removal of the provision at regulation 1(3) of the 2012 Regulations is appropriate. Regulation 2 of these Regulations omits regulation 1(3) of the 2012 Regulations accordingly.

These Regulations are also made in consequence of amendments made to the Town and Country Planning (General Permitted Development) Order 2015 (S.I. 2015/596) (“the General Permitted Development Order”), by the Town and Country Planning (Permitted Development, Advertisement, and Compensation Amendments) (England) Regulations 2019 (S.I. 2019/907) (“the 2019 Regulations”), which came into force on 25 May 2019. The 2019 Regulations made, amongst other provisions, provision for the time-limited permitted development right which enables home owners to benefit from larger extensions without the need for a full planning application under Class A of Part 1 of Schedule 2 to the General Permitted Development Order to be made permanent. Regulation 3 of these Regulations amends regulation 14 of the 2012 Regulations to introduce a £96 fee for prior approvals associated with this now permanent permitted development right. Regulation 3 further amends regulation 14 of the 2012 Regulations to ensure that where a full planning application and payment of associated fee has been made which includes the ‘dwellinghouse larger extension’ subject to prior approval, no prior approval fee is additionally payable, and finally to provide that the exception for access and facilities for disabled persons conferred by Regulation 4 of the 2012 Regulations is similarly applied to the prior approval fee.

Regulation 4 makes transitional provision such that the fee introduced by regulation 3 is not payable in respect of applications made before the coming into force of regulation 3.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen. A separate assessment of impact was completed in respect to the overall impact of the permitted development right for larger rear extensions being made permanent as part of the 2019 Regulations. A copy of that assessment of impact can be inspected at the Planning Directorate, the Ministry of Housing, Communities and Local Government, 2 Marsham Street, London, SW1P 4DF.