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SCOTTISH STATUTORY INSTRUMENTS

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**2022 No. 50**

**TOWN AND COUNTRY PLANNING**

**The Town and Country Planning (Fees for Applications) (Scotland) Regulations 2022**

<i>Made</i>	- - - -	<i>9th February 2022</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>11th February 2022</i>
<i>Coming into force</i>	- -	<i>1st April 2022</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred on them by section 252 of the Town and Country Planning (Scotland) Act 1997(1) and all other powers enabling them to do so.

**PART 1**

**Introductory**

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the Town and Country Planning (Fees for Applications) (Scotland) Regulations 2022 and come into force on 1 April 2022.

(2) These Regulations (other than Part 4) apply—

(a) to applications made on or after 1 April 2022 for—

- (i) planning permission,
- (ii) planning permission in principle,
- (iii) approval, consent or agreement required by a condition imposed on a grant of planning permission in principle,
- (iv) a certificate of lawful use or development under section 150 (certificate of lawfulness of existing use or development) or a certificate of proposed use or development under

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(1) 1997 c. 8. Section 252 was amended by the Planning etc. (Scotland) Act 2006 (asp 17), section 31 the Regulatory Reform (Scotland) Act 2014 (asp 3), section 55, and the Planning (Scotland) Act 2019 (asp 13), section 41. The functions of the Secretary of State in so far as they are within devolved competence were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

*Status: Point in time view as at 01/04/2022.*

*Changes to legislation: There are currently no known outstanding effects for the The Town and Country Planning (Fees for Applications) (Scotland) Regulations 2022. (See end of Document for details)*

section 151 (certificate of lawfulness of proposed use of development) of the 1997 Act,

- (v) a determination as to whether the planning authority’s prior approval is required in relation to development under schedule 1 (classes of permitted development) of the General Permitted Development Order,
  - (vi) a consent for the display of advertisements under regulation 15 (how to apply for consent) of the 1984 Regulations,
- (b) in respect of charges and fees for—
- (i) carrying out pre-application discussions on or after 1 April 2022,
  - (ii) considering a request made on or after 1 April 2022 to vary a planning permission under section 64 (power to vary planning permission) of the 1997 Act, and
  - (iii) considering a request made on or after 1 April 2022 for written confirmation of compliance with a condition imposed on the grant of planning permission.

#### Commencement Information

**II** [Reg. 1](#) in force at 1.4.2022, see [reg. 1\(1\)](#)

#### Interpretation

##### 2. In these Regulations—

“the 1997 Act” means the Town and Country Planning (Scotland) Act 1997,

“the 1984 Regulations” means the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984(2),

“the 2004 Regulations” means the Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Regulations 2004(3),

“dwellinghouse” means a building or part of a building which is used as a single private dwellinghouse, and for no other purpose,

“equipment” and “fish farming” have the same meanings as in section 26(6) of the 1997 Act(4),

“the General Permitted Development Order” means the Town and Country Planning (General Permitted Development) (Scotland) Order 1992(5),

“marine waters” means the waters described in paragraphs (b) and (c) of subsection (6) of section 26 of the 1997 Act(6),

“planning permission in principle” has the meaning in section 59 of the 1997 Act(7),

“use of land” includes use of land for the winning and working of minerals.

(2) [S.I. 1984/467](#) as amended by [S.I. 1992/1763](#), [S.I. 1996/252](#), [S.S.I. 2003/503](#), [S.S.I. 2004/332](#), [S.S.I. 2006/95](#), [S.S.I. 2013/154](#) and [S.S.I. 2014/139](#).

(3) [S.S.I. 2004/219](#) as amended by [S.S.I. 2007/253](#), [S.S.I. 2007/268](#), [S.S.I. 2009/222](#), [S.S.I. 2010/141](#), [S.S.I. 2010/280](#), [S.S.I. 2013/105](#), [S.S.I. 2014/214](#), [S.S.I. 2014/301](#), [S.S.I. 2017/120](#), [S.S.I. 2017/149](#), [S.S.I. 2017/187](#) and [S.S.I. 2018/110](#).

(4) Definition of “equipment” inserted by the Water Environment and Water Services (Scotland) Act 2003 ([asp 3](#)), section 24(2)(a)(iii). Definition of “fish farming” was amended by [S.S.I. 2007/268](#).

(5) [S.I. 1992/223](#) to which there are amendments not relevant to these Regulations.

(6) Section 26(6) was relevantly amended by the Planning etc. (Scotland) Act 2006 ([asp 17](#)) section 3(c)(i).

(7) Section 59 was amended by the Planning etc. (Scotland) Act 2006 ([asp 17](#)), section 21, and [S.S.I. 2013/26](#).

**Commencement Information**

**I2** Reg. 2 in force at 1.4.2022, see [reg. 1\(1\)](#)

## PART 2

### Payment of fees

#### Payment of fees

**3.—**(1) Subject to Part 3 (applications where no fee is payable) and regulation 5 (waiving or reducing of fees), where an application to which these Regulations apply is made to a planning authority a fee is payable to that planning authority in accordance with the provisions of this regulation.

(2) Subject to paragraph (3), the fee payable for—

(a) an application for—

(i) planning permission,

(ii) planning permission in principle,

(iii) approval, consent or agreement required by a condition imposed on a grant of planning permission in principle,

(iv) a certificate of lawful use or development under section 150 or a certificate of proposed use or development under section 151 of the 1997 Act,

(v) a determination as to whether the planning authority's prior approval is required in relation to development under schedule 1 of the General Permitted Development Order,

is the fee calculated in accordance with schedule 1,

(b) an application for a consent for the display of advertisements under regulation 15 of the 1984 Regulations is £300 in respect of each site on which one or more than one advertisement is to be displayed.

(3) The fee payable for an application for planning permission made under section 42 (applications to develop land without complying with previous conditions) of the 1997 Act, is £300.

(4) Any fee payable under this regulation must—

(a) accompany the application, and

(b) be refunded if the application is rejected as invalidly made.

(5) For the purposes of paragraph (2)(b)—

(a) “site” has the meaning given in regulation 2 of the 1984 Regulations, but

(b) where an application for a consent for the display of advertisements under regulation 15 of the 1984 Regulations relates to the display of advertisements on parking meters, litter bins, public seating benches or bus shelters within a specified area, the whole of the area to which the application relates is to be treated as one site.

**Commencement Information**

**I3** Reg. 3 in force at 1.4.2022, see [reg. 1\(1\)](#)

### Discretion to charge fees

4.—(1) Subject to paragraphs (3) to (6), a planning authority may charge a fee for a service specified in paragraph (2) related to the carrying out of their functions.

(2) The services are—

- (a) carrying out pre-application discussions,
- (b) considering a request to vary a planning permission under section 64 of the 1997 Act, and
- (c) considering a request for written confirmation of compliance with a condition imposed on the grant of planning permission.

(3) Where a request is made to a planning authority to vary a planning permission under section 64 of the 1997 Act the fee payable to that planning authority is £200 for each request.

(4) Where a request is made to a planning authority for written confirmation of compliance with a condition imposed on the grant of planning permission the fee payable to that planning authority is £100 for each request.

(5) A planning authority may only charge fees for pre-application discussions after the publication of information setting out—

- (a) for which services a fee is to be charged,
- (b) how fees are to be calculated for those services, and
- (c) under what circumstances the planning authority may waive or reduce that fee.

(6) The information published by a planning authority under paragraph (5) must be published on the planning authority's website.

#### Commencement Information

**I4** Reg. 4 in force at 1.4.2022, see [reg. 1\(1\)](#)

### Waiving or reducing of fees

5.—(1) A planning authority may waive or reduce any planning fee payable under regulation 3 in accordance with the provisions of this regulation.

(2) A planning authority may only waive or reduce a fee following the publication of a charter setting out the circumstances in which the planning authority will consider waiving or reducing a fee payable to them.

(3) The charter must include but is not limited to the circumstances—

- (a) where the application relates to development which, in the opinion of the planning authority, has the primary purpose of contributing to a not for profit enterprise or a social enterprise, and
- (b) where the application relates to development which, in the opinion of the planning authority, is likely to contribute to improving the health of residents of the area to which the application relates.

(4) In waiving or reducing any fee payable, the planning authority must state the reasons for doing so on any decision notice.

(5) A charter produced by a planning authority under paragraph (2) must be published on the planning authority's website.

(6) For the purposes of paragraph (3) “not for profit enterprise” and “social enterprise” have the meanings in section 252(1F) of the 1997 Act.

**Commencement Information**

**I5** Reg. 5 in force at 1.4.2022, see [reg. 1\(1\)](#)

**Applications where a surcharge is payable - retrospective applications**

6.—(1) Where, on or after 1 October 2022, an application for planning permission is made after the carrying out of the development to which it relates, a surcharge may be imposed in relation to that application by the planning authority in accordance with this regulation.

(2) The surcharge is to be an amount calculated by the planning authority but the surcharge payable must not exceed one quarter of the level of the fee that would be payable if the application were for planning permission to carry out that development.

(3) A planning authority may only impose a surcharge following the publication of information including—

- (a) how the surcharge is calculated, and
- (b) under what circumstances the planning authority may impose a surcharge.

(4) The information published by a planning authority under paragraph (3) must be published on the planning authority's website.

**Commencement Information**

**I6** Reg. 6 in force at 1.4.2022, see [reg. 1\(1\)](#)

## PART 3

### Applications where no fee is payable

**Means of access etc. for disabled persons**

7.—(1) No fee is payable under regulation 3 where the planning authority to which an application is made is satisfied as to the matters specified in paragraphs (2)(a) or (b).

(2) The matters are that the application relates solely to the carrying out of operations for—

- (a) the alteration or extension of a dwellinghouse (but not including the erection of a dwellinghouse) or other operations within the curtilage of a dwellinghouse for the purpose of—
  - (i) providing means of access to or within the dwellinghouse for a disabled person who resides or proposes to reside in that dwellinghouse, or
  - (ii) providing facilities designed to secure that person's greater safety, health or comfort,
- (b) the purpose of providing means of access for disabled persons to or within a building or premises to which members of the public are admitted.

(3) In this regulation, “disabled person” has the meaning given by section 6 of the Equality Act 2010(8).

*Status: Point in time view as at 01/04/2022.*

*Changes to legislation: There are currently no known outstanding effects for the The Town and Country Planning (Fees for Applications) (Scotland) Regulations 2022. (See end of Document for details)*

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**Commencement Information**

**17** [Reg. 7](#) in force at 1.4.2022, see [reg. 1\(1\)](#)

**Restrictions on permitted development rights**

**8.**—(1) No fee is payable under regulation 3 where the planning authority to which an application is made is satisfied as to the matters specified in paragraph (2).

(2) The matters are that—

- (a) the application relates solely to development within one or more of the classes specified in schedule 1 of the General Permitted Development Order, and
- (b) the permission granted by article 3 of that Order does not apply in respect of that development by reason of—
  - (i) a direction made under article 4 of that Order which is in force on the date when the application is made, or
  - (ii) the requirements of a condition imposed on a permission granted under Part III of the 1997 Act otherwise than by that Order.

(3) The reference in paragraph (2)(a) to an application which relates to development which is within one or more of the classes specified in schedule 1 of the General Permitted Development Order includes an application for planning permission for the continuance of a use of land, or the retention of buildings or works, without compliance with a condition subject to which a previous planning permission has been granted, and which prohibits or limits the carrying out of any development which is within one or more of those classes.

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**Commencement Information**

**18** [Reg. 8](#) in force at 1.4.2022, see [reg. 1\(1\)](#)

**Advertisements - disapplication of deemed consent**

**9.** No fee is payable under regulation 3 for an application for a consent for the display of advertisements under regulation 15 of the 1984 Regulations if the application is occasioned by a direction under regulation 11 (power to exclude the application of regulation 10) of the 1984 Regulations disapplying regulation 10 (advertisements which may be displayed without express consent) in relation to that advertisement.

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**Commencement Information**

**19** [Reg. 9](#) in force at 1.4.2022, see [reg. 1\(1\)](#)

**Use specified in the Town and Country Planning (Use Classes) (Scotland) Order 1997**

**10.** No fee is payable under regulation 3 for an application for planning permission where the planning authority to which an application is made is satisfied that—

- (a) the application relates solely to the use of a building or other land for a purpose of any class specified in the schedule of the Town and Country Planning (Use Classes) (Scotland) Order 1997<sup>(9)</sup>,
- (b) the existing use of that building or other land is for another purpose of the same class, and
- (c) the making of an application for planning permission for the use to which the application relates is necessary because of a condition imposed on a permission granted under Part III of the 1997 Act.

#### Commencement Information

**I10** Reg. 10 in force at 1.4.2022, see **reg. 1(1)**

### Repeat applications for planning permission

- 11.**—(1) This regulation applies to an application for planning permission made—
- (a) for development of the same character or description as development to which an earlier application for planning permission related and for no other development,
  - (b) by the same applicant who made that earlier application for planning permission, and
  - (c) following—
    - (i) the withdrawal, before notice of the planning authority’s decision on that earlier application for planning permission was given,
    - (ii) the grant of planning permission for the development,
    - (iii) the refusal of planning permission,
    - (iv) the making of an appeal to the Scottish Ministers under section 47(2) of the 1997 Act (appeal in default of planning decision)<sup>(10)</sup>, or
    - (v) a requirement to review the application for planning permission under section 43A(8)(c) of the 1997 Act (review in default of planning decision)<sup>(11)</sup>.
- (2) No fee is payable under regulation 3 where all the conditions set out in paragraph (3) are met.
- (3) The conditions are—
- (a) that the application is made within 12 months of the date—
    - (i) when the earlier application was made, in the case of a withdrawn application,
    - (ii) of the relevant grant of planning permission,
    - (iii) of the refusal, or
    - (iv) in the case of an application which is made following an appeal under section 47(2) of the 1997 Act or a review under section 43A(8)(c) of the 1997 Act, the expiry of the period prescribed by virtue of section 47(2) or section 43A(8)(c) of the 1997 Act as the case may be,
  - (b) in the case of an application for planning permission which is not an application for planning permission in principle, that the planning permission which has been granted is not a planning permission in principle or that the earlier application was also not an application for planning permission in principle,

<sup>(9)</sup> S.I. 1997/3061 to which there are amendments not relevant to these Regulations.

<sup>(10)</sup> Section 47 was amended by the Planning etc. (Scotland) Act 2006 (asp 17), section 19(1).

<sup>(11)</sup> Section 43A(8)(c) was amended by S.S.I. 2013/24.

**Status:** Point in time view as at 01/04/2022.

**Changes to legislation:** There are currently no known outstanding effects for the The Town and Country Planning (Fees for Applications) (Scotland) Regulations 2022. (See end of Document for details)

- (c) the application relates to the same site as that to which the earlier application related, or to part of that site, and to no other land except land included solely for the purpose of providing a different means of access to the site,
- (d) no application made by the same applicant in relation to the whole or any part of the site has already been exempted from payment of a fee by virtue of this regulation or regulations 7 and 8 of the 2004 Regulations, and
- (e) the fee payable in respect of the earlier application was paid.

#### Commencement Information

**111** Reg. 11 in force at 1.4.2022, see [reg. 1\(1\)](#)

#### Repeat applications for approval, consent or agreement required by a condition imposed on a grant of planning permission in principle

**12.—(1)** This regulation applies to an application for approval, consent or agreement required by a condition imposed on a grant of planning permission in principle made—

- (a) in respect of the same matters as an earlier application for approval, consent or agreement required by a condition imposed on a grant of that planning permission in principle,
  - (b) by the same applicant, and
  - (c) following—
    - (i) the withdrawal before a notice of decision was issued in respect of the earlier application,
    - (ii) the grant of such earlier application,
    - (iii) the refusal of such earlier application,
    - (iv) the making of an appeal to the Scottish Ministers under section 47(2) of the 1997 Act in relation to such earlier application, or
    - (v) a requirement to review such earlier application under section 43A(8)(c) of the 1997 Act.
- (2) No fee is payable under regulation 3 where all the conditions set out in paragraph (3) are met.
- (3) The conditions are—
- (a) the application is made within 12 months of the date—
    - (i) when the earlier application was made, in the case of a withdrawn application,
    - (ii) of the relevant grant of approval, consent or agreement sought by the earlier application,
    - (iii) of the refusal of the earlier application, or
    - (iv) in the case of an application which is made following an appeal under section 47(2) of the 1997 Act or a review under section 43A(8)(c) of the 1997 Act, the expiry of the period prescribed by virtue of section 47(2) or section 43A(8)(c) of the 1997 Act as the case may be,
  - (b) the application relates to the same site as that to which the earlier application related, or to part of that site and to no other land,
  - (c) no application made by the same applicant in relation to the whole or any part of the site has already been exempted from payment of a fee by virtue of this regulation or regulations 7 and 8 of the 2004 Regulations, and



- (d) the fee payable in respect of the earlier application was paid.

**Commencement Information**

I12 Reg. 12 in force at 1.4.2022, see [reg. 1\(1\)](#)

**Repeat applications for certificates of lawful use or development or certificates of proposed use or development**

13.—(1) This regulation applies to an application for a certificate of lawful use or development under section 150 or a certificate of proposed use or development under section 151 of the 1997 Act made following—

- (a) the withdrawal (before notice of decision was issued) of an earlier application made by the same applicant, or
  - (b) the refusal of an earlier application made by the same applicant (whether by the planning authority or the Scottish Ministers on appeal).
- (2) No fee is payable under regulation 3 where all the conditions set out in paragraph (3) are met.
- (3) The conditions are that—
- (a) the application is made within 12 months of the date—
    - (i) when the earlier application was made, in the case of a withdrawn application, or
    - (ii) of refusal, in any other case,
  - (b) the application relates to the same site as that to which the earlier application related, or to part of that site and to no other land,
  - (c) the planning authority to which the application is made is satisfied that it relates to a use, operation or other matter of the same description as the use, operation or matter to which the earlier application related and to no other use, operation or matter,
  - (d) the fee payable in respect of the earlier application was paid, and
  - (e) no application made by or on behalf of the same applicant in relation to the whole or any part of the site has already been exempted from payment of a fee by virtue of this regulation or regulation 12 of the 2004 Regulations.

**Commencement Information**

I13 Reg. 13 in force at 1.4.2022, see [reg. 1\(1\)](#)

**Winning and working of minerals**

14. No fee is payable under regulation 3 in relation to an application for permission to carry out development consisting of the winning and working of minerals where the application—

- (a) is for a permission which consolidates two or more subsisting permissions, or
- (b) does not seek permission for development which is not authorised by a subsisting permission.

**Commencement Information**

I14 Reg. 14 in force at 1.4.2022, see [reg. 1\(1\)](#)

**Status:** Point in time view as at 01/04/2022.

**Changes to legislation:** There are currently no known outstanding effects for the The Town and Country Planning (Fees for Applications) (Scotland) Regulations 2022. (See end of Document for details)

## PART 4

### General provisions

#### **Amendment of the Town and Country Planning (Hazardous Substances) (Scotland) Regulations 2015 and saving provision**

**15.**—(1) Subject to paragraph (3), the Town and Country Planning (Hazardous Substances) (Scotland) Regulations 2015<sup>(12)</sup> (“the 2015 Regulations”) are amended in accordance with paragraph (2).

(2) In regulation 55(1) (fees for applications) of the 2015 Regulations—

- (a) in sub-paragraph (a) for “£1,000” substitute “£1,200”, and
- (b) in sub-paragraph (b) for “£500” substitute “£600”.

(3) The amendments made by this regulation apply only to applications made under regulations 6, 7 and 8 of the 2015 Regulations on or after 1 April 2022 and the 2015 Regulations continue to apply in respect of any application made before 1 April 2022 as they did immediately before that date.

#### **Commencement Information**

**I15** [Reg. 15](#) in force at 1.4.2022, see [reg. 1\(1\)](#)

#### **Revocations and saving provision**

**16.**—(1) Subject to paragraph (2), the 2004 Regulations and the regulations listed in schedule 2 are revoked.

(2) The 2004 Regulations continue to apply in respect of any application made before 1 April 2022 as they did immediately before that date.

#### **Commencement Information**

**I16** [Reg. 16](#) in force at 1.4.2022, see [reg. 1\(1\)](#)

St Andrew’s House,  
Edinburgh

*TOM ARTHUR*  
Authorised to sign by the Scottish Ministers

<sup>(12)</sup> [S.S.I. 2015/181](#) to which there are amendments not relevant to these Regulations.

## SCHEDULE 1

Regulation 3(2)(a)

### CALCULATION OF FEES

#### PART 1

##### General provisions

##### Tables of fees

1.—(1) The fee payable under regulation 3 for an application relating to a category of development in column 1 of the relevant table contained in Part 3 of this schedule is the fee calculated in accordance with the appropriate entry in column 2 of that table and paragraphs 1 to 11.

(2) The relevant table is—

- (a) table 1 in relation to an application for—
  - (i) planning permission, or
  - (ii) approval, consent or agreement required by a condition imposed on a grant of planning permission in principle,
- (b) table 2 in relation to an application for planning permission in principle,
- (c) table 3 in relation to an application for a certificate of lawful use or development under section 150 or for a certificate of proposed use or development under section 151 of the 1997 Act,
- (d) table 4 in relation to an application for a determination as to whether the planning authority's prior approval is required in relation to development under schedule 1 of the General Permitted Development Order.

##### Commencement Information

I17 Sch. 1 para. 1 in force at 1.4.2022, see [reg. 1\(1\)](#)

##### Categories of development

2. In this schedule—

- (a) any reference to a category of development is a reference to one of the categories of development specified in column 1 of the relevant table, and
- (b) in the case of an application for approval, consent or agreement required by a condition imposed on a grant of planning permission in principle, references to the category of development to which an application relates are to be construed as references to the category of development authorised by the relevant planning permission in principle.

##### Commencement Information

I18 Sch. 1 para. 2 in force at 1.4.2022, see [reg. 1\(1\)](#)

##### Calculation of area or floor space

3. Where, in respect of any category of development the fee must be calculated by reference to—

**Status:** Point in time view as at 01/04/2022.

**Changes to legislation:** There are currently no known outstanding effects for the The Town and Country Planning (Fees for Applications) (Scotland) Regulations 2022. (See end of Document for details)

- (a) the site area—
  - (i) that area is to be taken as consisting of the area of land to which the application relates, and
  - (ii) where the area is not an exact multiple of the unit of measurement specified in respect of the relevant category of development, the fraction of a unit remaining after division of the total area by the unit of measurement is to be treated as a complete unit, and
- (b) the gross floor space—
  - (i) the area of gross floor space is to be ascertained by external measurement of the floor space, whether or not it is to be bounded wholly or partly by external walls of a building, and
  - (ii) where the floor is to be measured by units of 100 square metres any floor space remaining after division of the gross floor space by 100 square metres is to be treated as 100 square metres.

**Commencement Information**

**I19** Sch. 1 para. 3 in force at 1.4.2022, see **reg. 1(1)**

**Alternative applications**

4. Where an application relates to development which is within more than one of the categories of development—
- (a) an amount is to be calculated in respect of each category of development, and
  - (b) the highest amount so calculated is the fee payable in respect of the application.

**Commencement Information**

**I20** Sch. 1 para. 4 in force at 1.4.2022, see **reg. 1(1)**

**Glasshouses and polytunnels**

5. In table 1 “glasshouse and polytunnel” means a building which—
- (a) has not less than three-quarters of its total external area comprised of glass or other translucent material,
  - (b) is designed for the production of flowers, fruit, vegetables, herb or other horticultural produce, and
  - (c) is used, or is to be used, solely for the purposes of agriculture.

**Commencement Information**

**I21** Sch. 1 para. 5 in force at 1.4.2022, see **reg. 1(1)**

**Planning permission in principle granted before 1 April 2022**

6. Where the application is for the approval, consent, or agreement required by a condition imposed on a grant of permission in principle and—

- (a) the planning permission in principle was granted before 1 April 2022, and
  - (b) the application relates to development within categories 1, 4, 17, or 21 of table 1,
- the fee payable under regulation 3 is subject to a maximum of £125,000.

**Commencement Information**

**I22** Sch. 1 para. 6 in force at 1.4.2022, see **reg. 1(1)**

## PART 2

### Modified fees

#### Applications by community councils

7. Where the application is made by a community council established under section 51 of the Local Government (Scotland) Act 1973(13), the amount of the fee payable in respect of the application is reduced by one half.

**Commencement Information**

**I23** Sch. 1 para. 7 in force at 1.4.2022, see **reg. 1(1)**

#### Applications in conservation areas

8.—(1) Where all the conditions in sub-paragraph (2) are satisfied, the amount of fee payable in respect of an application is reduced by one quarter.

(2) The conditions are—

- (a) the application relates solely to—
  - (i) the carrying out of operations for the alteration of a dwellinghouse (but not including the extension of or the erection of a dwellinghouse), or
  - (ii) other operations within the curtilage of a dwellinghouse (but not including the extension of or the erection of a dwellinghouse),
- (b) the dwellinghouse is in a conservation area,
- (c) the application relates solely to development within one or more of the classes specified in schedule 1 of the General Permitted Development Order, and
- (d) the only reason planning permission is not granted by article 3(1) of the General Permitted Development Order is that the development would be in a conservation area.

**Commencement Information**

**I24** Sch. 1 para. 8 in force at 1.4.2022, see **reg. 1(1)**

(13) 1973 c. 65. Section 51 was amended by the Local Government etc. (Scotland) Act 1994 (c. 39), section 180 and schedule 14.

*Status: Point in time view as at 01/04/2022.*

*Changes to legislation: There are currently no known outstanding effects for the The Town and Country Planning (Fees for Applications) (Scotland) Regulations 2022. (See end of Document for details)*

### **Applications for the provision of facilities for sport or recreation**

9.—(1) Where an application is made by or for a club, society, trust or other organisation which is not established or conducted for profit and whose objects or purposes, as the case may be, are the provision of facilities for sport or recreation, and the conditions specified in sub-paragraph (2) are satisfied, the fee payable is £600.

(2) The conditions are—

(a) that the application relates to—

- (i) the making of a material change in the use of land to use the land as a playing field, or
- (ii) the carrying out of operations other than the erection of a building containing floor space, for purposes ancillary to the use of the land as a playing field,

and to no other development, and

(b) that the planning authority is satisfied that the development is to be carried out on land which is, or is intended to be used wholly or mainly for the carrying out of the objects or purposes, as the case may be, of the club, society, trust or organisation.

#### **Commencement Information**

**I25** Sch. 1 para. 9 in force at 1.4.2022, see [reg. 1\(1\)](#)

### **Applications for approval, consent or agreement required by a condition imposed on a grant of planning permission in principle**

10.—(1) This paragraph applies where—

- (a) an application is made for approval, consent or agreement in respect of one or more matters requiring such approval, consent or agreement in terms of a condition imposed on a grant of planning permission in principle (“the current application”), and
- (b) the applicant has previously made one or more applications for approval, consent or agreement required by a condition imposed on the grant of that same planning permission in principle and paid the fee in relation to such application or applications.

(2) Where the amount paid as mentioned in sub-paragraph (1)(b) is not less than the amount which would be payable if the applicant were by the current application seeking approval, consent or agreement in respect of all the matters requiring such approval, consent or agreement in terms of conditions imposed on a grant of a planning permission in principle and in relation to the whole of the development authorised by the permission, the fee payable in respect of the current application is £500.

(3) Where—

- (a) a fee has been paid as mentioned in sub-paragraph (1)(b) at a rate lower than that prevailing at the date of the current application, and
- (b) sub-paragraph (2) would apply if that fee had been paid at the rate applying at that date,

the fee in respect of the current application is £500.

#### **Commencement Information**

**I26** Sch. 1 para. 10 in force at 1.4.2022, see [reg. 1\(1\)](#)

### Cross boundary applications – allocation of fee

**11.**—(1) Where this paragraph applies the fee payable to the planning authority for an application is calculated and payable in accordance with sub-paragraphs (2) to (4).

(2) This paragraph applies where applications are made for—

- (a) planning permission, or
- (b) the approval, consent, or agreement required by a condition imposed on a grant of permission in principle,

in respect of development of land lying in the areas of 2 or more planning authorities.

(3) The total fee payable in respect of all the applications is the lesser of—

- (a) one and a half times the amount of the fee which would have been payable for an application in respect of the same development but lying in the area of a single planning authority,
- (b) the sum of the amounts of the fees which would have been payable in respect of all the applications.

(4) The fee payable to a planning authority in respect of an application is the proportion of the total fee payable equal to the proportion of the total site area of the development which falls within the area of that planning authority.

#### Commencement Information

**I27** Sch. 1 para. 11 in force at 1.4.2022, see [reg. 1\(1\)](#)

## PART 3

### Tables of Fees

#### Commencement Information

**I28** Sch. 1 Pt. 3 in force at 1.4.2022, see [reg. 1\(1\)](#)

**TABLE 1**

#### **FEES FOR APPLICATIONS FOR PLANNING PERMISSION AND FOR APPLICATIONS FOR APPROVAL, CONSENT OR AGREEMENT REQUIRED BY A CONDITION IMPOSED ON A GRANT OF PLANNING PERMISSION IN PRINCIPLE**

<i>Category of development</i>	<i>Fee payable</i>
<b>RESIDENTIAL DEVELOPMENT</b>	
<b>New dwellings</b>	(a) where the number of dwellinghouses to be created by the development does not exceed 10, £600 for each dwellinghouse,
1. Construction of buildings, structures or erections for use as residential accommodation (other than development within categories 2 to 6).	(b) where the number of dwellinghouses to be created by the development is fewer than 50, £600 for the first 10 dwellinghouses, and £450 for each dwellinghouse thereafter,

**Status:** Point in time view as at 01/04/2022.

**Changes to legislation:** There are currently no known outstanding effects for the The Town and Country Planning (Fees for Applications) (Scotland) Regulations 2022. (See end of Document for details)

<i>Category of development</i>	<i>Fee payable</i>
	(c) where the number of dwellinghouses to be created by the development is 50 or more, £600 for the first 10 dwellinghouses, £450 for each dwellinghouse in excess of 10 up to 49 dwellinghouses, and £250 for each dwellinghouse in excess of 50, subject to a maximum total of £150,000.
<b>Existing dwellings</b>	Where the application relates to—
2. The carrying out of operations which will result in the enlargement, improvement or other alteration of an existing dwelling.	(a) one dwelling, £300, (b) 2 or more dwellings, £600.
3.	
(a) The carrying out of operations, including the erection of a building within the curtilage of an existing dwellinghouse, for purposes ancillary to the enjoyment of the dwellinghouse as such, or	£300.
(b) the erection or construction of gates, fences, walls or other means of enclosure along a boundary of the curtilage of an existing dwellinghouse.	£300.
<b>NON-RESIDENTIAL BUILDINGS</b>	
4. The construction of buildings, structures or erections including extensions (other than construction within categories 1, 5, and 6).	(a) where no floor area is created or the gross floor space created does not exceed 50 square metres, £300, (b) where the gross floor space created exceeds 50 square metres, £600 in respect of any gross floor space up to 100 square metres, (c) where the gross floor space exceeds 100 square metres, £600 plus £600 per 100 square metres in respect of any gross floor space exceeding 100 square metres and up to 4,000 square metres, (d) where the gross floor space exceeds 4,000 square metres, £24,000 plus £300 per 100 square metres in respect of any gross floor space exceeding 4,000 square metres, subject to a maximum of £150,000, (e) where no buildings are to be created, £600 per 0.1 hectare of site area, subject to a maximum of £150,000.
<b>Agricultural buildings</b>	



<i>Category of development</i>	<i>Fee payable</i>
5. The erection, on land used for the purposes of agriculture, of buildings to be used for agricultural purposes (other than buildings in category 6).	<p>(a) Where the ground area to be covered by the development does not exceed 500 square metres, £500,</p> <p>(b) Where the ground area to be covered by the development exceeds 500 square metres, £500 plus £500 for each 100 square metres in excess of 500 square metres, subject to a maximum of £25,000.</p>

**Glasshouses and polytunnels**

6. The erection of glasshouses or polytunnels to be used for agricultural purposes.	£100 for each 100 square metres of ground area to be covered by the development subject to a maximum of £5,000.
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**ENERGY GENERATION**

7. The erection of wind turbines and the carrying out of other operations in connection with the construction of the generating station, including the construction or installation of any means of access to the generating station, pipes or other conduits, and overhead lines.	<p>(a) Where the number of turbines does not exceed 3—</p> <p>(i) where none of the turbines have a ground to hub height exceeding 15 metres, £1,250,</p> <p>(ii) where one or more of the turbines has a ground to hub height exceeding 15 metres, but not exceeding 50 metres, £2,500,</p> <p>(iii) where one or more of the turbines has a ground to hub height exceeding 50 metres, £5,000.</p> <p>(b) Where the number of turbines does exceed 3, £500 for each 0.1 hectare of site area, subject to a maximum of £150,000.</p>
8. The construction of a hydro-electric generating station and the carrying out of any other operations in connection with the construction of the generating station, including the construction or installation of any means of access to the generating station, pipes or other conduits, and overhead lines.	£500 for each 0.1 hectare of site area, subject to a maximum of £25,000.
9. The construction of a solar electric generating station and the carrying out of any other operations in connection with the construction of the generating station, including the construction or installation of any means of access to the generating station, pipes or other conduits, and overhead lines.	£500 for each 0.1 hectare of site area, subject to a maximum of £25,000.
10. The carrying out of any operations connected with the exploratory drilling for oil or natural gas.	<p>(a) Where the site area does not exceed 0.1 hectares, £1,000,</p> <p>(b) Where the site area exceeds 0.1 hectares, £1,000 in respect of the first 0.1 hectares of site area, plus £500 for each 0.1</p>

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<i>Category of development</i>	<i>Fee payable</i>
	hectare of site area in excess of 0.1 hectares, subject to a maximum of £150,000.
<b>FISH AND SHELLFISH FARMING</b>	
11. The placing or assembly of equipment in any part of any marine waters for the purposes of fish farming.	£200 for each 0.1 hectare of the surface area of the marine waters to be used in relation to the placement or assembly of any equipment for the purposes of fish farming and £75 for each 0.1 hectare of the sea bed to be used in relation to such development, subject to a maximum of £25,000.
12. The placing or assembly of equipment in any part of any marine waters for the purposes of shellfish farming.	£200 for each 0.1 hectare of the surface area of the marine waters to be used in relation to the placement or assembly of any equipment for the purposes of shellfish farming, subject to a maximum of £25,000.
13. The erection, alteration or replacement of plant or machinery.	(a) Where the site area does not exceed 5 hectares, £500 for each 0.1 hectare of site area, (b) Where the site area exceeds 5 hectares, £25,000 plus £250 for each 0.1 hectare of the site area in excess of 5 hectares, subject to a maximum of £150,000.
14. 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.	£500
15. Operations for the winning and working of minerals (not including peat).	(a) Where the site area does not exceed 0.1 hectare, £1,000, (b) Where the site area exceeds 0.1 hectare, but does not exceed 15 hectares, £1,000 plus £500 for each 0.1 hectare of the site area in excess of 0.1 hectare, (c) Where the site area exceeds 15 hectares, £75,000, plus £250 for each 0.1 hectare of site area in excess of 15 hectares, subject to a maximum of £150,000.
16. Operations for the extraction of peat.	(a) £500 for each 0.1 hectare of site area, subject to a maximum of £6,000.
17. The carrying out of any operations not coming within any of the above categories.	(a) Where the site area does not exceed 0.1 hectare, £1,000, (b) Where the site area exceeds 0.1 hectare, but does not exceed 15 hectares, £1,000 plus £500 for each 1 hectare of the site area in excess of 0.1 hectare, (c) Where the site area exceeds 15 hectares, £8,500 plus £250 for each 0.1 hectare

<i>Category of development</i>	<i>Fee payable</i>
	of the site area in excess of 15 hectares, subject to a maximum of £150,000.
<b>USE OF LAND</b>	
18. The use of land for the disposal of refuse or waste materials or for the deposit of material remaining after minerals have been extracted from land.	<p>(a) Where the site area does not exceed 0.1 hectare, £1,000,</p> <p>(b) Where the site area exceeds 0.1 hectare, but does not exceed 15 hectares, £1,000 plus £500 for each 1 hectare of the site area in excess of 0.1 hectare,</p> <p>(c) Where the site area exceeds 15 hectares, £8,500 plus £250 for each 0.1 hectare of the site area in excess of 15 hectares, subject to a maximum of £150,000.</p>
19. The use of land for the storage of minerals in the open.	<p>(a) Where the site area does not exceed 0.1 hectare, £1,000,</p> <p>(b) Where the site area exceeds 0.1 hectare, but does not exceed 15 hectares, £1,000 plus £500 for each 1 hectare of the site area in excess of 0.1 hectare,</p> <p>(c) Where the site area exceeds 15 hectares, £25,500 plus £250 for each 0.1 hectare of the site area in excess of 15 hectares, subject to a maximum of £150,000.</p>
<b>CHANGE OF USE OF BUILDINGS OR LAND</b>	
20. The change of use of a building to use as one or more dwellinghouses.	<p>(a) Where the number of dwellinghouses to be created by the development does not exceed 10, £600 for each dwellinghouse,</p> <p>(b) Where the number of dwellinghouses to be created by the development is fewer than 50, £600 for the first 10 dwellinghouses, and £450 for each dwellinghouse thereafter,</p> <p>(c) Where the number of dwellinghouses to be created by the development is 50 or more, £23,550 plus £250 for each dwellinghouse in excess of 50.</p>
21. A material change in the use of a building (other than a change of use referred to in category 20).	<p>(a) Where the gross floor space does not exceed 100 square metres, £600,</p> <p>(b) Where the gross floor space exceeds 100 square metres, £600 plus £600 per 100 square metres up to 4,000 square metres,</p> <p>(c) Where the gross floor space exceeds 4,000 square metres, £24,000 plus £300 per 100 square metres in respect of any gross floor space exceeding 4,000 square metres, subject to a maximum of £150,000.</p>

**Status:** Point in time view as at 01/04/2022.

**Changes to legislation:** There are currently no known outstanding effects for the The Town and Country Planning (Fees for Applications) (Scotland) Regulations 2022. (See end of Document for details)

<i>Category of development</i>	<i>Fee payable</i>
22. A material change in the use of land (other than—	(a) £500 per 0.1 hectare of site area subject to a maximum of £5,000.
(a) a change of use within category 21, or	
(b) a change of use within categories 18 or 19, or	
(c) a change in the use of equipment placed or assembled in marine waters for the purposes of fish farming or shellfish farming).	

**TABLE 2**

**FEEES FOR APPLICATIONS FOR PLANNING PERMISSION IN PRINCIPLE**

<i>Category of development</i>	<i>Fee payable</i>
<b>RESIDENTIAL DEVELOPMENT</b>	
<b>New dwellings</b>	
1. Construction of buildings, structures or erections for use as residential accommodation.	(a) where only one dwellinghouse is to be created, £600, (b) where more than one dwellinghouse is to be created and the site area does not exceed 2.5 hectares, £600 for each 0.1 hectare of the site area, (c) where more than one dwellinghouse is to be created and site area exceeds 2.5 hectares, £600 for each 0.1 hectare up to 2.5 hectares of the site area, and then £300 for each 0.1 hectare in excess of 2.5 hectares, subject to a maximum of £75,000.

**NON-RESIDENTIAL BUILDINGS**

2. The construction of buildings, structures or erections including extensions.	£600 for each 0.1 hectare up to 2.5 hectares of the site area, and then £300 for each 0.1 hectare in excess of 2.5 hectares, subject to a maximum of £75,000.
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**TABLE 3**

**FEEES FOR APPLICATIONS FOR A CERTIFICATE OF LAWFUL USE OR DEVELOPMENT UNDER SECTION 150 OR A CERTIFICATE OF PROPOSED USE OR DEVELOPMENT UNDER SECTION 151 OF THE 1997 ACT**

<i>Category of development</i>	<i>Fee payable</i>
<b>CERTIFICATES OF LAWFULNESS OF EXISTING USE OR DEVELOPMENT</b>	
1. An application under section 150(1)(a) or (b) of the 1997 Act (or both as the case may be).	The amount that would be payable in respect of an application for planning permission to institute the use or carry out the operations

<i>Category of development</i>	<i>Fee payable</i>
	specified in the application (or an application to do both, as the case may be).
2. An application under section 150(1)(c) of the 1997 Act.	£300.
<b>CERTIFICATES OF LAWFULNESS FOR PROPOSED USE OR DEVELOPMENT</b>	
3. An application under section 151(1) of the 1997 Act (apart from one within category 4).	Half the amount that would be payable in respect of an application for planning permission to institute the use or carry out the operations specified in the application (or an application to do both, as the case may be).
4. An application under section 151(1)(a) where the use specified is use as one or more separate dwellinghouses.	£600 for each dwellinghouse, subject to a maximum of £150,000.

**TABLE 4**

**FEES FOR A DETERMINATION AS TO WHETHER THE PLANNING AUTHORITY'S PRIOR APPROVAL IS REQUIRED IN RELATION TO DEVELOPMENT UNDER SCHEDULE 1 OF THE GENERAL PERMITTED DEVELOPMENT ORDER**

<i>Category of development</i>	<i>Fee payable</i>
1. An application made for determination as to whether the prior approval of the planning authority is required in relation to development under schedule 1 of the General Permitted Development Order (other than one within categories 2 to 9).	£100.
2. An application made by virtue of paragraph (4A) of Class 18 of Part 6 (agricultural buildings and operations) of schedule 1 of the General Permitted Development Order.	No fee.
3. An application made by virtue of paragraph (4) of Class 18B of Part 6 (agricultural buildings and operations) of schedule 1 of the General Permitted Development Order.	£500.
4. An application made by virtue of paragraph (5) of Class 18C of Part 6 (agricultural buildings and operations) of schedule 1 of the General Permitted Development Order.	£500.
5. An application made by virtue of paragraph (4) of Class 21A of Part 6A (fish farming) of schedule 1 of the General Permitted Development Order.	£500.
6. An application made by virtue of paragraph (4) of Class 22A of Part 7 (forestry	£500.

**Status:** Point in time view as at 01/04/2022.

**Changes to legislation:** There are currently no known outstanding effects for the The Town and Country Planning (Fees for Applications) (Scotland) Regulations 2022. (See end of Document for details)

<i>Category of development</i>	<i>Fee payable</i>
buildings and operations) of schedule 1 of the General Permitted Development Order.	
7. An application made by virtue of paragraph (5) of Class 22B of Part 7 (forestry buildings and operations) of schedule 1 of the General Permitted Development Order.	£500.
8. An application made by virtue of paragraph (4) of Class 22 of Part 7 (forestry buildings and operations) of schedule 1 of the General Permitted Development Order.	No fee.
9. An application made by virtue of sub-paragraph (23) of Class 67 of Part 20 (development by electronic communications code operators) of schedule 1 of the General Permitted Development Order.	£500.

## SCHEDULE 2

Regulation 16

### REVOKED INSTRUMENTS

#### Commencement Information

**I29** [Sch. 2](#) in force at 1.4.2022, see [reg. 1\(1\)](#)

### TABLE OF INSTRUMENTS REVOKED UNDER REGULATION 16

<i>Regulations revoked</i>	<i>References</i>
Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Amendment Regulations 2007	<a href="#">S.S.I. 2007/253</a>
Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Amendment Regulations 2010	<a href="#">S.S.I. 2010/141</a>
Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Amendment (No. 2) Regulations 2010	<a href="#">S.S.I. 2010/280</a>
Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Amendment Regulations 2013	<a href="#">S.S.I. 2013/105</a>
Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Amendment Regulations 2014	<a href="#">S.S.I. 2014/214</a>
Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Amendment (No. 2) Regulations 2014	<a href="#">S.S.I. 2014/301</a>
Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Amendment Regulations 2017	<a href="#">S.S.I. 2017/120</a>
Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Amendment (No. 2) Regulations 2017	<a href="#">S.S.I. 2017/149</a>

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<i>Regulations revoked</i>	<i>References</i>
Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Amendment (No. 3) Regulations 2017	<a href="#">S.S.I. 2017/187</a>
Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Amendment Regulations 2018	<a href="#">S.S.I. 2018/110</a>

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### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations make provision for the payment of fees to planning authorities in respect of applications made under the Town and Country Planning (Scotland) Act 1997, the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984, and the Town and Country Planning (General Permitted Development) (Scotland) Order 1992. These Regulations apply to the applications listed in regulation 1(2)(a). The level of fee is to be calculated in accordance with schedule 1.

The Regulations also provide that planning authorities may charge fees for other services related to the performance of their planning functions listed in regulation 1(2)(b).

Under regulation 5, planning authorities may waive or reduce certain fees. Regulation 6 provides that planning authorities may charge a surcharge for retrospective applications for planning permission. Part 3 of the Regulations sets out where no fee is payable. Regulation 15 amends the Town and Country Planning (Hazardous Substances) (Scotland) Regulations 2015 to increase the fees payable under regulation 55 of those regulations.

Under regulation 16, the Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Regulations 2004 are revoked, together with those regulations listed in schedule 2.

**Status:**

Point in time view as at 01/04/2022.

**Changes to legislation:**

There are currently no known outstanding effects for the The Town and Country Planning (Fees for Applications) (Scotland) Regulations 2022.