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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**

**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>(1)</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), £195;
- (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).

(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>(2)</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—

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(1) 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 \(c. 20\)](#).

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

- (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 article 35 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, £385 for each dwellinghouse;
  - (b) where the use so specified is use as more than 50 dwellinghouses, £19,049, and an additional £115 for each dwellinghouse in excess of 50, subject to a maximum in total of £250,000.
- (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.