

SCHEDULE

Regulations 3(2) and 10(2)

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

PART I

INTRODUCTION

1. In this Schedule—
 - (a) any reference to a category of development shall be taken to mean one of the categories of development specified in column 1 of the table set out in Part III;
 - (b) in the case of an application for approval of reserved matters, references to the category of development to which an application relates shall be construed as references to the category of development authorised by the relevant outline planning permission;
 - (c) 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 to—
 - (i) 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;
 - (ii) 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
 - (iii) 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 stated to be used in the enforcement notice.

PART II

GENERAL PROVISIONS

2. Subject to paragraphs 3 to 10, the fee payable under regulation 3 or regulation 10 for a category of development shall be calculated in accordance with the appropriate entry specified in column 2 of the table set out in Part III of this Schedule and paragraphs 11 to 16.

3. Where an application or deemed application is made or deemed to be made by a community council, established under section 51 of the Local Government (Scotland) Act 1973⁽¹⁾, the fee payable shall be one-half of the amount as would otherwise be payable.

4.—(1) Where an application or deemed application is made or deemed to be made by a club, society, trust or other organisation 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) are satisfied, the fee payable shall be £64.

- (2) The conditions referred to in sub-paragraph (1) are—
 - (a) that the application or deemed application relates to—
 - (i) the making of a material change in the use of land to use as a playing field; or

(1) 1973 c. 65.

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- (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 with whom the application is lodged 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, trust or organisation and used wholly or mainly for the carrying out of its objects.

5.—(1) Where an application for planning permission or for approval of reserved matters—

- (a) is made not more than 28 days after the lodging with the planning authority of an application for planning permission or for approval of reserved matters respectively;
- (b) is made by the same applicant;
- (c) relates to the same site;
- (d) relates to the same development or, in the case of an application for approval of reserved matters, relates to the same reserved matters in respect of the same building or buildings authorised by the same outline planning permission; and
- (e) a fee of the full amount 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 fee payable in respect of the later application shall be one-quarter of the amount paid in respect of the earlier application.

(2) Sub-paragraph (1) shall apply only in respect of one application made by the same applicant in relation to the same development or in relation to the same reserved matters, as the case may be.

6.—(1) This paragraph applies where—

- (a) an application is made for approval of one or more reserved matters (“the current application”);
- (b) the applicant has previously applied for such approval under the same outline planning permission and paid fees in relation to one or more such applications; and
- (c) no application has been made under that permission other than by the applicant.

(2) Where the amount paid as mentioned in sub-paragraph (1)(b) is not less than the amount which would be payable if the applicant were by his current application seeking approval of all the matters reserved by the outline permission and in relation to the whole of the development authorised by the permission, the fee payable in respect of the current application shall be £64.

(3) Where—

- (a) a fee has been paid as mentioned in sub-paragraph (1)(b) at a rate lower than that prevailing at the date of the current application; and
- (b) sub-paragraph (2) would apply if that fee had been paid at the rate applying at that date,

the fee in respect of the current application shall be £64.

7. Where application is made for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted the fee payable in respect of the application shall be £32.

8.—(1) This paragraph applies where applications are made or deemed to have been made by virtue of section 85(7) of the 1972 Act for planning permission or for the approval of reserved matters in respect of the development of land lying in the areas of two or more planning authorities.

(2) The amount payable in respect of all the applications shall not exceed one and a half times the amount which would have been payable if application had been made to a single authority in respect of the whole development.

(3) In applications other than deemed applications the fee payable under sub-paragraph (2) shall accompany only the application to the planning authority in whose area the larger or largest part of the land to which the applications relate is situated.

(4) In deemed applications the fee payable to the Secretary of State shall be the amount which would be payable by virtue of sub-paragraph (2) if applications for the like permission had been made to the relevant planning authorities on the date on which notice of appeal was given in accordance with section 85(2) of the 1972 Act.

9.—(1) Where application is made—

- (a) for planning permission in respect of two or more proposals for the development of the same land; or
- (b) for approval of reserved matters in respect of two or more proposals for the carrying out of the development authorised by an outline planning permission,

and application is made in respect of all of the proposals on the same date and by the same applicant, a single fee shall be payable in respect of all such proposals, calculated as provided in sub-paragraph (2).

(2) Calculations shall be made in accordance with this Schedule of the fee appropriate to each of the proposals and the single fee payable in respect of all the proposals shall be the sum of—

- (a) an amount equal to the highest fee calculated in respect of each of the proposals; and
- (b) an amount calculated by adding together the fees appropriate to all of the proposals, other than the fee referred to in sub-paragraph (a) and dividing that total by the figure of 2.

10. 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 fee payable shall be the sum of £64.

PART III

SCALE OF FEES ETC

11. Where an application or deemed application relates to the retention of buildings or works or to the continuance of a use of land, the fee payable shall be calculated as if the application or deemed application were one for planning permission to construct or carry out those buildings or works or to institute that use.

12. Where, in respect of any category of development 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 an application for planning permission which is deemed to have been made by virtue of section 85(7) of the 1972 Act, the area of land to which the relevant enforcement notice relates; and
- (b) where the area referred to in sub-paragraph (a) 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 as a complete unit.

13. In relation to development within category 2—

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- (a) 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;
- (b) where the area of gross floor space to be created by the development 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.

14.—(1) Where an application, or a deemed application other than an outline application, relates to development which is partly within category 1 and partly within category 2, the following sub-paragraphs shall apply for the purpose of calculating the fee.

(2) The amount of gross floor space which is to be created by that part of the development which is within category 2 (“the non-residential floor space”), shall be calculated and the sum payable in respect of that non-residential floor space shall be added to the sum payable in respect of that part of the development which is within category 1 and, subject to sub-paragraph (4), the result of the addition shall be the fee payable.

(3) For the purpose of sub-paragraph (2) where any of the buildings is to contain floor space 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 (“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.

(4) Where an application or deemed application to which this paragraph applies relates to development which is also within one or more than one of categories 3 to 11 an amount shall be calculated in accordance with each such category and if any of the amounts so calculated exceeds the amount calculated in accordance with sub-paragraph (2) that higher amount shall be the fee payable in respect of all of the development to which the application or deemed application relates.

15. Subject to paragraph 14 where an application or deemed application, other than an outline application, relates to development which is within more than one of the categories—

- (a) an amount shall be calculated in respect of each such category; and
- (b) the highest amount so calculated shall be the fee payable in respect of the application or deemed application.

16. Where an application is for outline planning permission and relates to development which is within more than one of the categories the fee payable in respect of the application shall be £64 for each 0.1 hectares of the site area, subject to a maximum of £1,600.

TABLE

1 (Category of development)	2 (Fee payable)
I. Operations	
1. The erection of dwellinghouses (other than development within category 5).	Where the application is for— (a) (a) outline planning permission, £64 for each 0.1 hectare of the site area, subject to a maximum of £1,600; or for one dwellinghouse, £64;

1 (Category of development)	2 (Fee payable)
	(b) other than outline planning permission, £64 for each dwellinghouse to be created by the development, subject to a maximum of £3,200.
<p>2. The erection of buildings (other than buildings coming within category 1, 3 or 5).</p> <p>2. The erection of buildings (other than buildings coming within category 1, 3 or 5). Where the application is for—</p>	<p>(a) (a) outline planning permission, £64 for each 0.1 hectare of the site area, subject to a maximum of £1,600;</p> <p>(b) other than outline planning permission—</p> <p>(i) where no floor space is to be created by the development, £32;</p> <p>(ii) where the area of gross floor space to be created by the development does not exceed 40 sq metres, £32;</p> <p>(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, £64; and</p> <p>(iv) where the area of gross floor space to be created by the development exceeds 75 sq metres, £64 for each 75 sq metres, subject to a maximum of £3,200.</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) (a) Where the application is for outline planning permission, £64 for each 0.1 hectare of the site area, subject to a maximum of £1,600</p> <p>(b) In all other cases—</p> <p>(i) where the area of gross floor space to be created by the development does not exceed 465 sq metres, nil;</p> <p>(ii) where the area of gross floor space to be created by the development exceeds 465 sq metres but does not exceed 540 square metres, £64;</p> <p>(iii) where the area of gross floor space to be created by the development exceeds 540 sq</p>

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1 (Category of development)	2 (Fee payable)
	metres, £64 for the first 540 sq metres and £64 for each 75 square metres in excess of that figure subject to a maximum of £3,200.
4. The erection, alteration or replacement of plant or machinery.	£64 for each 0.1 hectare of the site area, subject to a maximum of £3,200.
5. The enlargement, improvement or other alteration of existing dwellinghouses.	(a) (a) Where the application relates to one dwellinghouse, £32;
	(b) where the application relates to 2 or more dwellinghouses, £64.
(a) (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;	£32
(b) (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	
(c) (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.	
7. The carrying out of any operations connected with exploratory drilling for oil or natural gas.	£64 for each 0.1 hectare of the site area, subject to a maximum of £4,800.
8. The carrying out of any operations not within categories 1 to 7.	In the case of operations for–
	(a) (a) the winning and working of minerals, £32 for each 0.1 hectare of the site area, subject to a maximum of £4,800;
	(b) the winning and working of peat, £32 for each hectare of the site area, subject to a maximum of £480;
	(c) any other purpose, £32 for each 0.1 hectare of the site area, subject to a maximum of £320.

II. Uses of Land

1	2
(Category of development)	(Fee payable)
9. The change of use of a building to use as one or more separate dwellinghouses.	£64 for each additional dwellinghouse to be created by the development, subject to a maximum of £3,200.
(a) (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	£32 for each 0.1 hectare of the site area, subject to a maximum of £4,800.
(b) (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.	£64.
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.	£32.
