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SCOTTISH STATUTORY INSTRUMENTS

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**2022 No. 50**

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

**PART 3**

Applications where no fee is payable

**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)(**1**), 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)(**2**).
- (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    - (i) when the earlier application was made, in the case of a withdrawn application,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,

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

(2) Section 43A(8)(c) was amended by S.S.I. 2013/24.

- (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.

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**Commencement Information**

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

**Changes to legislation:**

There are currently no known outstanding effects for the The Town and Country Planning (Fees for Applications) (Scotland) Regulations 2022, Section 11.