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STATUTORY INSTRUMENTS

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**1990 No. 2474 (S.204)**

**TOWN AND COUNTRY PLANNING, SCOTLAND**

**The Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Amendment Regulations 1990**

*Made - - - - 4th December 1990*

*Coming into force - - 1st January 1991*

The Secretary of State in exercise of the powers conferred on him by section 87 of the Local Government, Planning and Land Act 1980<sup>(1)</sup> and of all other powers enabling him in that behalf, hereby makes the following Regulations, a draft of which has been laid before and approved by resolution of each House of Parliament:

**Citation, commencement, interpretation, application and extent**

1.—(1) These Regulations may be cited as the Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Amendment Regulations 1990.

(2) These Regulations shall come into force on the twenty eighth day after the date on which they are made.

(3) Any reference in these Regulations to “the principal Regulations” shall be construed as a reference to the Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Regulations 1990<sup>(2)</sup>.

(4) These Regulations apply—

(a) where such an application as is referred to in regulation 1(2)(a) other than a deemed application for planning permission, (b) or (c) of the principal Regulations is made on or after the date on which these Regulations come into force; and

(b) where an application for planning permission is deemed to have been made by virtue of section 85(7) or section 91(5) of the Town and Country Planning (Scotland) Act 1972<sup>(3)</sup> in connection with an enforcement notice issued, or an application for an established use certificate made, on or after the date on which these Regulations come into force.

(5) These Regulations extend to Scotland only.

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(1) 1980 c. 65.  
(2) S.I.1990/563.  
(3) 1972 c. 52.

### **General increase in fees**

- 2.—(1) The principal Regulations shall be amended in accordance with this regulation.
- (2) In regulation 12 of the principal Regulations (fees for applications for consent for advertisements) in paragraph (2) for “£32” there shall be substituted “£39”.
- (3) In the Schedule to the principal Regulations—
- (a) in paragraphs 4(1), 6(2), 6(3), 10 and 16 for “£64” there shall be substituted “£77”
  - (b) in paragraph 7 for “£32” there shall be substituted “£39”
  - (c) in paragraph 16 for “£1,600” there shall be substituted “£1,925”; and
  - (d) for the table there shall be substituted the table set out in the Schedule to these Regulations.

### **Miscellaneous amendments**

- 3.—(1) The principal Regulations shall also be amended in accordance with this regulation.
- (2) In regulation 3—
- (a) in paragraph (1), after “regulations 4 to 9” there shall be inserted “and paragraph 8(3) of the Schedule”; and
  - (b) for paragraph (3) there shall be substituted the following paragraph:—

“(3) Where a fee is due in respect of an application it shall be paid to the planning authority with whom the application is lodged and shall accompany the application.”.
- (3) In paragraph 8(2) of the Schedule, for “shall not exceed” there shall be substituted “shall be”; and there shall be inserted at the end of sub-paragraph (2) the words—  
“or the sum of the amounts which would have been payable but for this paragraph, whichever is the lesser.”.

St Andrew’s House,  
Edinburgh  
4th December 1990

*James Douglas-Hamilton*  
Parliamentary Under Secretary of State, Scottish  
Office

## SCHEDULE

Regulation 2(3)(d)

## “TABLE

1 (Category of development)	2 (Fee payable)
<i>I. Operations</i>	
<p>1. The erection of dwellinghouses (other than development within category 5).</p>	<p>Where the application is for–</p> <p>(a) outline planning permission, £77 for each 0.1 hectare of the site area, subject to a maximum of £1,925; or for one dwellinghouse, £77;</p> <p>(b) Other than outline planning permission, £77 for each dwellinghouse to be created by the development, subject to a maximum of £3,850.</p>
<p>2. The erection of buildings (other than buildings coming within category 1, 3 or 5).</p>	<p>Where the application is for–</p> <p>(a) outline planning permission, £77 for each 0.1 hectare of the site area, subject to a maximum of £1,925;</p> <p>(b) other than outline planning permission–</p> <p>(i) where no floor space is to be created by the development, £39;</p> <p>(ii) where the area of gross floor space to be created by the development does not exceed 40 square metres, £39;</p> <p>(iii) where the area of gross floor space to be created by the development exceeds 40 square metres but does not exceed 75 square metres, £77; and</p> <p>(iv) where the area of gross floor space to be created by the development exceeds 75 square metres, £77 for each 75 square metres, subject to a maximum of £3,850.</p>
<p>3. The erection on land used for the purposes of agriculture, of those buildings excluded by virtue of subparagraph (c) in paragraph (1) of class V in Schedule 1 to the General Development Order from that class.</p>	<p>(a) Where the application is for outline planning permission, £77 for each 0.1 hectare of the site area, subject to a maximum of £1,925</p> <p>(b) In all other cases</p>

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1 (Category of development)	2 (Fee payable)
	<ul style="list-style-type: none"> <li>(i) where the area of gross floor space to be created by the development does not exceed 465 square metres, nil;</li> <li>(ii) where the area of gross floor space to be created by the development exceeds 465 square metres but does not exceed 540 square metres, £77;</li> <li>(iii) where the area of gross floor space to be created by the development exceeds 540 square metres, £77 for the first 540 square metres and £77 for each 75 square metres in excess of that figure subject to maximum of £3,850.</li> </ul>
<p>4. The erection, alteration or replacement of plant or machinery.</p>	<p>£77 for each 0.1 hectare of the site area, subject to a maximum of £3,850.</p>
<p>5. The enlargement, improvement or other alteration of existing dwellinghouses.</p>	<ul style="list-style-type: none"> <li>(a) Where the application relates to one dwellinghouse, £39;</li> <li>(b) where the application relates to 2 or more dwellinghouses, £77.</li> </ul>
<ul style="list-style-type: none"> <li>(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;</li> <li>(b) the erection or construction of gates, fences, walls or other means of enclosure along a boundary of the curtilage of an existing dwellinghouse; or</li> <li>(c) 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.</li> </ul>	<p>£39</p>
<p>7. The carrying out of any operations connected with exploratory drilling for oil or natural gas.</p>	<p>£77 for each 0.1 hectare of the site area, subject to a maximum of £5,775.</p>

1 (Category of development)	2 (Fee payable)
<p><b>8.</b> The carrying out of any operations not within categories 1 to 7.</p>	<p>In the case of operations for—</p> <p>(a) the winning and working of minerals, £39 for each 0.1 hectare of the site area, subject to a maximum of £5,850;</p> <p>(b) the winning and working of peat, £39 for each hectare of the site area, subject to a maximum of £585;</p> <p>(c) any other purpose, £39 for each 0.1 hectare of the site area, subject to a maximum of £390.</p>

## II. Uses of Land

- 9.** The change of use of a building to use as one or more separate dwellinghouses. £77 for each additional dwellinghouse to be created by the development, subject to a maximum of £3,850.
- (a) 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; or £39 for each 0.1 hectare of the site area, subject to a maximum of £5,850.
- (b) the use of land for the storage of minerals in the open.
- 11.** The making of a material change in the use of a building or land, other than a material change of use within category 9 or 10. £77.
- 12.** The continuance of a use of land, or the retention of buildings or works on land, without compliance with a condition subject to which a previous planning permission has been granted, including a condition requiring the discontinuance of the use or the removal of the building or works at the end of a specified period. £39.”

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## EXPLANATORY NOTE

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

These Regulations amend the Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Regulations 1990 (“the principal Regulations”), which 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 1972 Act, in connection with an appeal against an enforcement notice or in connection with an application for an established use certificate respectively.

The main change made by the Regulations is that all fees are increased by approximately 20%. A replacement scale of fees (the table in the Schedule to the principal Regulations) is set out in the Schedule.

Some minor drafting amendments have also been made.