

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

2014 No.

TOWN AND COUNTRY PLANNING, ENGLAND

The Town and Country Planning (Fees for Applications,
Deemed Applications, Requests and Site Visits)
(England) (Amendment) (No. 2) Regulations 2014

Made - - - - *****

Coming into force in accordance with regulation 1

The Secretary of State, in exercise of the powers conferred by sections 303(1) and (5) 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, application 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) (No. 2) Regulations 2014 and come into force on the day after the day on which they are made.

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

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

2.—(1) Regulation 14 of the 2012 Regulations is amended as follows.

(2) In paragraph (1), after sub-paragraph (za) insert—

(1) 1990 c.8. Section 303 was substituted by section 199 of the Planning Act 2008 c.29. There are amendments to section 303 which are not relevant to these Regulations. 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, amended by S.I. 2013/2153, which in particular amended regulation 14 inserting paragraphs (1)(za) and (1A); there are other amending instruments but none is relevant to these Regulations.

“(zb) for an application under Part 3 of that Schedule relating to development consisting of the making of a material change in the use of any buildings or other land and building operations in connection with that change of use, £172;”.

(3) In paragraph (1A), after “paragraph (1)(za)” insert “or (zb)”.

Transitional provision

3.—(1) The 2012 Regulations shall apply in relation to applications of the kind mentioned in paragraph (2), as if these Regulations had not been made.

(2) This paragraph applies to an application which—

- (a) falls within the description in regulation 14(1)(zb) of the 2012 Regulations; and
- (b) is made before the date on which these Regulations come into force.

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

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

Date

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in consequence of amendments made to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418) (“the General Permitted Development Order”), by the Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014 (S.I. 2014/564) (“the 2014 Order”), which came into force on 6th April. The 2014 Order introduced four new classes of permitted development rights for change of use into Part 3 of Schedule 2 to the General Permitted Development Order. Two of the new classes, Class IA and Class MB, allow change of use to residential purposes and include permission for limited building operations.

Regulation 2 of these Regulations amends regulation 14 of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (S.I. 2012/2920) so that where an application is made to the local planning authority for a prior approval in relation to development which involves a material change of use and permitted building operations in connection with that change of use, the fee shall be £172. Development of that kind is permitted by Classes IA and MB.

Regulation 3 of these Regulations is a transitional provision. It provides that where an application for a prior approval in relation to development permitted by Class IA or MB has been made before the date that these Regulations come into force that the fee of £172 shall not apply. Instead the lower fee of £80 will apply to those applications under regulation 14(1)(za).

A regulatory impact assessment has been prepared in relation to these Regulations and the 2014 Order. It has been placed in the Library of each House of Parliament and copies may be obtained from the Department for Communities and Local Government, Eland House, Bressenden Place, London SW1E 5DU or viewed at www.legislation.gov.uk.