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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**

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

5.—(1) Regulation 3 shall not apply where the local planning authority to whom the application is made are satisfied—

- (a) that the application relates solely to development which is within one or more of the classes specified in Schedule 2 to the General Permitted Development Order<sup>(1)</sup> (permitted development); and
- (b) that the permission granted by article 3 of that Order<sup>(2)</sup> (permitted development) does not apply in respect of that development by reason of (and only by reason of)—
  - (i) a direction made under article 4 of that Order<sup>(3)</sup> (directions restricting permitted development) which is in force on the date when the application is made; or
  - (ii) the requirements of a condition imposed on a permission granted or deemed to be granted under Part 3 of the 1990 Act<sup>(4)</sup> (control over development) otherwise than by that Order.

(2) The reference in sub-paragraph (1)(a) to an application which relates to development which is within one or more of the classes specified in Schedule 2 to the General Permitted Development Order shall be construed as including an application for planning permission for the continuance of a use of land, or the retention of buildings or works, without compliance with a condition subject to which a previous planning permission has been granted, where the condition in question prohibits or limits the carrying out of any development which is within one or more of those classes.

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(1) Schedule 2 was amended, so far as relevant to these Regulations by [S.I. 2001/2718](#), [2006/1282](#), [2007/406](#), [2008/675](#), [2010/654](#) and [2011/2056](#).

(2) Article 3 was amended by section 76(7) of the Utilities Act 2000 (c. 27) and [S.I. 1999/293](#), [1999/1783](#), [2003/956](#), [2006/1282](#) and [2011/1824](#).

(3) Article 4 was substituted by [S.I. 2010/654](#).

(4) Part 3 was amended, so far as relevant to these Regulations, by section 16(1) of the Transport and Works Act 1992 (c. 42), sections 40 and 41 of the Planning and Compulsory Purchase Act 2004 (c. 5), section 190 of the Planning Act 2008 (c. 29) and paragraph 2 of Part 1 of Schedule 9 (partially in force, *see* [S.I. 2012/628](#)) to the Localism Act 2011 (c.20).