
EXPLANATORY NOTE

(This note is not part of the Regulations)

Regulation 2 of these Regulations provides for an increase of approximately 20% for all existing fees to be paid to local planning authorities in respect of applications, deemed applications, requests or site visits in respect of which a fee is payable under the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (S.I. 2012/2920), “the 2012 Regulations”. The increase was offered by Government to all local planning authorities in Command Paper 9352 (paragraph 2.15) if they agreed that the additional money would be re-invested within their planning department. All local planning authorities accepted the offer.

Regulation 3 of these Regulations makes consequential changes to the 2012 Regulations so that a fee will be payable for applications for permission in principle. Permission in principle is a new route to planning permission, see sections 58A and 59A of the Town and Country Planning Act 1990 (c. 8), which were inserted by section 150 of the Housing and Planning Act 2016 (c.22).

Regulation 4(2) of these Regulations inserts new regulation 2B into the 2012 Regulations, so that Mayoral development corporations and urban development corporations can charge for giving advice, in their area, about planning applications at the pre-application stage. Regulation 4(1) inserts into the 2012 Regulations definitions relevant to new regulation 2B. Under section 303(10) of the Town and Country Planning Act 1990, Mayoral development corporations and urban development corporations will be under a duty to secure that, taking one financial year with another, the income from pre-application fees does not exceed the cost to them of giving that advice.

Regulation 5(2) omits regulation 5 of the 2012 Regulations. This means that a planning application fee may be charged by local planning authorities where they have made a direction withdrawing permitted development rights under article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (S.I. 2015/596 “the General Permitted Development Order 2015”) or where permitted development rights have been withdrawn by a condition imposed on a planning permission. Regulation 5(3) is made in consequence of the introduction of new classes of permitted development rights under the General Permitted Development Order 2015, which came into force on 15th April 2015 and the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2017 (S.I. 2017/39) which came into force on 6th April 2017. Class CA of Part 4 of Schedule 2 to that Order permits the provision of temporary state-funded schools on vacant commercial land, Class E of Part 4 of Schedule 2 to that Order permits the temporary use of buildings or land for film making, Class C of Part 7 of that Schedule permits the erection of a collection facility within the curtilage of a shop and Class J(c) of Part 14 of that Schedule permits the installation, alteration or replacement of solar PV equipment with a generating capacity of up to one megawatt on the roof of a non-domestic building. Each of the new permitted development rights are subject to certain matters about which the applicant must seek the prior approval of the local planning authority. Where such an application is made, the fee will be £96.

Cross-references have been updated in the 2012 Regulations following the making of the Town and Country Planning (Development Management Procedure) (England) Order 2015 S.I. 2015/595 and the General Permitted Development Order 2015.

Regulation 7 is a transitional provision. It provides that the changes made by these Regulations, including the increased fees and the introduction of a fee for a prior approval in relation to the new permitted development rights, will only apply where an application, request or site visit is made or deemed to have been made on or after the coming into force date of these Regulations.

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

An impact assessment was prepared in relation to regulation 5(3) of these Regulations, in respect of the new permitted development rights introduced by the General Permitted Development Order 2015. This covered fees for the prior approvals associated with those rights. The assessment was published alongside that Order at <http://www.legislation.gov.uk/uksi/2015/596/impacts> and copies may be inspected at the Planning Directorate, Department for Communities and Local Government, Fry Building, 2 Marsham Street, London SW1P 4DF. Command Paper 9352 is available on www.gov.uk or copies may be also inspected at the Planning Directorate of the Department for Communities and Local Government at the address given above.