
STATUTORY INSTRUMENTS

1992 No. 3052

**TOWN AND COUNTRY PLANNING,
ENGLAND AND WALES**

**The Town and Country Planning (Fees for Applications and
Deemed Applications) (Amendment) (No. 2) Regulations 1992**

Approved by both Houses of Parliament

Made - - - - 7th December 1992

Coming into force - - 4th January 1993

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred upon them by section 303 of the Town and Country Planning Act 1990(1) and of all other powers enabling them in that behalf, hereby make the following Regulations, a draft of which has been laid before and approved by each House of Parliament:

Citation and commencement

1.—(1) These Regulations may be cited as the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (No. 2) Regulations 1992.

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

Application and interpretation

2.—(1) In these Regulations “the 1989 Regulations” means the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 1989(2).

(2) These Regulations apply—

- (a) to applications referred to in regulations 1(2)(a), (b), (bb) or (c), or 10A, of the 1989 Regulations(3) made on or after the date on which these Regulations come into force;
- (b) to applications referred to in regulation 1(2)(d) of the 1989 Regulations deemed to have been made in connection with an enforcement notice issued on or after the date on which these Regulations come into force.

(1) 1990 c. 8; section 303 was amended by section 6(6) of the Planning and Compensation Act 1991 (c. 34).

(2) S.I.1989/193, amended by S.I. 1990/2473, S.I. 1991/2735 and S.I. 1992/1817.

(3) Regulation 1(2)(bb) was inserted by regulation 4 of S.I. 1991/2735, and regulation 10A was inserted by regulation 4 of S.I. 1992/1817.

General increase in fees

- 3.—(1) In regulation 10A of the 1989 Regulations—
- (a) in paragraph (5)(b), for “£55” substitute “£60”; and
 - (b) in paragraph (6), for “£110” substitute “£120”, for “£55” substitute “£60”, and for “£5,520” substitute “£6,000”.
- (2) In Part I of Schedule 1 to the 1989 Regulations—
- (a) in paragraphs 4(1) and 6(2), for “£110” substitute “£120”;
 - (b) in paragraphs 7 and 7A(b)(4), for “£55” substitute “£60”; and
 - (c) in paragraph 15(2), for “£110” substitute “£120”, and for “£2,760” substitute “£3,000”.
- (3) For Part II of Schedule 1 to the 1989 Regulations (scale of fees) substitute the new Part II set out in Schedule 1 hereto.
- (4) For Schedule 2 to the 1989 Regulations (scale of fees for advertisement applications) substitute the new Schedule 2 set out in Schedule 2 hereto.

Fees for certain applications under the General Development Order

4. For regulation 11A of the 1989 Regulations(5) substitute—
- “11A.—(1) Where an application is made to a local planning authority for their determination as to whether the prior approval of the authority will be required in relation to development under Part 6, Part 7, Part 24 or Part 31 of Schedule 2 to the General Development Order, a fee shall be paid to that authority of £22.
- (2) Any fee paid pursuant to this regulation shall be refunded if the application is rejected as invalidly made.”.

Amendment to Schedule 1 to the 1989 Regulations

5. In Schedule 1 to the 1989 Regulations after paragraph 7A in Part I insert—
- “7B. Where an application is made for the renewal of planning permission and—
- (a) a planning permission has previously been granted for development which has not yet begun, and
 - (b) a limit as to the time by which the development must be begun was imposed under section 91 (limit of duration of planning permission) or section 92 (outline planning permission) of the Town and Country Planning Act 1990 which has not yet expired,
- the fee payable in respect of the application shall be £60.”.

Revocation

- 6.—(1) Subject to paragraph (2), regulation 3 of the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) Regulations 1991(6) is hereby revoked.
- (2) The regulation referred to in paragraph (1) shall continue to have effect in relation to the applications referred to in regulation 1(2)(d) or (e) of the 1989 Regulations deemed to have been made in connection with an enforcement notice issued, or, as the case may be, an application for an established use certificate made, before the date on which these Regulations come into force.

(4) Paragraph 7A was inserted by regulation 6(b) of S.I. [1992/1817](#).

(5) Regulation 11A was substituted by regulation 5 of S.I. [1992/1817](#).

(6) S.I. [1991/2735](#).

(3) Regulation 5 of the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) Regulations 1992(7) is hereby revoked.

2nd December 1992

Michael Howard
Secretary of State for the Environment

7th December 1992

David Hunt
Secretary of State for Wales

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 1

Regulation 3(3)

NEW PART II OF SCHEDULE 1 TO THE 1989 REGULATIONS

SCALE OF FEES

Category of development	Fee payable
I. Operations	
1. The erection of dwellinghouses (other than development within category 6 below).	<p>(a) (a) Where the application is for outline planning permission, £120 for each 0.1 hectare of the site area, subject to a maximum of £3,000;</p> <p>(b) in other cases, £120 for each dwellinghouse to be created by the development, subject to a maximum of £6,000.</p>
2. The erection of buildings (other than buildings coming within categories 1, 3, 4, 5 or 7).	<p>(a) (a) Where the application is for outline planning permission, £120 for each 0.1 hectare of the site area, subject to a maximum of £3,000;</p> <p>(b) in other cases—</p> <p>(i) where no floor space is to be created by the development, £60;</p> <p>(ii) where the area of gross floor space to be created by the development does not exceed 40 sq metres, £60;</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, £120; and</p> <p>(iv) where the area of gross floor space to be created by the development exceeds 75 sq metres, £120 for each 75 sq metres, subject to a maximum of £6,000.</p>
3. The erection, on land used for the purposes of agriculture, of buildings to be used for agricultural purposes (other than buildings coming within category 4).	<p>(a) (a) Where the application is for outline planning permission, £120 for each 0.1 hectare of the site area, subject to a maximum of £3,000;</p> <p>(b) in other cases—</p> <p>(i) where the area of gross floor space to be created by the development does not exceed 465 sq metres, £22;</p>

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Category of development	Fee payable
	(ii) where the area of gross floor space to be created by the development exceeds 465 sq metres but does not exceed 540 sq metres, £120;
	(iii) where the area of gross floor space to be created by the development exceeds 540 sq metres, £120 for the first 540 sq metres and £120 for each 75 sq metres in excess of that figure, subject to a maximum of £6,000.
4. The erection of glasshouses on land used for the purposes of agriculture.	(a) (a) Where the area of gross floor space to be created by the development does not exceed 465 sq metres, £22; (b) where the area of gross floor space to be created by the development exceeds 465 sq metres, £715.
5. The erection, alteration or replacement of plant or machinery.	£120 for each 0.1 hectare of the site area, subject to a maximum of £6,000.
6. The enlargement, improvement or other alteration of existing dwellinghouses.	(a) (a) Where the application relates to one dwellinghouse, £60; (b) where the application relates to 2 or more dwellinghouses, £120.
(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, or the erection or construction of gates, fences, walls or other means of enclosure along a boundary of the curtilage of an existing dwellinghouse; or (b) 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.	£60
8. The carrying out of any operations connected with exploratory drilling for oil or natural gas.	£120 for each 0.1 hectare of the site area, subject to a maximum of £9,000.
9. The carrying out of any operations not coming within any of the above categories.	£60 for each 0.1 hectare of the site area, subject to a maximum of—

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Category of development	Fee payable
	(a) in the case of operations for the winning and working of minerals, £9,000;
	(b) in other cases, £600.
II. Uses of Land	
10. The change of use of a building to use as one or more separate dwellinghouses.	(a) (a) Where the change is from a previous use as a single dwellinghouse to use as two or more single dwellinghouses, £120 for each additional dwellinghouse to be created by the development, subject to a maximum of £6,000;
	(b) in other cases, £120 for each dwellinghouse to be created by the development, subject to a maximum of £6,000.
(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	£60 for each 0.1 hectare of the site area, subject to a maximum of £9,000.
(b) the use of land for the storage of minerals in the open.	
12. The making of a material change in the use of a building or land (other than a material change of use coming within any of the above categories).	£120.

SCHEDULE 2

Regulation 3(4)

NEW SCHEDULE 2 TO THE 1989 REGULATIONS

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

Category of advertisement	Fee payable
1. Advertisements displayed on business premises, on the forecourt of business premises or on other land within the curtilage of business premises, wholly with reference to all or any of the following matters—	£33.
(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	

Category of advertisement	Fee payable
(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.	£33.
3. All other advertisements.	£120.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 1989.

The main change is that all fees currently payable under the 1989 Regulations are increased (by approximately 10%). Replacement scales of fees (Part II of Schedule 1, and Schedule 2, to the 1989 Regulations) are set out in the Schedules. In addition, the following changes have been made to the fees regime—

(1) the fees prescribed at paragraphs 3(b)(i) and 4(a) in Part II of Schedule 1 to the 1989 Regulations have been increased from nil to £22.

(2) a £22 fee has been introduced in respect of applications under Part 24 of Schedule 2 to the General Development Order (development by telecommunications code system operators).

(3) a fixed fee has been introduced in respect of applications for renewal of a planning permission where the development has not been begun and the time for beginning the development has not expired. This equates to the fee payable for applications to which section 73 of the Town and Country Planning Act 1990 relates.