

1981 No. 443 (S. 39)

TOWN AND COUNTRY PLANNING, SCOTLAND
The Town and Country Planning (Fees for Applications
and Deemed Applications) (Scotland) Regulations 1981*Laid before Parliament in draft**Made - - - - 13th March 1981**Coming into Operation 1st April 1981*

The Secretary of State for Scotland, in exercise of the powers conferred on him by section 87 of the Local Government, Planning and Land Act 1980(a), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

Application, citation and commencement

1.—(1) These regulations may be cited as the Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Regulations 1981 and shall come into operation on 1st April 1981.

(2) These regulations apply—

- (a) to applications for planning permission made on or after the date when they come into operation;
- (b) to applications for approval of reserved matters made on or after the date when they come into operation;
- (c) to applications for consent for the display of advertisements made on or after the date when they come into operation;
- (d) to applications for planning permission deemed to have been made, by virtue of section 85(7) of the Town and Country Planning (Scotland) Act 1972(b), in connection with an enforcement notice served on or after the date when they come into operation; and
- (e) to applications for planning permission deemed to have been made, by virtue of section 91(5) of the Town and Country Planning (Scotland) Act 1972 in connection with an application for an established use certificate made on or after the date when they come into operation.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires—

“the 1972 Act” means the Town and Country Planning (Scotland) Act 1972;

(a) 1980 c. 65.

(b) 1972 c. 52.

“the General Development Order” means the Town and Country Planning (General Development) (Scotland) Order 1975(a);

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

“reserved matters” has the same meaning as in the General Development Order;

“use for residential purposes” means use as a dwellinghouse.

(2) Subject to the provisions of paragraph (3) below, expressions used in these regulations have, unless the contrary intention appears, the meaning which they bear in the 1972 Act.

(3) Expressions used in regulation 9 and Schedule 2 have, unless the contrary intention appears, the meaning which they bear in the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1961(b).

(4) A regulation or Schedule referred to in these regulations only by number means the regulation or Schedule so numbered in these regulations.

Fees for planning applications

3.—(1) Subject to the provisions of regulations 4 to 7, where an application is made to a planning authority for planning permission for the development of land or for the approval of reserved matters, a fee shall be paid to that authority in accordance with the provisions of these regulations.

(2) The amount of the fee payable in respect of the application shall be calculated in accordance with the provisions of Schedule 1.

(3) The fee due in respect of an application shall be paid at the time when the application is made; and the amount of the fee shall be sent to the planning authority with whom the application is lodged, together with the application.

(4) Where the application is referred to a regional planning authority under section 179(1) of the Local Government (Scotland) Act 1973(c), the planning authority who receive the fee in accordance with the provisions of paragraphs (1) to (3) above shall remit the amount of the fee to the regional planning authority at the same time as they refer the application to them; provided that where the Secretary of State has upheld an appeal by the planning authority in terms of section 179(2) of the 1973 Act against a direction given to them by the regional planning authority, the regional planning authority shall return the amount of the fee to the planning authority.

4.—(1) The provisions of regulation 3 shall not apply where the planning authority to whom the application is made are satisfied that it relates solely to:—

(a) the carrying out of operations for the alteration or extension of an existing dwellinghouse; or

(b) the carrying out of operations (other than the erection of a dwellinghouse) in the curtilage of an existing dwellinghouse,

for the purpose, in either case, of providing means of access to or within the dwellinghouse for a disabled person who is resident in that dwellinghouse, or of providing facilities designed to secure his greater safety, health or comfort.

(a) S.I. 1975/679; the order has been amended by S.I. 1976/693, 1307.

(b) S.I. 1961/195.

(c) 1973 c. 65.

(2) In this regulation, "disabled person" means a person who is within any of the descriptions of persons to whom section 29 of the National Assistance Act 1948(a) applies.

5. The provisions of regulation 3 shall not apply where the planning authority to whom the application is made are satisfied:—

- (a) that the application relates solely to development which is within one or more of the classes specified in Schedule 1 to the General Development Order; and
- (b) that the permission granted by article 3 of that Order does not apply in respect of the development by reason of (and only 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 any permission granted or deemed to be granted under Part III of the 1972 Act otherwise than by that Order.

6. The provisions of regulation 3 shall not apply to an application made under section 29(1) of the 1972 Act for planning permission to retain a building or works, or to continue a use of land, without complying with a condition, imposed on a previous grant of planning permission, which requires the removal of that building or those works, or the discontinuance of that use, at the end of a specified period.

7.—(1) Where all of the conditions set out in paragraph (2) below are satisfied, the provisions of regulation 3 shall not apply to:—

- (a) an application for planning permission which is made following the withdrawal (before notice of decision was issued) of an application for planning permission made by or on behalf of the same applicant;
- (b) an application for planning permission which is made following the refusal of planning permission (whether by the planning authority or by the Secretary of State on appeal or following reference of the application to him for determination) on an application made by or on behalf of the same applicant;
- (c) an application for approval of one or more reserved matters which is made following withdrawal (before notice of decision was issued) of an application made by or on behalf of the same applicant for approval of reserved matters authorised by the same outline planning permission; or
- (d) an application for approval of one or more reserved matters which is made following the refusal (whether by the planning authority or by the Secretary of State on appeal or following reference of the application to him for determination) to approve details relating to the same reserved matters which were submitted in an application made by or on behalf of the same applicant and in relation to the same outline planning permission.

(2) The conditions referred to in paragraph (1) above are:—

- (a) that the application is made before the end of the period of 12 months following:—
 - (i) the date when the earlier application was made, in the case of a withdrawn application; or

- (ii) the date of the refusal, in any other case;
- (b) that 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) that the planning authority to whom the application is made are satisfied that it relates to development of the same character or description as the development to which the earlier application related (and to no other development); and
- (d) that no previous application has at any time been made by or on behalf of the same applicant which related to the same land (or any part of it) and which was exempted from the provisions of regulation 3 by the provisions of this regulation.

Fees for deemed applications

8.—(1) Subject to the provisions of paragraph (4) below, a fee shall be paid to the Secretary of State in every case where an application for planning permission is deemed to have been made:—

- (a) by virtue of the provisions of subsection (7) of section 85 of the 1972 Act (in consequence of an appeal under that section against an enforcement notice); or
- (b) by virtue of the provisions of subsection (5) of section 91 of the 1972 Act (in consequence of an appeal under that section against a decision of a planning authority on an application for an established use certificate).

(2) The amount of the fee payable in respect of a deemed application shall be calculated in accordance with the provisions of Schedule 1.

(3) In the case of an application deemed to have been made by virtue of section 85(7) of the 1972 Act, a fee shall be paid in respect of that deemed application by every person who appeals against the relevant enforcement notice.

(4) The fee due in respect of a deemed application shall be paid at the time when written notice of the relevant appeal is given to the Secretary of State; and the amount of the fee shall be sent to the Secretary of State.

(5) The provisions of regulations 4 to 6 shall apply to a deemed application as they apply to an application for planning permission made to the planning authority, with the following modifications:—

- (a) references to the planning authority to whom the application is made shall be construed as references to the Secretary of State;
- (b) references to the development to which the application relates shall be construed as references to the use of land or the operations (as the case may be) to which the relevant enforcement notice relates, or to the use of land in respect of which the relevant application for an established use certificate was made, as the case may be; and
- (c) references to the person by or on whose behalf the application was made shall, in the case of an application which is deemed to have been made by virtue of section 85(7) of the 1972 Act, be construed as references to the person who made the relevant appeal against the enforcement notice.

(6) In the event of the relevant appeal under section 85 or 91 being withdrawn at any time before the date appointed for the holding of an inquiry into that appeal or, in the case of an appeal which is being dealt with by way of written representations, the date appointed for the inspection of the site to

which the enforcement notice or the application for an established use certificate relates, the amount of the fee paid in respect of the deemed application shall be refunded to the appellant by the Secretary of State.

(7) The reference in paragraph (6) above to an appeal being dealt with by way of written representations shall be construed as a reference to an appeal in respect of which neither the appellant nor the planning authority has asked for an opportunity of appearing before and being heard by a person appointed by the Secretary of State and in respect of which no local inquiry is to be held under section 267 of the 1972 Act.

(8) In the case of an application which is deemed to have been made by virtue of section 85(7) of the 1972 Act, the amount of the fee paid by an appellant shall be refunded to him by the Secretary of State in the event of the planning authority withdrawing the relevant enforcement notice before it takes effect.

(9) Save in the case of an application deemed to have been made in connection with an enforcement notice alleging a breach of planning control by the use of land as a caravan site, the amount of the fee paid by an appellant in respect of an application deemed to have been made under section 85(7) of the 1972 Act shall be refunded to him by the Secretary of State in the event of the Secretary of State allowing the appeal against the relevant enforcement notice on any of the grounds (b) to (e) set out in subsection (1) of section 85.

(10) In the case of an application which is deemed to have been made by virtue of subsection (5) of section 91 of the 1972 Act, the fee paid by the appellant shall be refunded to him by the Secretary of State in the event of the Secretary of State granting him an established use certificate, or modifying the certificate granted by the planning authority on the application, in pursuance of the provisions of subsection (2)(a) of that section.

Fees for applications for consent for advertisements

9.—(1) Where an application is made to a planning authority under regulation 15 of the Town and Country Planning (Control of Advertisements)(Scotland) Regulations 1961 for consent for the display of an advertisement, a fee shall be paid to that authority in accordance with the following provisions of this regulation.

(2) The amount of the fee payable in respect of the application shall be calculated in accordance with the provisions of paragraphs (3) and (4) below and with the table in Schedule 2.

(3) Where the application relates to the display of advertisements on more than one site, the amount of the fee payable in respect of the application shall be the aggregate of the sums payable (calculated in accordance with the provisions of paragraph (4) below and with the table in Schedule 2) in respect of the display of advertisements on each such site.

(4) Where the application relates to the display of more than one advertisement on the same site, a single fee shall be payable in respect of all of the advertisements to be displayed on that site.

Provided that, where one or more of the advertisements on that site is within category 3 set out in the table in Schedule 2, the amount of the single fee referred to in this paragraph shall be the amount specified in the table in respect of category 3.

(5) The fee due in respect of an application shall be paid at the time when the application is made; and the amount of the fee shall be sent to the planning authority with whom the application is lodged, together with the application.

George Younger,
One of Her Majesty's Principal
Secretaries of State.

New St. Andrew's House,
Edinburgh.
13th March 1981.

SCHEDULE 1

FEES IN RESPECT OF APPLICATIONS AND DEEMED APPLICATIONS FOR PLANNING PERMISSION OR FOR APPROVAL OF RESERVED MATTERS

PART I

General Provisions

1. Subject to the provisions of paragraphs 2 to 5 below, the amount of the fee payable under regulation 3 or regulation 8 in respect of an application or deemed application shall be calculated in accordance with the table set out in Part II of this Schedule and (where applicable) the provisions of paragraphs 6 to 9 below.

2.—(1) Where an application for planning permission or an application for approval of reserved matters is made not more than 28 days after the lodging with the planning authority of an application for planning permission or, as the case may be, an application for approval of reserved matters:—

- (a) made by or on behalf of the same applicant;
- (b) relating to the same site; and

(c) relating to the same development or, in the case of an application for approval of reserved matters, relating to the same reserved matters in respect of the same building or buildings authorised by the relevant outline planning permission,

and a fee of the full amount (calculated in accordance with the provisions of the following paragraphs of this Part of this Schedule and the table set out in Part II of this Schedule) payable in respect of the category or categories of development to which the applications relate has been paid in respect of the earlier application, the amount of the fee payable in respect of the later application shall, subject to the provisions of sub-paragraph (2) below, be one-quarter of the full amount paid in respect of the earlier application.

(2) The provisions of sub-paragraph (1) above allowing payment of a reduced fee shall apply only in respect of one application made by or on behalf of the same applicant in relation to the same development or in relation to the same reserved matters (as the case may be).

(3) The provisions of sub-paragraphs (1) and (2) above shall apply where more than one application for planning permission or for approval of reserved matters is made by or on behalf of the same applicant on the same day (provided that all of the conditions specified in sub-paragraphs (1)(a) to (c) are fulfilled) as though one of those applications had been lodged earlier than the other application or applications.

3.—(1) Where an application or deemed application for planning permission is made or deemed to be made by or on behalf of a club, society or other organisation (including any persons administering a trust) which is not established or conducted for profit and whose objects are the provision of facilities for sport or recreation, and the conditions specified in sub-paragraph (2) below are satisfied, the amount of the fee payable in respect of the application or deemed application shall be £40.

(2) The conditions referred to in sub-paragraph (1) above are—

(a) that the application or deemed application relates to one or both of the following categories of development:—

- (i) the making of a material change in the use of land to use 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 land as a playing field, and to no other development; and

(b) that the planning authority to whom the application is made, or (in the case of a deemed application) the Secretary of State, is satisfied that the development is to be carried out on land which is, or is intended to be, occupied by the club, society or organisation and used wholly or mainly for the carrying out of its objects.

4. In the case of an application for approval of reserved matters, where the application does not relate to any of the reserved matters referred to in the General Development Order other than:—

- (a) the siting of the building or buildings authorised by the outline planning permission;
- (b) the means of access; or
- (c) the landscaping of the site,

the amount of the fee payable shall be the sum of £40.

5. In the case of an application for planning permission which is deemed to have been made by virtue of section 91(5) of the 1972 Act, the amount of the fee payable shall be as follows:—

- (a) where the relevant application for an established use certificate was made in respect of the use as two or more separate dwellinghouses of a building previously used as a single dwellinghouse, or in respect of a condition or limitation subject to which planning permission for such a use was granted before the beginning of 1964, the amount specified in the table set out in Part II of this Schedule in respect of category 9 there set out; or
- (b) in any other case, the sum of £40.

6. Where, in respect of any category of development specified in the table set out in Part II of this Schedule, the amount of the fee is to be calculated by reference to the site area:—

- (a) that area shall be taken as consisting of the area of land to which the application relates or, in the case of a deemed application, the area of land to which the relevant enforcement notice or the relevant application for an established use certificate (as the case may be) relates; and
- (b) where the area referred to in sub-paragraph (a) above 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 shall be treated, for the purposes of calculating the fee payable in respect of the application or deemed application, as a complete unit.

7. In relation to development within category 2 specified in the table set out in Part II of this Schedule, the area of gross floor space to be created by the development shall 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 where that area exceeds 75 sq. metres and is not an exact multiple of 75 sq. metres, the area remaining after division of the total number of square metres of gross floor space by the figure of 75 shall be treated as being 75 sq. metres.

8.—(1) Where an application or a deemed application relates to the erection of a building or buildings, the proposed use of which is partly use for residential purposes and partly use for other purposes, the amount of the fee payable in respect of the application or deemed application shall be calculated in accordance with the following sub-paragraph.

(2) An assessment shall be made of the gross floor space to be created by the development which it is proposed to use for the purposes other than residential purposes (hereafter in this paragraph referred to as “the non-residential floor space”), and the sum payable in respect of the non-residential floor space (calculated in accordance with the table in Part II of this Schedule) shall be added to the sum payable in respect of the number of dwellinghouses to be created by the development (calculated in accordance with the table in Part II of this Schedule):

Provided that, where any of the buildings is to contain floor space which it is proposed to use for the purposes of providing common access or common services or facilities for persons occupying or using that building for residential purposes and for persons occupying or using it for non-residential purposes (such floor space being hereafter referred to as “common floor space”), the amount of non-residential floor space shall be assessed, in relation to that building, as including such proportion of the common floor space as the amount of non-residential floor space in the building bears to the total amount of gross floor space in the building to be created by the development.

9. Where an application or deemed application relates to development which is within more than one of the categories specified in the table set out in Part II of this Schedule—

- (a) an amount shall be calculated, in accordance with the provisions of this Schedule in respect of the development which is within each such category (subject to the provisions of paragraph 8 above, where the development to which the application relates includes a building or buildings to which sub-paragraph (1) of that paragraph applies); and
- (b) the highest of the amounts so calculated shall be taken as the amount of the fee payable in respect of all of the developments to which the application or deemed application relates.

10. In the case of an application for planning permission which is deemed to have been made by virtue of section 85(7) of the 1972 Act, references in this Schedule to the development to which an application relates shall be construed as references to the use of land or the operations (as the case may be) to which the relevant enforcement notice relates, references to the amount of floor space or the number of dwellinghouses to be created by the development shall be construed as references to the amount of floor space or the number of dwellinghouses to which that enforcement notice relates, and references to the purposes for which it is proposed that floor space be used shall be construed as references to the purposes for which floor space was used at the date when the enforcement notice was served.

<i>Category of development</i>	<i>Scale of Fees</i>	<i>Fee payable</i>
I. Operations		
1. The erection of dwellinghouses (other than development within class 5 below).	(a) Where the application is for outline planning permission, £40 for each 0·1 hectare of the site area, subject to a maximum of £1,000. (b) In other cases, £40 for each dwelling-house to be created by the development, subject to a maximum of £2,000.	
2. The erection of buildings other than dwellinghouses, or buildings in the nature of plant or machinery.	(a) Where the application is for outline planning permission, £40 for each 0·1 hectare of the site area, subject to a maximum of £1,000; (b) In other cases:— (i) where no floor space is to be created by the development, £20; (ii) where the area of gross floor space to be created by the development does not exceed 40 sq. metres, £20; (iii) where the area of gross floor space to be created by the development exceeds 40 sq. metres but does not exceed 75 sq. metres, £40; and (iv) where the area of gross floor space to be created by the development exceeds 75 sq. metres, £40 for each 75 sq. metres, subject to a maximum of £2,000.	
3. The erection, alteration or replacement of plant or machinery.	£40 for each 0·1 hectare of the site area, subject to a maximum of £2,000.	
4. The winning and working of minerals.	£20 for each 0·1 hectare of the site area, subject to a maximum of £3,000.	
5. The enlargement, improvement or other alteration of an existing dwelling-house, the carrying out of any operations (including the erection of a building) within the curtilage of an existing dwelling-house, for purposes ancillary to the enjoyment of the dwellinghouse as such, or the erection or construction of gates, fences, walls or other means of enclosure along a boundary of the curtilage of an existing dwellinghouse.	£20.	
6. 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.	£20.	
7. The carrying out of any operations not coming within any of the above categories.	£20 for each 0·1 hectare of the site area, subject to a maximum of £200.	

II. *Uses of land.*

8. The making of a material change in the use of a building or land (other than a material change of use coming within category 9). £40.
9. The use as two or more separate dwellinghouses of a building previously used as a single dwellinghouse. £40 for each additional dwellinghouse created by the development.
10. The continuation of a use of land or the retention of a building without compliance with a condition subject to which a previous planning permission has been granted (other than a condition requiring the discontinuance of the use or the removal of the building at the end of a specified period, or a condition prohibiting or limiting the carrying out of development which is within a class specified in Schedule 1 to the General Development Order). £40.

SCHEDULE 2

SCALE OF FEES IN RESPECT OF APPLICATIONS FOR CONSENT TO DISPLAY ADVERTISEMENTS

<i>Category of advertisement</i>	<i>Fee payable</i>
1. Advertisements displayed on business premises wholly with reference to all or any of the following matters:—	£10.
(a) the nature of the business or other activity carried on on the premises;	
(b) the goods sold or the services provided on the premises; or	
(c) the name and qualifications of the person carrying on such business or activity or supplying such goods or services.	
2. Advertisements for the purposes of directing members of the public to, or otherwise drawing attention to the existence of, business premises which are in the same locality as the site on which the advertisement is to be displayed but which are not visible from that site.	£10.
3. All other advertisements.	£40.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations, which are made under section 87 of the Local Government, Planning and Land Act 1980, make provision for the payment of fees to planning authorities in respect of applications made under Part III of the Town and Country Planning (Scotland) Act 1972 for planning permission for development or for approval of matters reserved by an outline planning permission and in respect of applications for consent for the display of advertisements; and for the payment of fees to the Secretary of State in respect of applications for planning permission which are deemed to have been made by virtue of the provisions of section 85(7) or 91(5) of the Act of 1972 in connection with an appeal against an enforcement notice or with an application for an established use certificate.

Regulations 3 and 8 and Schedule 1 provide for the amount of the fee payable in respect of an application under Part III of the Act of 1972, or a deemed application, to be determined by reference to the category of development to which the application or deemed application relates.

The fees payable in respect of the carrying out of operations are in most cases based on a scale of charges, with a maximum limit. Outline applications for planning permission for building operations are based on a scale related to the area of the application site, and are subject to a maximum charge of £1,000. Detailed applications for planning permission for the erection of dwellinghouses are subject to a scale of charges related to the number of dwellinghouses to be created by the development, with a maximum charge of £2,000; and detailed applications relating to other building operations are subject to a scale of charges related to the area of gross floor space to be created by the development, with a maximum charge of £2,000 (where the development will not create any floor space there is a flat-rate charge of £20). Applications (including outline applications) for permission for the enlargement, improvement or other alteration of an existing dwellinghouse, or the carrying out of ancillary operations in the curtilage of an existing dwellinghouse, are subject to a flat-rate charge of £20. A flat-rate charge of £20 is also payable in respect of the construction of car parks, service roads and means of access to serve an existing use. The three other categories of operations, namely the erection, alteration or replacement of plant or machinery, the carrying out of mining operations and the carrying out of operations not covered by any other category, are all subject to scales of charges related to the area of the application site, with maximum charges of £2,000, £3,000 and £200 respectively. For applications for planning permission for the making of a material change of use a flat-rate charge of £40 is payable, except in the case of a material change of use of a building from use as a single dwellinghouse to use as two or more separate dwellinghouses, where the charge is £40 for each additional dwellinghouse created. Applications for planning permission for the continuation of a use or the retention of a building without complying with a condition on a previous planning permission carry a flat-rate charge of £40.

In the case of applications for approval of reserved matters, a flat-rate charge is payable where the application does not relate to any matters concerning the design and external appearance of the building authorised by the outline permission; but where the application does relate to any such matters the normal rates specified in respect of detailed applications for planning permission will apply. The fees payable for deemed applications under section 85(7) of the 1972 Act are the same as those payable for applications for planning permission; and the fees payable in respect of deemed applications under

section 91(5) of the Act are the same as the fees payable in respect of applications for permission for a material change of use.

Provision is made, in paragraph 2 of Schedule 1, for the payment of a reduced fee, in certain circumstances, where more than one application for planning permission for the same development, or more than one application for approval of the same reserved matters, is made by the same applicant within a period of 28 days. There is also a special provision (in paragraph 3 of Schedule 1) for the payment of a flat-rate charge of £40 in respect of certain applications and deemed applications relating to playing fields made by non-profit-making sporting and recreational clubs and societies.

Regulation 9 and Schedule 2 provide for the payment of a fee of £40 in respect of the display of advertisements on each site to which the application relates, save that the fee is reduced to £10 in the case of an application relating solely to the display of certain kinds of advertisement on, or in relation to, business premises (including advertisements giving advance notice of the existence of business premises).

Certain applications and deemed applications made by or on behalf of disabled persons are exempted from the requirement to pay a fee (regulation 4); and applications and deemed applications relating to development which would be permitted by the General Development Order, but in respect of which an application is required because of a direction under article 4 of that Order or because the development is prohibited or restricted by a condition on an earlier planning permission (regulation 5), applications and deemed applications for the renewal of a temporary planning permission (regulation 6) and certain revised applications for planning permission or for approval of reserved details (regulation 7) are also exempted. There are no exemptions in respect of applications for consent for the display of advertisements.

Fees in respect of applications are payable to general and district planning authorities, but regulation 3 provides that where a regional planning authority determine an application after exercising their powers of call-in under section 179(1) of the Local Government (Scotland) Act 1973 the fee shall be remitted to the regional authority.

Under the provisions of regulation 8 the fee paid in respect of a deemed application under section 85(7) of the 1972 Act will be refunded by the Secretary of State in the event of the relevant enforcement notice being withdrawn by the planning authority or the relevant appeal against the enforcement notice being withdrawn before an inquiry is held or a site visit is made, or (except the case of a deemed application relating to use of land as a caravan site) in the event of the Secretary of State quashing the relevant enforcement notice on any of the grounds (b) to (e) set out in section 85(1) of the Act of 1972 (ie on the ground that there has been no breach of planning control as alleged, that the breach is immune from enforcement or that the enforcement notice was not properly served); and the fee paid in respect of a deemed application under section 91(5) will be refunded by the Secretary of State in the event of the appeal in respect of the relevant application for an established use certificate being withdrawn before an inquiry is held or a site visit is made, or in the event of the Secretary of State granting an established use certificate. There is no provision for the refund of fees paid to planning authorities in respect of applications.

SI 1981/443
ISBN 0-11-016443-1



780110 164434