
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”).

These Regulations are 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 and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 made on 23rd June 2020 and laid before Parliament on 24th June 2020 with relevant provisions due to come into force on 1st August 2020 (“the 2020 Regulations”). Regulation 22 of the 2020 Regulations inserts new Part 20 into Schedule 2 to the General Permitted Development Order to introduce permitted development rights allowing for the construction of new dwellinghouses without the need for a full planning application. The new permitted development right in Class A of the new Part 20 allows work for the construction of up to 2 storeys to create new flats on the topmost residential storey of a building which is an existing purpose-built, detached block of flats. The new permitted development right contains limitations and conditions on how it will operate, including the requirement for prior approval by way of application (including a written statement as to the number of new dwellinghouses proposed in the development) together with any fee payable.

Regulation 2 of these Regulations amends regulation 14 of the 2012 Regulations to introduce a fee for prior approvals associated with permitted development rights under new Part 20 of the General Permitted Development Order of £334 per new dwellinghouse for development proposals of 50 or fewer new dwellinghouses, or a fixed fee of £16,525 plus £100 per new dwellinghouse for development proposals of more than 50 new dwellinghouses, subject in the latter case to a maximum limit of £300,000. Regulation 2 of these Regulations also amends regulation 14 of the 2012 Regulations to introduce a ‘second application’ exemption from the newly introduced fee for applications for prior approval under new Part 20 which are made by the same applicant, in respect of the same development on the same site or part of the same site and within 12 months of a determination of an earlier application (where a fee has previously been paid) under new Part 20 or, in the case of an earlier application under new Part 20 which was withdrawn, the date when that application was received by the local planning authority. Regulation 3 makes transitional provision such that the fee introduced by regulation 2 is not payable in respect of applications made before the coming into force of these Regulations.

An impact assessment has been produced in respect of the overall impact of the permitted development right, including the fee introduced by these Regulations, for the construction of new dwellinghouses introduced by the 2020 Regulations. A copy of that assessment of impact has been published at [legislation.gov.uk](http://www.legislation.gov.uk): <http://www.legislation.gov.uk/id/ukia/2020/43>.