
STATUTORY INSTRUMENTS

2013 No. 2153

**The Town and Country Planning (Fees for Applications,
Deemed Applications, Requests and Site Visits)
(England) (Amendment) Regulations 2013**

Amendment in relation to refund of fees

5.—(1) After regulation 9 of the 2012 Regulations insert—

“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 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⁽¹⁾ 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⁽²⁾ 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 “valid application” is—

- (a) where the application is made to a local planning authority, to have the same meaning as in article 29(3) of the Development Management Procedure Order;
- (b) where the application is made under section 62A of the 1990 Act, to have the same meaning as in article 29(3) of the Development Management Procedure Order (but with the references in that definition to articles 5, 6, 8 and 12 of that Order being construed as references to those articles as applied by a development order made pursuant to section 76C of the 1990 Act).[”]

(1) Section 77 of the 1990 Act was amended by paragraph 18 of Schedule 7 to the Planning and Compensation Act 1991 (c. 34), section 40(2)(d) of the Planning and Compulsory Purchase Act 2004 (c. 5), paragraph 2 of Schedule 10 to the Planning Act 2008 (c. 29) and paragraph 10 of Schedule 12 to the Localism Act 2011 (c. 20).

(2) Section 78(2) of the 1990 Act was amended by section 17(2) of the Planning and Compensation Act 1991, section 43(2) of the Planning and Compulsory Purchase Act 2004 and section 123(3) of the Localism Act 2011.

Status: This is the original version (as it was originally made).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