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STATUTORY INSTRUMENTS

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**2012 No. 2920**

**The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012**

**Citation, commencement, application and expiry**

1.—(1) These Regulations may be cited as the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 and shall come into force on the day after the day on which they are made.

(2) These Regulations apply in relation to England only.

<sup>F1</sup>(3) .....

(4) These Regulations apply—

[<sup>F2</sup>(za) to the giving of advice about applying under section 62A of the 1990 Act for any permission, approval or consent;]

(a) to applications for planning permission deemed to have been made, by virtue of section 177(5) of the 1990 Act <sup>M1</sup> (grant or modification of planning permission on appeals against enforcement notices), in connection with an enforcement notice issued on or after the date on which these Regulations come into force; and

(b) to the following applications, site visits and requests made on or after the date on which these Regulations come into force—

(i) applications for planning permission;

[<sup>F3</sup>(iia) applications for permission in principle;]

(ii) applications for approval of reserved matters;

[<sup>F4</sup>(iia) applications under section 62A (applications made directly to Secretary of State) of the 1990 Act;]

(iii) applications under section 191 (certificate of lawfulness of existing use or development) or 192 (certificate of lawfulness of proposed use or development) of the 1990 Act <sup>M2</sup>;

(iv) applications under section 293A of the 1990 Act <sup>M3</sup> (urgent crown development applications);

(v) applications for consent for the display of advertisements;

(vi) applications under the General Permitted Development Order referred to in regulation 14;

(vii) site visits to a mining site or a landfill site;

(viii) requests for confirmation that a condition or conditions attached to a grant of planning permission has or have been complied with;

(ix) applications under section 96A(4) of the 1990 Act <sup>M4</sup> (power to make non-material changes <sup>F5</sup>...); and

**Status:** Point in time view as at 01/09/2020.

**Changes to legislation:** There are currently no known outstanding effects for the *The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012*. (See end of Document for details)

(x) applications under section 17 of the Land Compensation Act 1961 (certificates of appropriate alternative development)<sup>M5</sup>.

#### Textual Amendments

- F1** Reg. 1(3) omitted (23.7.2019) by virtue of *The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2019* (S.I. 2019/1154), regs. 1(2)(a), **2**
- F2** Reg. 1(4)(za) inserted (1.10.2013) by *The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2013* (S.I. 2013/2153), regs. 1(1), **3(1)(a)**
- F3** Reg. 1(4)(b)(iia) inserted (17.1.2018) by *The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2017* (S.I. 2017/1314), regs. 1(1), **3(2)(a)**
- F4** Reg. 1(4)(b)(iia) inserted (1.10.2013) by *The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2013* (S.I. 2013/2153), regs. 1(1), **3(1)(b)**
- F5** Words in reg. 1(4)(b)(ix) omitted (17.1.2018) by virtue of *The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2017* (S.I. 2017/1314), regs. 1(1), **3(2)(b)**

#### Marginal Citations

- M1** Section 177(5) was amended by section 32 of, and paragraphs 8 and 24(3) of Schedule 7 to, the *Planning and Compensation Act 1991* (c. 34) and section 123(1) and (6) of the *Localism Act 2011* (c. 20).
- M2** Sections 191 and 192 were substituted by section 10(1) of the *Planning and Compensation Act 1991* and amended by section 124(3) of the *Localism Act* (c. 20).
- M3** Section 293A was inserted by section 82(1) of the *Planning and Compulsory Purchase Act 2004* (c. 5).
- M4** Section 96A was inserted by section 190(1) and (2) of the *Planning Act 2008*.
- M5** *1961 c. 33*; section 17 was substituted by section 232(3) of the *Localism Act 2011* (c. 20).

#### Interpretation

2.—(1) In these Regulations—

[<sup>F6</sup>“the 1980 Act” means the *Local Government, Planning and Land Act 1980*];

“the 1990 Act” means the *Town and Country Planning Act 1990*;

“the 1989 Regulations” means the *Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 1989*<sup>M6</sup>;

“the 2007 Regulations” means the *Town and Country Planning (Control of Advertisements) (England) Regulations 2007*<sup>M7</sup>;

“the Development Management Procedure Order” means the *Town and Country Planning (Development Management Procedure) (England) Order* [<sup>F7</sup>2015];

“the General Permitted Development Order” means the *Town and Country Planning (General Permitted Development) Order* [<sup>F8</sup>(England) 2015];

“dwellinghouse” means a building<sup>M8</sup> which is used as a single private dwellinghouse and for no other purpose;

“glasshouse” means a building which—

- (a) has not less than three-quarters of its total external area comprised of glass or other translucent material;
- (b) is designed for the production of flowers, fruit, vegetables, herbs or other horticultural produce; and
- (c) is used, or is to be used, solely for the purposes of agriculture;

“householder application” has the same meaning as in article 2(1) of the Development Management Procedure Order (interpretation);

“landfill permission” means any planning permission for—

- (a) operational development of land designed to be used wholly or mainly for the purpose of; or
- (b) any material change of use of land to,

a waste disposal site for the deposit of waste onto or into the land;

“landfill site” means the land to which a landfill permission relates;

[<sup>F9</sup>“Mayoral development corporation” means a corporation which is—

- (a) established for a Mayoral development area, and
- (b) specified as the local planning authority for the purposes of Part 3 of the 1990 Act for all or part of that area,

by an order made by the Secretary of State under section 198 of the Localism Act 2011; and]

“mineral permission” means any planning permission for development consisting of—

- (a) the winning and working of minerals; or
- (b) the depositing of mineral waste;

“mining site” means—

- (a) the aggregate of the land to which any two or more mineral permissions relate where the aggregate of the land—
  - (i) is worked as a single site; or
  - (ii) is treated as a single site by the local planning authority for the purposes of Schedule 13 (review of old mineral planning permissions) or Schedule 14 (periodic review of mineral planning permissions) to the Environment Act 1995 <sup>M9</sup>; and
- (b) in any other case, the land to which a mineral permission relates;

“outline planning permission” and “reserved matters” have the same meaning as in article 2(1) of the Development Management Procedure Order;

“site visit” means entry by a local planning authority on to a mining site or landfill site—

- (a) to ascertain whether there is or has been any breach of planning control on the site;
- (b) to determine whether any of the powers conferred on the local planning authority by Part 7 of the 1990 Act <sup>M10</sup> (enforcement) should be exercised in relation to the site;
- (c) to determine how any such power should be exercised in relation to the site; or
- (d) to ascertain whether there has been any compliance with any requirement imposed as a result of any such power having been exercised in relation to the site; <sup>F10</sup> ...

[<sup>F11</sup>“urban development corporation” means a corporation which is—

- (a) established for an urban development area by an order made by the Secretary of State under section 135 of the 1980 Act; and

**Status:** Point in time view as at 01/09/2020.

**Changes to legislation:** There are currently no known outstanding effects for the The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012. (See end of Document for details)

- (b) specified as the local planning authority for the purposes of Part 3 of the 1990 Act, for all or part of that area in an order made by the Secretary of State under section 149 of the 1980 Act; and]

“use of land” includes use of land for the winning and working of minerals.

(2) Expressions used in regulation 13 and Schedule 2 have, unless the context otherwise requires, the meaning which they bear in the 2007 Regulations.

#### Textual Amendments

- F6** Words in reg. 2 inserted (17.1.2018) by [The Town and Country Planning \(Fees for Applications, Deemed Applications, Requests and Site Visits\) \(England\) \(Amendment\) Regulations 2017 \(S.I. 2017/1314\)](#), regs. 1(1), **4(1)(a)**
- F7** Word in reg. 2(1) substituted (17.1.2018) by [The Town and Country Planning \(Fees for Applications, Deemed Applications, Requests and Site Visits\) \(England\) \(Amendment\) Regulations 2017 \(S.I. 2017/1314\)](#), regs. 1(1), **6(2)**
- F8** Words in reg. 2 substituted (17.1.2018) by [The Town and Country Planning \(Fees for Applications, Deemed Applications, Requests and Site Visits\) \(England\) \(Amendment\) Regulations 2017 \(S.I. 2017/1314\)](#), regs. 1(1), **5(1)** (with reg. 7)
- F9** Words in reg. 2 inserted (17.1.2018) by [The Town and Country Planning \(Fees for Applications, Deemed Applications, Requests and Site Visits\) \(England\) \(Amendment\) Regulations 2017 \(S.I. 2017/1314\)](#), regs. 1(1), **4(1)(b)**
- F10** Word in reg. 2 omitted (17.1.2018) by virtue of [The Town and Country Planning \(Fees for Applications, Deemed Applications, Requests and Site Visits\) \(England\) \(Amendment\) Regulations 2017 \(S.I. 2017/1314\)](#), regs. 1(1), **4(1)(c)**
- F11** Words in reg. 2(1) inserted (17.1.2018) by [The Town and Country Planning \(Fees for Applications, Deemed Applications, Requests and Site Visits\) \(England\) \(Amendment\) Regulations 2017 \(S.I. 2017/1314\)](#), regs. 1(1), **4(1)(c)**

#### Marginal Citations

- M6** [S.I. 1989/193](#), as amended by [S.I. 1990/2473](#), [1991/2735](#), [1992/1817](#), [1992/3052](#), [1993/3170](#), [1996/525](#), [1997/37](#), [2001/2719](#), [2002/768](#), [2005/843](#), [2006/994](#), [2008/958](#) and [2010/472](#).
- M7** [S.I. 2007/783](#), to which there are amendments not relevant to these Regulations.
- M8** “Building” includes any part of a building; *see* the definition of “building” in section 336 of the 1990 Act.
- M9** [1995 c. 25](#); Schedule 13 was amended by sections 76 and 93 of, and paragraph 16 of Part II of Schedule 10 and paragraph 13 of Part I of Schedule 15 to, the [Countryside and Rights of Way Act 2000 \(c. 37\)](#); Schedules 13 and 14 were amended by sections 3 and 4 of, and Part 3 of Schedule 1 and paragraph 60 of Schedule 2 to, the [Planning \(Consequential Provisions\) \(Scotland\) Act 1997 \(c. 11\)](#) and [S.I. 2003/956](#); Schedule 14 was amended by section 118 of, and paragraph 19 of Schedule 7 to, the [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#).
- M10** Part 7 was amended by sections 1 to 11 and 84 of, and paragraph 11 of Schedule 1, paragraphs 22 to 33 of Schedule 7 and Part I of Schedule 19 to, the [Planning and Compensation Act 1991 \(c. 34\)](#), [section 52](#) of the [Planning and Compulsory Purchase Act 2004](#), paragraphs 1, 5 and 6 of Schedule 10 (partially in force, *see* [S.I. 2009/400](#)) and paragraphs 1 and 3 of Schedule 11 to the [Planning Act 2008 \(c. 29\)](#), [S.I. 2003/956](#) and [2009/1307](#), and sections 123 to 126 of, and paragraph 17 of Schedule 12 to, the [Localism Act 2011 \(c. 20\)](#)

## [<sup>F12</sup>Pre-application advice about applying under section 62A of the 1990 Act

**2A.**—(1) Where the Secretary of State gives advice about applying for any permission, approval or consent under section 62A of the 1990 Act (“pre-application advice”), a fee shall be paid to the Secretary of State.

(2) The fee payable in respect of pre-application advice shall be the time (in hours or parts thereof) spent by a planning inspector, or as the case may be, a planning officer, giving such advice multiplied by—

- (a) where the advice is given by a planning inspector, the hourly rate for a planning inspector; or
  - (b) where the advice is given by a planning officer, the hourly rate for a planning officer.
- (3) The hourly rate for a planning inspector, and for a planning officer, shall be—
- (a) set from time to time by the Secretary of State;
  - (b) calculated by reference to the average hourly cost to the Secretary of State of providing the services of a planning inspector or, as the case may be, a planning officer;
  - (c) set at a level which ensures that, taking one financial year with another, the income from fees charged for pre-application advice does not exceed the cost of providing that advice; and
  - (d) published by the Secretary of State in such manner as the Secretary of State considers appropriate.

(4) In this regulation—

“planning inspector” means a person appointed by the Secretary of State under section 76D(1) of, or paragraph 1 of Schedule 6 to, the 1990 Act at any time in the 12 months preceding the request for advice; and

“planning officer” means an officer of the Department for Communities and Local Government working for the part of that Department known as the Planning Inspectorate.]

### Textual Amendments

**F12** Reg. 2A inserted (1.10.2013) by [The Town and Country Planning \(Fees for Applications, Deemed Applications, Requests and Site Visits\) \(England\) \(Amendment\) Regulations 2013 \(S.I. 2013/2153\)](#), regs. 1(1), 2

## [<sup>F13</sup>Pre-application advice given by a Mayoral development corporation or an urban development corporation

**2B.**—(1) Subject to paragraph (2), where a Mayoral development corporation or an urban development corporation (“the corporation”), gives advice to a person at the request of that person about applying for any permission, approval or consent under Part 3 of the 1990 Act (“pre-application advice”), the corporation shall charge that person a fee.

- (2) The corporation may only charge a fee for pre-application advice under paragraph (1) if—
- (a) a fee schedule has been adopted by the corporation in accordance with paragraphs (3) and (4);
  - (b) the requirements of paragraph (5) have been met;
  - (c) the fee schedule has come into effect on or before the date on which the request for pre-application advice is made;
  - (d) the fee schedule meets the requirements in paragraph (6);

**Status:** Point in time view as at 01/09/2020.

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- (e) the fee schedule provides for a fee to be charged for that advice; and
  - (f) the fee is calculated in accordance with the fee schedule.
- (3) A fee schedule is adopted when the corporation resolves to adopt it.
- (4) A corporation may only adopt a fee schedule if it has published a copy of the proposed fee schedule—
- (a) in one or more newspapers, whose circulation or combined circulations cover the corporation’s area; and
  - (b) on its website,
- at least 21 days before the fee schedule is adopted.
- (5) Within 5 days of adopting the fee schedule, the corporation must publish a copy of it on its website and make hard copies of it available on request.
- (6) The fee schedule referred to in paragraph (2) must—
- (a) set out how a fee charged under paragraph (1) is to be calculated; and
  - (b) specify the date on which it comes into effect, which may not be earlier than 10 days after the day on which it is adopted.
- (7) The corporation may amend a fee schedule at any time and, in relation to the charging of a fee under paragraph (1) for advice to which the amendment relates, paragraphs (2) to (6) apply but as if for “fee schedule” there were substituted “amended fee schedule”.]

#### Textual Amendments

**F13** Reg. 2B inserted (17.1.2018) by The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2017 (S.I. 2017/1314), regs. 1(1), 4(2)

#### Fees for planning applications

**3.—**(1) Subject to regulations 4 to 9 and paragraph 8(2) of Part 1 of Schedule 1, where an application is made to a local planning authority for planning permission for the development of land [<sup>F14</sup>, for permission in principle] or for the approval of reserved matters, a fee shall be paid to that authority.

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

(3) Where a fee is due in respect of an application, the fee shall be paid to the local planning authority with whom the application is lodged and shall accompany the application.

(4) Where the local planning authority who receive the fee in accordance with paragraphs (1) to (3)—

- (a) are not the local planning authority who have to determine the application; and
- (b) forward the application to that authority,

they shall remit the fee to that authority at the same time as they forward the application to them.

(5) Any fee paid pursuant to this regulation shall be refunded if the application is rejected as invalid.

### Textual Amendments

- F14** Words in reg. 3(1) inserted (17.1.2018) by [The Town and Country Planning \(Fees for Applications, Deemed Applications, Requests and Site Visits\) \(England\) \(Amendment\) Regulations 2017](#) (S.I. 2017/1314), regs. 1(1), **3(3)**

### Exceptions – access and facilities for disabled persons

4.—(1) Regulation 3 shall not apply where the local planning authority to whom the application is made are satisfied that it relates solely to—

- (a) the carrying out of operations—
- (i) for the alteration or extension of an existing dwellinghouse; or
  - (ii) in the curtilage of an existing dwellinghouse (other than the erection of a 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, or is proposing to take up residence in, that dwellinghouse, or of providing facilities designed to secure that person's greater safety, health or comfort; or
- (b) the carrying out of operations for the purpose of providing means of access for disabled persons to or within a building or premises to which members of the public are admitted (whether on payment or otherwise).

(2) In this regulation, “disabled person” means—

- (a) a person who is within any of the descriptions of persons to whom section 29 of the National Assistance Act 1948 <sup>M11</sup> (welfare arrangements for blind, deaf, dumb and crippled persons, etc) applies; <sup>F15</sup> ...
- (b) a child who is disabled for the purposes of Part 3 of the Children Act 1989 <sup>M12</sup> (local authority support for children and families); [<sup>F16</sup>or
- (c) a person who is aged 18 or over and has a disability within the meaning given by section 6 of the Equality Act 2010 (disability).]

### Textual Amendments

- F15** Word in reg. 4(2)(a) omitted (1.4.2015) by virtue of [The Care Act 2014 \(Consequential Amendments\) \(Secondary Legislation\) Order 2015](#) (S.I. 2015/643), art. 1(2), **Sch. para. 37(a)** (with art. 4); S.I. 2015/993, **art. 2(a)**
- F16** Reg. 4(2)(c) and word inserted (1.4.2015) by [The Care Act 2014 \(Consequential Amendments\) \(Secondary Legislation\) Order 2015](#) (S.I. 2015/643), art. 1(2), **Sch. para. 37(b)** (with art. 4); S.I. 2015/993, **art. 2(a)**

### Marginal Citations

- M11** 1948 c. 29; see subsection (1) of section 29. That subsection was amended by sections 113(1) and 114 of, and Schedule 4 to, the [Mental Health \(Scotland\) Act 1960](#) (c. 61), **section 195** of, and paragraph 2 of Schedule 23 to, the [Local Government Act 1972](#) (c. 70) and section 108 of, and paragraph 11(2) of Schedule 13 to, the [Children Act 1989](#) (c. 41).
- M12** 1989 c. 41; see section 17(11).

*Status: Point in time view as at 01/09/2020.*

*Changes to legislation: There are currently no known outstanding effects for the The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012. (See end of Document for details)*

**Exceptions – permission granted by General Permitted Development Order not applying**

<sup>F17</sup>5. ....

**Textual Amendments**  
**F17** Reg. 5 omitted (17.1.2018) by virtue of [The Town and Country Planning \(Fees for Applications, Deemed Applications, Requests and Site Visits\) \(England\) \(Amendment\) Regulations 2017 \(S.I. 2017/1314\)](#), regs. 1(1), **5(2)** (with reg. 7)

**[<sup>F18</sup>Exception – applications relating to demolition of unlisted etc buildings in conservation areas**

**5A.** Regulation 3 shall not apply where the local planning authority to whom the application is made are satisfied that the application relates solely to development which is relevant demolition (within the meaning of section 196D of the 1990 Act).]

**Textual Amendments**  
**F18** Reg. 5A inserted (1.10.2013) by [The Town and Country Planning \(Fees for Applications, Deemed Applications, Requests and Site Visits\) \(England\) \(Amendment\) Regulations 2013 \(S.I. 2013/2153\)](#), regs. 1(1), **4(1)**

**Exceptions – application relating to same use class necessary because of condition**

**6.** Regulation 3 shall not apply where the local planning authority to whom the application is made are satisfied—

- [<sup>F19</sup>(a) that the application relates solely to the use of a building or other land for a purpose of any class specified—
  - (i) on or before 31st August 2020, in the Schedule to the Town and Country Planning (Use Classes) Order 1987, or
  - (ii) on or after 1st September 2020, in Schedule 1 or 2 of that Order;]
- (b) that the existing use of that building or other land is for another purpose of the same class; and
- (c) that the making of an application for planning permission in respect of the use to which the application relates is necessary by reason of (and only by reason of) the requirements of a condition imposed on a permission granted or deemed to be granted under Part 3 of the 1990 Act.

**Textual Amendments**  
**F19** Reg. 6(a) substituted (1.9.2020) by [The Town and Country Planning \(Use Classes\) \(Amendment\) \(England\) Regulations 2020 \(S.I. 2020/757\)](#), regs. 1(1), **6**

**Exceptions – consolidation of subsisting minerals permissions**

**7.** Regulation 3 shall not apply to impose a fee in relation to an application to a local planning authority for permission to carry out development consisting of the winning and working of minerals where the application—



- (a) is for a permission which consolidates two or more subsisting permissions; and
- (b) does not seek permission for development which is not authorised by a subsisting permission.

**Exemptions – second application relating to development on same site etc.**

8.—(1) Where all the conditions set out in paragraph (2) are satisfied, regulation 3 shall not apply to—

- (a) an application for planning permission which is made following the granting of planning permission for development which the local planning authority are satisfied is development of the same character or description as the development to which the application relates, on an application for planning permission made by or on behalf of the same applicant; <sup>F20</sup> ...
- [<sup>F21</sup>(aa) an application for permission in principle which is made following the granting of permission in principle for development which the local planning authority are satisfied is development of the same character or description as the development to which the application relates, on an application for permission in principle made by or on behalf of the same applicant; or]
- (b) an application for approval of one or more reserved matters which is made following the granting of approval of details relating to the same reserved matters authorised by the same outline planning permission, on an application made by or on behalf of the same applicant.

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

- (a) that the application is made within 12 months of the date of the grant of planning permission [<sup>F22</sup>, grant of permission in principle] or grant of approval of details of reserved matters, as the case may be;
- (b) that the application relates—
  - (i) in the case of an application for planning permission, to the same site as that to which the grant of planning permission related, or to part of that site, and to no other land except land included solely for the purpose of providing a different means of access to the site; <sup>F23</sup> ...
  - [<sup>F24</sup>(ia) in the case of an application for permission in principle, to the same site as that to which the grant of permission in principle related, or to part of that site, and to no other land except land included solely for the purpose of providing a different means of access to the site; or]
  - (ii) in the case of an application for approval of reserved matters, to the same site as that in respect of which the approval was granted, or to part of that site (and no other land);
- (c) in the case of an application for planning permission which is not made in outline, that the planning permission which has been granted is not an outline planning permission; and
- (d) that no application made by or on behalf of the same applicant in relation to the whole or any part of the site has already been exempted from regulation 3 by this regulation.

**Textual Amendments**

**F20** Word in reg. 8(1)(a) omitted (17/1/2018) by virtue of [The Town and Country Planning \(Fees for Applications, Deemed Applications, Requests and Site Visits\) \(England\) \(Amendment\) Regulations 2017 \(S.I. 2017/1314\)](#), regs. 1(1), **3(4)(a)**

**Status:** Point in time view as at 01/09/2020.

**Changes to legislation:** There are currently no known outstanding effects for the The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012. (See end of Document for details)

- F21** Reg. 8(1)(aa) inserted (17.1.2018) by The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2017 (S.I. 2017/1314), regs. 1(1), **3(4)(a)**
- F22** Words in reg. 8(2)(a) inserted (17.1.2018) by The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2017 (S.I. 2017/1314), regs. 1(1), **3(4)(b)**
- F23** Word in reg. 8(2)(b)(i) omitted (17.1.2018) by virtue of The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2017 (S.I. 2017/1314), regs. 1(1), **3(4)(c)**
- F24** Reg. 8(2)(b)(ia) inserted (17.1.2018) by The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2017 (S.I. 2017/1314), regs. 1(1), **3(4)(c)**

### **Exemptions – application following withdrawal of earlier application or refusal of permission etc.**

**9.—(1)** Where all the conditions set out in paragraph (2) are satisfied, 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 a valid application for planning permission made by or on behalf of the same applicant;
- [<sup>F25</sup>(aa) an application for permission in principle which is made following the withdrawal (before notice of the decision was issued) of a valid application for permission in principle 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 local planning authority or by the Secretary of State on appeal or following the reference of the application to the Secretary of State for determination) on a valid application for planning permission made by or on behalf of the same applicant;
- [<sup>F26</sup>(ba) an application for permission in principle which is made following the refusal of permission in principle (whether by the local planning authority or by the Secretary of State on appeal or following the reference of the application to the Secretary of State for determination) on a valid application for permission in principle made by or on behalf of the same applicant;]
- (c) an application for planning permission which is made following the making of an appeal to the Secretary of State under section 78(2) of the 1990 Act (right to appeal against failure to take planning decisions) <sup>M13</sup> in relation to a valid application for planning permission made by or on behalf of the same applicant;
- [<sup>F27</sup>(ca) an application for permission in principle which is made following the making of an appeal to the Secretary of State under section 78(2) of the 1990 Act (right of appeal against failure to take planning decisions) in relation to a valid application for permission in principle made by or on behalf of the same applicant;]
- (d) an application for approval of one or more reserved matters which is made following the withdrawal (before notice of decision was issued) of a valid application made by or on behalf of the same applicant for approval of details relating to the same reserved matters in relation to the same outline planning permission;
- (e) an application for approval of one or more reserved matters which is made following the refusal (whether by the local planning authority or by the Secretary of State on appeal or following the reference of the application to the Secretary of State for determination) to approve details relating to the same reserved matters which were submitted in a valid

- application made by or on behalf of the same applicant and in relation to the same outline planning permission; or
- (f) an application for approval of one or more reserved matters which is made following the making of an appeal to the Secretary of State under section 78(2) of the 1990 Act in relation to a valid application made by or on behalf of the same applicant for approval of details relating to the same reserved matters in relation to the same outline planning permission.
- (2) The conditions referred to in paragraph (1) are—
- (a) that the application is made within 12 months of—
- (i) in the case of an earlier valid application which was withdrawn, the date when that application was received;
- [<sup>F28</sup>(ii) in the case of an application which is made following an appeal under section 78(2) of the 1990 Act, the date when (by virtue of article 27 (applications made under a planning condition) or 34 (time periods for decisions) of the Development Management Procedure Order or article 5S of the Town and Country Planning (Permission in Principle) Order 2017, as the case may be) the period for the giving of notice of a decision on the earlier valid application expired; or]
- (iii) in any other case, the date of the refusal;
- (b) that the application relates—
- (i) in the case of an application for planning permission [<sup>F29</sup>or permission in principle], to the same site as that to which the earlier application related, or to part of that site, and to no other land except land included solely for the purpose of providing a different means of access to the site; or
- (ii) in the case of an application for approval of reserved matters, to the same site as that to which the earlier application related, or to part of that site (and no other land);
- (c) in the case of an application for planning permission [<sup>F30</sup>or permission in principle], that the local 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);
- (d) in the case of an application for planning permission which is not made in outline, that the earlier application was also not made in outline;
- [<sup>F31</sup>(da) in the case of an application for planning permission which is in the form of an application for technical details consent, that the earlier application was also in the form of an application for technical details consent;]
- (e) that the fee payable in respect of the earlier application was paid; and
- (f) that no application made by or on behalf of the applicant in relation to the whole or any part of the site has already been exempted from regulation 3 by this regulation.
- [<sup>F32</sup>(3) In this regulation “valid application” has the same meaning as in article 34(4) of the Development Management Procedure Order or article 5S(3) of the Town and Country Planning (Permission in Principle) Order 2017, as the case may be.]

#### Textual Amendments

- F25** Reg. 9(1)(aa) inserted (17.1.2018) by [The Town and Country Planning \(Fees for Applications, Deemed Applications, Requests and Site Visits\) \(England\) \(Amendment\) Regulations 2017 \(S.I. 2017/1314\)](#), regs. 1(1), **3(5)(a)**

**Status:** Point in time view as at 01/09/2020.

**Changes to legislation:** There are currently no known outstanding effects for the *The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012*. (See end of Document for details)

- F26** Reg. 9(1)(ba) inserted (17.1.2018) by *The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2017* (S.I. 2017/1314), regs. 1(1), **3(5)(b)**
- F27** Reg. 9(1)(ca) inserted (17.1.2018) by *The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2017* (S.I. 2017/1314), regs. 1(1), **3(5)(c)**
- F28** Reg. 9(2)(a)(ii) substituted (17.1.2018) by *The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2017* (S.I. 2017/1314), regs. 1(1), **6(3)(a)**
- F29** Words in reg. 9(2)(b)(i) inserted (17.1.2018) by *The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2017* (S.I. 2017/1314), regs. 1(1), **3(5)(d)**
- F30** Words in reg. 9(2)(c) inserted (17.1.2018) by *The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2017* (S.I. 2017/1314), regs. 1(1), **3(5)(e)**
- F31** Reg. 9(2)(da) inserted (17.1.2018) by *The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2017* (S.I. 2017/1314), regs. 1(1), **3(5)(f)**
- F32** Reg. 9(3) substituted (17.1.2018) by *The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2017* (S.I. 2017/1314), regs. 1(1), **6(3)(b)**

#### Marginal Citations

- M13** Section 78(2) was amended by section 17(2) of the *Planning and Compensation Act 1991* (c.24) and section 43(2) of the *Planning and Compulsory Purchase Act 2004* (c.5).

#### <sup>F33</sup>Refund of fees in relation to planning applications not determined within 26 weeks

**9A.**—(1) Subject to paragraph (2), any fee paid by an applicant in respect of an application for planning permission [<sup>F34</sup>, or permission in principle] or for the approval of reserved matters shall be refunded to the applicant in the event that the local planning authority fail, or the Secretary of State, in relation to an application made under section 62A of the 1990 Act fails, to determine the application within 26 weeks of the date when a valid application was received by the local planning authority or the Secretary of State, as the case may be.

(2) Paragraph (1) does not apply where—

- (a) the applicant and the local planning authority, or, in the case of an application under section 62A of the 1990 Act, the Secretary of State, have agreed in writing that the application is to be determined within an extended period;
- (b) the Secretary of State gives a direction under section 77 of the 1990 Act in relation to the application before the period mentioned in paragraph (1) has expired;
- (c) the applicant has appealed to the Secretary of State under section 78(2) of the 1990 Act before the period mentioned in paragraph (1) has expired; or
- (d) any person who is aggrieved by any decision of the local planning authority or the Secretary of State in relation to the application has made an application to the High Court before the period mentioned in paragraph (1) has expired.

(3) In this regulation [<sup>F35</sup>“valid application” is—

- (a) where the application is made to a local planning authority, to have the same meaning as in article 34(4) of the *Development Management Procedure Order* or article 5S(3) of the *Town and Country Planning (Permission in Principle) Order 2017*, as the case may be;

- (b) where the application is made under section 62A of the 1990 Act, to have the same meaning as in article 8(4) of the Town and Country Planning (Section 62A Applications) (Procedure and Consequential Amendments) Order 2013.]]

#### Textual Amendments

- F33** Reg. 9A inserted (1.10.2013) by [The Town and Country Planning \(Fees for Applications, Deemed Applications, Requests and Site Visits\) \(England\) \(Amendment\) Regulations 2013 \(S.I. 2013/2153\)](#), regs. 1(1), **5(1)**
- F34** Words in [reg. 9A\(1\)](#) inserted (17.1.2018) by [The Town and Country Planning \(Fees for Applications, Deemed Applications, Requests and Site Visits\) \(England\) \(Amendment\) Regulations 2017 \(S.I. 2017/1314\)](#), regs. 1(1), **3(6)**
- F35** Words in [reg. 9A\(3\)](#) substituted (17.1.2018) by [The Town and Country Planning \(Fees for Applications, Deemed Applications, Requests and Site Visits\) \(England\) \(Amendment\) Regulations 2017 \(S.I. 2017/1314\)](#), regs. 1(1), **6(4)**

#### Fees in respect of deemed applications

**10.—(1)** A fee shall be paid to the relevant authority in every case where an application for planning permission is deemed to have been made by virtue of section 177(5) of the 1990 Act ((grant or modification of planning permission on appeals against enforcement notices) <sup>M14</sup> (“a deemed application”).

(2) A fee is only payable in respect of a deemed application under this regulation if a fee would have been payable under these Regulations for an application for planning permission made to the relevant authority on the relevant date in respect of the matters stated in the enforcement notice as constituting a breach of planning control.

(3) The amount of the fee shall be twice the amount of the fee payable to the relevant authority in respect of the application referred to in paragraph (2).

(4) The fee shall be paid in respect of the deemed application by every person who has made a valid appeal against the enforcement notice and whose appeal has not been withdrawn before the date on which the Secretary of State issues a notice under paragraph (6).

(5) The fee shall be paid to the relevant authority.

(6) The fee shall be paid at such time as the Secretary of State may in the particular case specify by notice in writing to the appellant.

(7) This regulation shall not apply where the person who has appealed against the relevant enforcement notice had—

- (a) before the date when the notice was issued, made an application to the local planning authority [<sup>F36</sup>, or, in the case of an application under section 62A of the 1990 Act, the Secretary of State,] for planning permission for the development to which the relevant enforcement notice relates (and had paid to the authority the fee payable in respect of that application); or
- (b) before the date specified in the notice as the date on which the notice is to take effect, made an appeal to the Secretary of State against the refusal of the local planning authority to grant such permission,

and at the date when the relevant enforcement notice was issued that application or, in the case of an appeal, at the date specified in the relevant enforcement as the date on which the notice is to take effect, that appeal, had not been determined.

(8) In the event that the Secretary of State—

**Status:** Point in time view as at 01/09/2020.

**Changes to legislation:** There are currently no known outstanding effects for the The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012. (See end of Document for details)

- (a) declines jurisdiction on the relevant appeal under section 174 of the 1990 Act (appeal against enforcement notice) <sup>M15</sup> on the grounds that it does not comply with one or more of the requirements of subsections (1) to (3) of that section;
- (b) dismisses the relevant appeal in exercise of the powers contained in section 176(3)(a) of the 1990 Act (general provisions relating to determination of appeals) on the grounds that the appellant has failed to comply with section 174(4) of the 1990 Act within the prescribed period; or
- (c) allows the relevant appeal and quashes the relevant enforcement notice in exercise of the powers contained in section 176(3)(b) of the 1990 Act,

any fee paid in respect of the deemed application shall be refunded to the appellant.

(9) In the event of the relevant appeal under section 174 of the 1990 Act being withdrawn with the result that there are at least 21 days between the date of withdrawal and—

- (a) the date (or in the event of postponement, the latest date) appointed for the holding of an inquiry into that appeal; or
- (b) in the case of an appeal which is being dealt with by way of written representations, the date (or in the event of postponement, the latest date) appointed for the inspection of the site to which the enforcement notice relates,

any fee paid in respect of the deemed application shall be refunded to the appellant.

(10) For the purpose of paragraph (9) an appeal shall be treated as being withdrawn on the date on which notice in writing of the withdrawal is received by the Secretary of State.

(11) The reference in paragraph (9)(b) 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 local 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 320 (local inquiries) of, or Schedule 6 (determination of certain appeals by person appointed by Secretary of State) to, the 1990 Act <sup>M16</sup>.

(12) Any fee paid by an appellant in respect of a deemed application shall be refunded to the appellant in the event of the local planning authority withdrawing the relevant enforcement notice before it takes effect or if the Secretary of State decides that the enforcement notice is a nullity.

(13) Save on the determination of an appeal where the Secretary of State issues a certificate under section 191 of the 1990 Act (certificate of lawfulness of existing use or development) <sup>M17</sup> in accordance with section 177(1)(c) of that Act (grant or modification of planning permission on appeals against enforcement notices) <sup>M18</sup>, the fee paid by the appellant in respect of a deemed application shall be refunded to the appellant in the event of the Secretary of State allowing the appeal against the relevant enforcement notice on—

- (a) grounds set out in section 174(2)(b) to (f) of the 1990 Act (appeal against enforcement notice); or
- (b) the ground that the notice is invalid, or that it contains a defect, error or misdescription which cannot be corrected in pursuance of the Secretary of State's powers under section 176(1) of the 1990 Act (general provisions relating to determination of appeals) <sup>M19</sup>.

(14) In the case of a deemed application where—

- (a) an enforcement notice is varied under section 176(1) of the 1990 Act otherwise than to take account of a grant of planning permission under section 177(1) of the 1990 Act; and
- (b) the fee calculated in accordance with paragraphs (2) and (3) would have been a lesser amount if the original notice had been in the terms of the varied notice,

the fee payable shall be that lesser amount and any excess amount already paid shall be refunded.

(15) in determining a fee under sub-paragraph (14) no account shall be taken of any change in fees which takes effect after the making of the deemed application.

(16) In this regulation —

- (a) “relevant authority” means the local planning authority which issued the enforcement notice; and
- (b) “relevant date” means the date on which the appeal against the enforcement notice is made.

#### Textual Amendments

- F36** Words in reg. 10(7)(a) inserted (1.10.2013) by [The Town and Country Planning \(Fees for Applications, Deemed Applications, Requests and Site Visits\) \(England\) \(Amendment\) Regulations 2013](#) (S.I. 2013/2153), regs. 1(1), **3(2)**

#### Marginal Citations

- M14** Section 177(5) was amended by section 32 of, and paragraph 24(3) of Schedule 7 to, the [Planning and Compensation Act 1991](#) (c. 34) and section 123(6) of the [Localism Act 2011](#) (c. 20)
- M15** Section 174 was amended, so far as relevant to these Regulations, by section 6(1) of the [Planning and Compensation Act 1991](#) (c. 34), [S.I. 2003/956](#) and section 123(1) and (4) of the [Localism Act 2011](#) (c. 20).
- M16** Schedule 6 was amended, so far as relevant to these Regulations by paragraph 14 of Schedule 10 (partially in force, *see* [S.I. 2009/400](#)) to, the [Planning Act 2008](#) (c. 29).
- M17** Section 191 was substituted by section 10(1) of the [Planning and Compensation Act 1991](#) and section 124(3) of the [Localism Act](#) (c. 20).
- M18** Section 177(1) was amended by section 32 of, and paragraph 24 of Schedule 7 to, the [Planning and Compensation Act 1991](#).
- M19** Section 176(1) was substituted by section 32 of, and paragraph 23 of Schedule 7 to, the [Planning and Compensation Act 1991](#).

### Fees for applications for certificates of lawful use or development

**11.—**(1) Subject to paragraphs (2), (4) and (8), where an application is made to a local planning authority under section 191 (certificate of lawfulness of existing use or development) or 192 (certificate of lawfulness of proposed use or development) of the 1990 Act <sup>M20</sup> a fee shall be paid to that authority.

(2) This regulation shall not apply where the local planning authority to whom the application is made are satisfied that it relates solely to the carrying out of operations specified in regulation 4 for the purposes specified in that regulation.

(3) Subject to paragraphs (4) to (9), the fee payable in respect of an application to which this regulation applies shall be—

- (a) in the case of an application under section 191(1)(a) or (b) (or under both paragraphs), the amount that would be payable in respect of an application for planning permission to institute the use or carry out the operations specified in the application (or an application for planning permission to do both, as the case may be);
- (b) in the case of an application under section 191(1)(c), [<sup>F37</sup>£234].
- (c) in the case of an application under section 192(1)(a) or (b) (or under both paragraphs), half the amount that would be payable in respect of an application for planning permission to institute the use or carry out the operations specified in the application (or an application for planning permission to do both, as the case may be).

**Status:** Point in time view as at 01/09/2020.

**Changes to legislation:** There are currently no known outstanding effects for the The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012. (See end of Document for details)

- (4) Where all of the conditions set out in paragraph (5) are satisfied, this regulation shall not apply to—
- (a) an application under section 191 or 192 which is made following the withdrawal (before notice of decision was issued) of a valid application made by or on behalf of the same applicant;
  - (b) an application under section 191 or 192 which is made following the refusal of a valid application (whether by the local planning authority or the Secretary of State on appeal) made by or on behalf of the same applicant; or
  - (c) an application which is made following the making of an appeal to the Secretary of State under section 195(1)(b) of the 1990 Act <sup>M21</sup> (appeals against failure to give decision on application) in relation to a valid application made by or on behalf of the same applicant.
- (5) The conditions referred to in paragraph (4) are—
- (a) that the application is made within 12 months of—
    - (i) in the case of an earlier valid application which was withdrawn, the date when that application was received;
    - (ii) in the case of an application which is made following an appeal under section 195(1)(b) of the 1990 Act, the date when (by virtue of <sup>F38</sup>article 39] of the Development Management Procedure Order (certificate of lawful use or development)) the period for the giving of notice of a decision on the earlier valid application expired; or
    - (iii) in any other case, the date of refusal;
  - (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 local planning authority to whom the application is made are satisfied that it relates to a use, operation or other matter of the same description as the use, operation or matter to which the earlier application related and to no other use, operation or matter;
  - (d) that the fee payable in respect of the earlier application was paid; and
  - (e) that no application made by or on behalf of the same applicant in relation to the whole or any part of the site has already been exempted from this regulation by paragraph (4).
- (6) Where a use specified in an application under section 191(1)(a) is use as one or more separate dwellinghouses, the fee payable in respect of that use shall be—
- (a) where the use so specified is use as 50 or fewer dwellinghouses, <sup>F39</sup>£462] for each dwellinghouse;
  - (b) where the use so specified is use as more than 50 dwellinghouses, <sup>F40</sup>£22,859] and an additional <sup>F40</sup>£138] for each dwellinghouse in excess of 50, subject to a maximum in total of <sup>F40</sup>£300,000].
- (7) Where an application is made under section 191(1)(a) or (b) (or under both paragraphs) and under section 191(1)(c), the fee payable shall be the sum of the fees that would have been payable if there had been an application under section 191(1)(a) or (b) (or under both paragraphs, as the case may be) and a separate application under section 191(1)(c).
- (8) In the case of an application which relates to land in the area of two or more local planning authorities, paragraph 8(2) of Part 1 of Schedule 1 shall apply for the purpose of determining the authority to whom the fee shall be payable and the amount payable as it applies in the case of an application for planning permission which relates to such land.
- (9) Where an application is made by or on behalf of a parish council, the fee payable shall be one half of the amount that would otherwise be payable in accordance with paragraphs (3) to (8).



(10) The fee due in respect of an application to which this regulation applies shall accompany the application when it is lodged with the local planning authority.

(11) Where the local planning authority who receive the fee in accordance with this regulation—

(a) are not the local planning authority who have to determine the application; and

(b) forward the application to that authority,

they shall remit the fee to that authority at the same time as they forward the application to them.

(12) Any fee paid pursuant to this regulation shall be refunded if the application is rejected as invalid.

#### Textual Amendments

**F37** Sum in reg. 11(3)(b) substituted (17.1.2018) by [The Town and Country Planning \(Fees for Applications, Deemed Applications, Requests and Site Visits\) \(England\) \(Amendment\) Regulations 2017 \(S.I. 2017/1314\)](#), regs. 1(1), **2(2)(a)** (with reg. 7)

**F38** Words in reg. 11(5)(a)(ii) substituted (17.1.2018) by [The Town and Country Planning \(Fees for Applications, Deemed Applications, Requests and Site Visits\) \(England\) \(Amendment\) Regulations 2017 \(S.I. 2017/1314\)](#), regs. 1(1), **6(5)**

**F39** Sum in reg. 11(6)(a) substituted (17.1.2018) by [The Town and Country Planning \(Fees for Applications, Deemed Applications, Requests and Site Visits\) \(England\) \(Amendment\) Regulations 2017 \(S.I. 2017/1314\)](#), regs. 1(1), **2(2)(b)** (with reg. 7)

**F40** Sums in reg. 11(6)(b) substituted (17.1.2018) by [The Town and Country Planning \(Fees for Applications, Deemed Applications, Requests and Site Visits\) \(England\) \(Amendment\) Regulations 2017 \(S.I. 2017/1314\)](#), regs. 1(1), **2(2)(c)** (with reg. 7)

#### Marginal Citations

**M20** Section 191 and 192 were substituted by section 10(1) of the Planning and Compensation Act 1991 and section 191 was amended by section 124(3) of the Localism Act (c. 20).

**M21** Section 195(1) was amended by section 32 of, and paragraph 32 of Schedule 7 to, the Planning and Compensation Act 1991.

### [<sup>F41</sup>Fees payable in respect of applications under section 62A of the 1990 Act

**11A.—**(1) When an application is made under section 62A of the 1990 Act a fee is payable to the Secretary of State.

(2) A fee is only payable under this regulation if a fee would have been payable to a local planning authority under these Regulations (excluding regulation 8 or 9) had the application been made to that authority (“the relevant authority”).

(3) The amount of the fee payable to the Secretary of State under paragraph (1) shall be the same as the amount of the fee that would have been payable to the relevant authority under these Regulations.

(4) Where all the conditions set out in paragraph (5) are satisfied, paragraph (1) shall not apply to—

(a) an application for planning permission, which is made following the granting of planning permission (by the Secretary of State under section 62A of the 1990 Act), for development which the Secretary of State is satisfied is development of the same character or description as the development to which the application relates, on an application for planning permission made by or on behalf of the same applicant; or

(b) an application for approval of one or more reserved matters, which is made following the granting of approval (by the Secretary of State under section 62A of the 1990 Act)

*Status: Point in time view as at 01/09/2020.*

*Changes to legislation: There are currently no known outstanding effects for the The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012. (See end of Document for details)*

of details relating to the same reserved matters authorised by the same outline planning permission, on an application made by or on behalf of the same applicant.

- (5) The conditions referred to in paragraph (4) are—
- (a) that the application is made within 12 months of the date of the grant of planning permission or grant of approval of details of reserved matters, as the case may be;
  - (b) that the application relates—
    - (i) in the case of an application for planning permission, to the same site as that to which the grant of planning permission related, or to part of that site, and to no other land except land included solely for the purpose of providing a different means of access to the site; or
    - (ii) in the case of an application for approval of reserved matters, to the same site as that in respect of which the approval was granted, or to part of that site (and no other land);
  - (c) in the case of an application for planning permission which is not made in outline, that the planning permission which has been granted is not an outline planning permission; and
  - (d) that no application made by or on behalf of the same applicant in relation to the whole or any part of the site has already been exempted by paragraph (4).
- (6) Where all the conditions set out in paragraph (7) are satisfied, paragraph (1) shall not apply to—
- (a) an application for planning permission which is made following the withdrawal (before notice of decision was issued) of a valid application for planning permission made to the Secretary of State under section 62A of the 1990 Act by or on behalf of the same applicant;
  - (b) an application for planning permission which is made following the refusal of planning permission (by the Secretary of State under section 62A of the 1990 Act) on a valid application for planning permission made by or on behalf of the same applicant;
  - (c) an application for approval of one or more reserved matters which is made following the withdrawal (before notice of decision was issued) of a valid application made to the Secretary of State under section 62A of the 1990 Act by or on behalf of the same applicant for approval of details relating to the same reserved matters in relation to the same outline planning permission; or
  - (d) an application for approval of one or more reserved matters which is made following the refusal (by the Secretary of State under section 62A of the 1990 Act) to approve details relating to the same reserved matters which were submitted in a valid application made by or on behalf of the same applicant and in relation to the same outline planning permission.
- (7) The conditions referred to in paragraph (6) are—
- (a) that the application is made within 12 months of—
    - (i) in the case of an earlier valid application which was withdrawn, the date when that application was received; or
    - (ii) in any other case, the date of the refusal;
  - (b) that the application relates—
    - (i) in the case of an application for planning permission, to the same site as that to which the earlier application related, or to part of that site, and to no other land except land included solely for the purpose of providing a different means of access to the site; or
    - (ii) in the case of an application for approval of reserved matters, to the same site as that to which the earlier application related, or to part of that site (and no other land);

**Changes to legislation:** There are currently no known outstanding effects for the *The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012*. (See end of Document for details)

- (c) in the case of an application for planning permission, that the Secretary of State is 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);
- (d) in the case of an application for planning permission which is not made in outline, that the earlier application was also not made in outline;
- (e) that the fee payable in respect of the earlier application was paid; and
- (f) that no application made by or on behalf of the applicant in relation to the whole or any part of the site has already been exempted by paragraph (6).

(8) In this regulation “valid application” has the same meaning as in <sup>F42</sup>article 8(4) of the Town and Country Planning (Section 62A Applications) (Procedure and Consequential Amendments) Order 2013.]

(9) Any fee paid under this regulation shall be refunded if the application is rejected as invalid.]

#### Textual Amendments

**F41** Reg. 11A inserted (1.10.2013) by *The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2013* (S.I. 2013/2153), regs. 1(1), **3(3)**

**F42** Words in reg. 11A(8) substituted (17.1.2018) by *The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2017* (S.I. 2017/1314), regs. 1(1), **6(6)**

#### Fee payable in respect of urgent crown development applications

**12.**—(1) When an application is made to the Secretary to State under section 293A of the 1990 Act (urgent crown development applications) <sup>M22</sup> a fee is payable to the Secretary of State.

(2) A fee is only payable under this regulation if a fee would have been payable to the relevant authority under these Regulations had the application for planning permission <sup>F43</sup> or permission in principle, as the case may be,] set out in the application under section 293A of the 1990 Act been made to that authority.

(3) The amount of the fee payable to the Secretary of State under paragraph (1) shall be the same as the amount of the fee that would have been payable to the relevant authority under these Regulations.

(4) In this regulation “relevant authority” means the local planning authority to whom the fee would have been payable in accordance with these Regulations had the application been made to one or more local planning authorities.

(5) Any fee paid under this regulation shall be refunded if the application is rejected as invalid.

#### Textual Amendments

**F43** Words in reg. 12(2) inserted (17.1.2018) by *The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2017* (S.I. 2017/1314), regs. 1(1), **3(7)**

#### Marginal Citations

**M22** Section 293A was inserted by section 82(1) of the *Planning and Compulsory Purchase Act 2004* (c. 5).

**Fees for applications for consent for advertisements**

13.—(1) Subject to paragraphs (9) and (11), where an application is made to a local planning authority under regulation 9 of the 2007 Regulations (applications for express consent) for consent for the display of an advertisement, a fee shall be paid to that authority in accordance with this regulation.

(2) Where the application relates to the display of one advertisement only the fee payable in respect of the application shall be the amount specified in the table in Schedule 2 for the appropriate category.

(3) 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 and listed in the application and—

- (a) if all of the advertisements are within the same category the fee payable shall be the amount specified for that category;
- (b) if all of the advertisements are within categories 1 and 2 the fee payable shall be the amount specified for category 1;
- (c) if one or more of the advertisements is within category 3 the fee payable shall be the amount specified for category 3.

(4) Where the application relates to the display of advertisements on parking meters, litter bins, public seating benches, bus shelters or charging points for electric vehicles within a specified area, the whole of the area to which the application relates shall be treated as one site for the purpose of this regulation.

(5) Where the application relates to the display of advertisements on more than one site, the fee payable in respect of the application shall be the aggregate of the sums payable in respect of the display of advertisements on each such site.

(6) Where the application is made by or on behalf of a parish council, the fee payable in respect of the application shall be one half of the amount that would otherwise be payable under this regulation.

(7) The fee due in respect of an application to which this regulation applies shall accompany the application when it is lodged with the local planning authority.

(8) Where the local planning authority who receive the fee in accordance with this regulation—

- (a) are not the local planning authority who have to determine the application; and
- (b) forward the application to that authority,

they shall remit the fee to that authority at the same time as they forward the application to them.

(9) Where all of the conditions set out in paragraph (10) are satisfied, this regulation shall not apply to—

- (a) an application under regulation 9 of the 2007 Regulations which is made following the withdrawal (before notice of decision was issued) of a valid application made by or on behalf of the same person; or
- (b) an application under that regulation which is made following the refusal of consent (whether by the local planning authority or by the Secretary of State on appeal) for the display of advertisements on a valid application made by or on behalf of the same person.

(10) The conditions referred to in paragraph (9) are—

- (a) that the application is made within 12 months of—
  - (i) in the case of an earlier valid application which was withdrawn, the date when that application was received; or
  - (ii) in any other case, the date of refusal;

- (b) that the application relates to the same site or sites as that to which the earlier application related, or to part of that site;
- (c) that the local planning authority to whom the application is made are satisfied that it relates to an advertisement, or advertisements, of the same description as the advertisement or advertisements to which the earlier application related;
- (d) that the fee payable in respect of the earlier application was paid; and
- (e) that no previous application has at any time been made by or on behalf of the same applicant which related to—
  - (i) the same site as that to which the earlier application related, or to part of that site; and
  - (ii) an advertisement, or advertisements, of the same description as the advertisement (or any of the advertisements) to which the earlier application related,and which was exempted from the provisions of this regulation by paragraph (9).

(11) No fee is payable under this regulation in respect of an application for consent to display an advertisement if the application is occasioned by a direction under regulation 7 of the 2007 Regulations (directions restricting deemed consent) disapplying regulation 6 of those Regulations (deemed consent for the display of advertisements) in relation to the advertisement (or any of the advertisements) in question.

(12) Any fee paid pursuant to this regulation shall be refunded if the relevant application is rejected as invalid.

(13) In this regulation “site” has the same meaning as in the 2007 Regulations.

### **Fees for certain applications under the General Permitted Development Order**

**14.**—(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 Schedule 2 to the General Permitted Development Order (permitted development)<sup>M23</sup> a fee shall be paid to that authority of the following amounts—

- [<sup>F44</sup>(za) for an application under any Part of that Schedule relating to development which involves the making of any material change in the use of any buildings or other land, except for an application under Part 4 (temporary buildings and uses), £96;
- [<sup>F45</sup>(zab) for an application under Part 1 of that Schedule relating to development permitted by Class A of that Part (enlargement, improvement or other alteration of a dwellinghouse) which exceeds the limits in paragraph A.1(f) of that Class but is allowed by paragraph A.1(g), £96;]
- (zb) for an application under Part 3 of that Schedule relating to development consisting of the making of a material change in the use of any buildings or other land and building operations in connection with that change of use, £206;
  - (a) for an application under Parts 4 (temporary buildings and uses), 6 (agricultural and forestry), 7 (non-domestic extensions, alterations etc), 11 (heritage and demolition) or 14 (renewable energy) of that Schedule, £96; and
  - (b) for an application under Part 16 of that Schedule (communications), £462.]

[<sup>F46</sup>(1A) This regulation shall not apply to impose a fee in relation to an application of a type described in paragraph (1)(za) [<sup>F47</sup>, (zab)] [<sup>F48</sup> or (zb)] (“the approval application”) where—

- (a) a fee is payable under these Regulations for an application for planning permission made in respect of proposals for development of a site which includes buildings or other land which are the subject of the approval application, and

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**Changes to legislation:** There are currently no known outstanding effects for the *The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012*. (See end of Document for details)

- (b) that application for planning permission is made on the same date and by or on behalf of the same applicant as the approval application.]

[<sup>F49</sup>(1B) This regulation shall not apply to impose a fee in relation to an application of a type described in paragraph (1)(zab) (“the approval application”) where the local planning authority to whom the approval application is made are satisfied that the application relates solely to operations referred to in sub-paragraph (a) or (b) of regulation 4(1).]

- (2) Where the local planning authority who receive the fee in accordance with this regulation—

- (a) are not the local planning authority who have to determine the application; and  
(b) forward the application to that authority,

they shall remit the fee to that authority at the same time as they forward the application to them.

- (3) Any fee paid pursuant to this regulation shall be refunded if the application is rejected as invalid.

#### Textual Amendments

- F44** Regs. 14(za)-(b) substituted (17.1.2018) by *The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2017* (S.I. 2017/1314), regs. 1(1), **5(3)** (with reg. 7)
- F45** Reg. 14(1)(zab) inserted (19.8.2019) by *The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2019* (S.I. 2019/1154), regs. 1(2)(b), **3(2)** (with reg. 4)
- F46** Reg. 14(1A) inserted (1.10.2013) by *The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2013* (S.I. 2013/2153), regs. 1(1), **6(3)**
- F47** Word in reg. 14(1A) inserted (19.8.2019) by *The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2019* (S.I. 2019/1154), regs. 1(2)(b), **3(3)** (with reg. 4)
- F48** Words in reg. 14(1A) inserted (31.7.2014) by *The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) (No. 2) Regulations 2014* (S.I. 2014/2026), regs. 1(1), **2(3)** (with reg. 3)
- F49** Reg. 14(1B) inserted (19.8.2019) by *The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2019* (S.I. 2019/1154), regs. 1(2)(b), **3(4)** (with reg. 4)

#### Marginal Citations

- M23** Schedule 2 was amended, so far as relevant to these Regulations, by *S.I. 1991/1661*, 1996/252, 1996/528, 1997/366, 1998/462, 1999/293, 1999/1661 2001/1149, 2001/4050, 2001/2718, 2003/2155, 2004/945, 2005/85, 2005/2935, 2006/1282, 2006/1386, 2007/406, 2008/675, 2008/2362, 2010/654, 2010/2134, 2011/2056 and 2011/2085.

### Fees in respect of the monitoring of mining and landfill sites

**15.**—(1) Subject to paragraphs (2) and (3), where a site visit is made to a mining site or a landfill site by a local planning authority, the operator of the site shall pay to the authority a fee of an amount specified in paragraph (4) or (5).

(2) The maximum number of visits to any one such site for which a fee is payable under this regulation in any period of 12 months beginning with the date of the first such visit is—

- (a) where the site is an active site, eight; or  
(b) where the site is an inactive site, one.

(3) Where—

- (a) the person liable to pay the fee in respect of a site visit is the owner of the site; and
- (b) there is more than one owner,

the amount of the fee shall be divided equally by the total number of owners and each owner shall be liable to pay one part of the amount so divided.

(4) Where the whole or a part of the site is an active site, the fee payable shall be [<sup>F50</sup>£397].

(5) In any other case the fee payable shall be [<sup>F51</sup>£132].

(6) In this regulation—

“active site” means the whole or a part of a mining site or landfill site, or a site which is partly a mining site and partly a landfill site, where—

- (a) development to which the relevant mineral permission or landfill permission relates is being carried out to any substantial extent on the site or (as the case may be) that part of it; or
- (b) other works to which a condition attached to such permission relates are being carried out to any substantial extent on the site or (as the case may be) that part of it;

“operator”, in relation to a mining or a landfill site, means—

- (a) the person—
  - (i) carrying out operations on the land consisting of the winning and working of minerals;
  - (ii) using the land for the deposit of mineral waste;
  - (iii) carrying out operations on the land for the purposes of, or using the land as, a waste disposal site for the deposit of waste onto or into the land; or
  - (iv) carrying out on the land other works to which a condition attached to a mineral permission or landfill permission relates;
- (b) where there is more than one person carrying out the operations, works or using the land in a way described in sub-paragraph (a), the person in overall control of the mining site, landfill site or, where a site is both a mining site and a landfill site, the mining site and the landfill site, as the case may be; or
- (c) where there is no person who falls within the description in sub-paragraph (a) or (b), the owner of the site; and

“owner”, in relation to a mining or a landfill site, means—

- (a) the person who is entitled to a tenancy of the site granted or extended for a term of years certain of which not less than seven years remains unexpired, but does not include an underlessee; or
- (b) where there is no person who falls within the description in sub-paragraph (a), the estate owner in respect of the fee simple of the site.

#### Textual Amendments

**F50** Sum in reg. 15(4) substituted (17.1.2018) by [The Town and Country Planning \(Fees for Applications, Deemed Applications, Requests and Site Visits\) \(England\) \(Amendment\) Regulations 2017 \(S.I. 2017/1314\)](#), regs. 1(1), **2(3)(a)** (with reg. 7)

**F51** Sum in reg. 15(5) substituted (17.1.2018) by [The Town and Country Planning \(Fees for Applications, Deemed Applications, Requests and Site Visits\) \(England\) \(Amendment\) Regulations 2017 \(S.I. 2017/1314\)](#), regs. 1(1), **2(3)(b)** (with reg. 7)

**Status:** Point in time view as at 01/09/2020.

**Changes to legislation:** There are currently no known outstanding effects for the *The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012*. (See end of Document for details)

### Fees for confirmation of compliance with condition attached to planning permission

16.—(1) Where a request is made to a local planning authority for written confirmation of compliance with a condition or conditions attached to a grant of planning permission, a fee shall be paid to that authority as follows—

- (a) where the request relates to a permission for development which falls within category 6 or 7 specified in the table set out in Part 2 of Schedule 1, [<sup>F52</sup>£34] for each request;
- (b) where the request relates to a permission for development which falls within any other category of that Schedule, [<sup>F53</sup>£116] for each request.

(2) Any fee paid under this regulation shall be refunded if the local planning authority fails to give the written confirmation requested within a period of twelve weeks beginning on the date on which the authority received the request.

#### Textual Amendments

**F52** Sum in reg. 16(1)(a) substituted (17.1.2018) by [The Town and Country Planning \(Fees for Applications, Deemed Applications, Requests and Site Visits\) \(England\) \(Amendment\) Regulations 2017 \(S.I. 2017/1314\)](#), regs. 1(1), **2(4)(a)** (with reg. 7)

**F53** Sum in reg. 16(1)(b) substituted (17.1.2018) by [The Town and Country Planning \(Fees for Applications, Deemed Applications, Requests and Site Visits\) \(England\) \(Amendment\) Regulations 2017 \(S.I. 2017/1314\)](#), regs. 1(1), **2(4)(b)** (with reg. 7)

#### Modifications etc. (not altering text)

**C1** Reg. 16 applied (with modifications) (7.1.2015) by [The Willington C Gas Pipeline Order 2014 \(S.I. 2014/3328\)](#), arts. 1, **3(4)**

### Fees for applications for non-material changes to planning permission [<sup>F54</sup>or permission in principle]

17.—[<sup>F55</sup>(1)] Where an application is made under section 96A(4) of the 1990 Act (power to make non-material changes <sup>F56</sup>...) applies the following fee shall be paid to the local planning authority—

- (a) if the application is a householder application, [<sup>F57</sup>£34];
- (b) in any other case, [<sup>F58</sup>£234].

(2) Where the local planning authority who receive the fee in accordance with this regulation—

- (a) are not the local planning authority who have to determine the application; and
- (b) forward the application to that authority,

they shall remit the fee to that authority at the same time as they forward the application to them.

#### Textual Amendments

**F54** Words in reg. 17 heading inserted (17.1.2018) by [The Town and Country Planning \(Fees for Applications, Deemed Applications, Requests and Site Visits\) \(England\) \(Amendment\) Regulations 2017 \(S.I. 2017/1314\)](#), regs. 1(1), **3(8)(a)**

**F55** Reg. 17(1): words in reg. 17 renumbered as reg. 17(1) (17.1.2018) by [The Town and Country Planning \(Fees for Applications, Deemed Applications, Requests and Site Visits\) \(England\) \(Amendment\) Regulations 2017 \(S.I. 2017/1314\)](#), regs. 1(1), **2(5)(a)** (with reg. 7)



- F56** Words in reg. 17(1) omitted (17.1.2018) by virtue of *The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2017* (S.I. 2017/1314), regs. 1(1), **3(8)(b)**
- F57** Sum in reg. 17(1)(a) substituted (17.1.2018) by *The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2017* (S.I. 2017/1314), regs. 1(1), **2(5)(b)** (with reg. 7)
- F58** Sum in reg. 17(1)(b) substituted (17.1.2018) by *The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2017* (S.I. 2017/1314), regs. 1(1), **2(5)(c)** (with reg. 7)

### Fees for applications for certificates of appropriate alternative development

**18.**—(1) Where an application is made to a local planning authority under section 17 of the Land Compensation Act 1961 (certification of appropriate alternative development) <sup>M24</sup> a fee shall be paid to that authority.

(2) The fee payable in respect of an application to which this regulation applies shall be [<sup>F59</sup>£234].

(3) Where an application is made by or on behalf of a parish council, the fee payable shall be one half of the amount that would otherwise be payable.

(4) The fee due in respect of an application to which this regulation applies shall accompany the application when it is lodged with the local planning authority.

(5) Where the local planning authority who receive the fee in accordance with this regulation—

- (a) are not the local planning authority who have to determine the application; and
- (b) forward the application to that authority,

they shall remit the fee to that authority at the same time as they forward the application to them.

(6) Any fee paid pursuant to this regulation shall be refunded if the application is rejected as invalid.

#### Textual Amendments

- F59** Sum in reg. 18(2) substituted (17.1.2018) by *The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2017* (S.I. 2017/1314), regs. 1(1), **2(6)** (with reg. 7)

#### Marginal Citations

- M24** 1961 c. 33; section 17 was substituted by section 232(3) of the *Localism Act 2011* (c. 20).

### Review

**19.**—(1) Before the end of the review period, the Secretary of State must—

- (a) carry out a review of these Regulations;
- (b) set out the conclusions of the review in a report; and
- (c) publish the report.

(2) The report must in particular—

- (a) set out the objectives intended to be achieved by the regulatory system established by these Regulations;
- (b) assess the extent to which those objectives are achieved; and

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(c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(3) “Review period” means the period of five years beginning with the day on which these Regulations come into force.

### **Revocations, transitional provisions and savings**

**20.**—(1) Subject to paragraphs (2) and (3), the regulations specified in the first column of the table in Schedule 3 are revoked in so far as they apply to England.

(2) A reference in regulations 8(2)(d), 9(2)(f), 11(5)(e) or 13(10)(e) to the fee for an application being exempted under a particular provision of these Regulations shall be construed as including a reference to the application being exempt from the payment of a fee under (as the case may be) regulation 7, 8, 10A(3) or 11(9) of the 1989 Regulations.

(3) The relevant provisions of the 1989 Regulations shall continue to have effect in relation to any application for planning permission deemed to have been made by virtue of section 177(5) of the 1990 Act <sup>M25</sup> in connection with an enforcement notice issued before the date on which these Regulations come into force.

#### **Marginal Citations**

**M25** Section 177(5) was amended by section 32 of, and paragraph 24(3) of Schedule 7 to, the [Planning and Compensation Act 1991 \(c. 34\)](#) and section 123(6) of the [Localism Act 2011 \(c. 20\)](#).

Signed by authority of the Secretary of State for Communities and Local Government

Department for Communities and Local  
Government

*Nick Boles*  
Minister of State

**Status:**

Point in time view as at 01/09/2020.

**Changes to legislation:**

There are currently no known outstanding effects for the The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012.