
STATUTORY INSTRUMENTS

2023 No. 1197

**The Town and Country Planning (Fees for Applications,
Deemed Applications, Requests and Site Visits)
(England) (Amendment) Regulations 2023**

PART 1

Introductory

Citation, commencement, extent, application and interpretation

1.—(1) These Regulations may be cited as the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2023.

(2) These Regulations come into force 28 days after the day on which they are made.

(3) These Regulations extend to England and Wales but apply in relation to England only.

(4) In these Regulations—

“the 2012 Fees Regulations” means the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012⁽¹⁾;

“the commencement date” means the day on which these Regulations come into force.

PART 2

Amendment of the 2012 Fees Regulations

Amendment of the 2012 Fees Regulations

2. The 2012 Fees Regulations are amended in accordance with regulations 3 to 17.

Amendment of regulation 3 (fees for planning applications)

3. In regulation 3(1), for “regulations 4 to 9” substitute “regulations 4 to 7”.

Revocation of regulation 8 (exemptions – second application relating to development on same site etc.)

4. Omit regulation 8.

Revocation of regulation 9 (exemptions – application following withdrawal of earlier application or refusal of permission etc.)

5. Omit regulation 9.

Amendment of regulation 9A (refund of fees in relation to planning applications not determined within 26 weeks)

- 6.—(1) Regulation 9A is amended as follows.
 - (2) In the heading, for “26 weeks” substitute “the relevant period”.
 - (3) In paragraph (1), for “26 weeks of the date” to the end substitute “the relevant period”.
 - (4) After paragraph (1) insert—
 - “(1A) For the purposes of paragraph (1), the relevant period is—
 - (a) in the case of a valid application falling within article 34(2)(b) of the Development Management Procedure Order, 16 weeks beginning with the day immediately following the day on which the application is received by the local planning authority;
 - (b) otherwise, the period of 26 weeks beginning with the date on which a valid application is received by the local planning authority or the Secretary of State (as the case may be).”.

Amendment of regulation 11 (fees for applications for certificates of lawful use or development)

- 7.—(1) Regulation 11 is amended as follows.
 - (2) In paragraph (1), for “paragraphs (2), (4) and (8)”, substitute “paragraphs (2) and (8)”.
 - (3) In paragraph (3)—
 - (a) in the words before sub-paragraph (a), for “paragraphs (4) to (9)” substitute “paragraphs (6) to (9) and regulation 18A”.
 - (b) in sub-paragraph (b), for “£234” substitute “£293”.
 - (4) Omit paragraphs (4) and (5).
 - (5) In paragraph (6)—
 - (a) in the words before sub-paragraph (a), after “shall” insert “, subject to regulation 18A,”;
 - (b) for sub-paragraphs (a) and (b) substitute—
 - “(a) where the use so specified is use as fewer than 10 dwellinghouses, £578 for each dwellinghouse;
 - (b) where the use so specified is use as at least 10 but no more than 50 dwellinghouses, £624 for each dwellinghouse;
 - (c) where the use so specified is use as more than 50 dwellinghouses, £30,860 and an additional £186 for each dwellinghouse in excess of 50, subject to a maximum in total of £405,000.”.

Amendment of regulation 11A (fees payable in respect of applications under section 62A of the 1990 Act)

- 8.—(1) Regulation 11A is amended as follows.
 - (2) In paragraph (2) omit “(excluding regulation 8 or 9)”.

- (3) Omit paragraphs (4) to (8).

Amendment of regulation 13 (fees for applications for consent for advertisements)

- 9.—(1) Regulation 13 is amended as follows.
- (2) In paragraph (1), for “paragraphs (9) and (11)” substitute “paragraph (11)”.
- (3) After paragraph (3) insert—
- “(3A) Paragraphs (2) and (3) are subject to regulation 18A.”.
- (4) Omit paragraphs (9) and (10).

Amendment of regulation 14 (fees for certain applications under the General Permitted Development Order)

- 10.—(1) Regulation 14 is amended as follows.
- (2) In paragraph (1)—
- (a) in sub-paragraphs (za), (zab), (zac), (a), (aa), for “£96” substitute “£120”.
- (b) in sub-paragraph (zb), for “£206” substitute “£258”.
- (c) in sub-paragraph (zc), for “£100” substitute “£125”.
- (d) in sub-paragraph (b), for “£462” substitute “£578”.
- (e) omit “and” at the end of sub-paragraph (b);
- (f) after sub-paragraph (b) insert—
- “(ba) for an application under Part 19 of that Schedule (development by the Crown or for national security purposes), £120; and”;
- (g) in sub-paragraph (c), for paragraphs (i) and (ii) substitute—
- “(i) where the number of new dwellinghouses proposed by the development as specified in the written statement accompanying the application is fewer than 10, £418 for each new dwellinghouse;
- (ii) where the number of new dwellinghouses proposed by the development as specified in the written statement accompanying the application is at least 10 but no more than 50, £451 for each new dwellinghouse;
- (iii) where the number of new dwellinghouses proposed by the development as specified in the written statement accompanying the application is more than 50, £22,309, and an additional £135 for each dwellinghouse in excess of 50, subject to a maximum in total of £405,000.”.
- (3) After paragraph (1) insert—
- “(1ZA) Paragraph (1) is subject to regulation 18A.”.
- (4) Omit paragraphs (1C) to (1E).

Amendment of regulation 15 (fees in respect of the monitoring of mining and landfill sites)

- 11.—(1) Regulation 15 is amended as follows.
- (2) In paragraph (1) after “and (3)” insert “and regulation 18A”.
- (3) In paragraph (4), for “£397” substitute “£496”;
- (4) In paragraph (5), for “£132” substitute “£165”.

Amendment of regulation 16 (fees for confirmation of compliance with condition attached to planning permission)

- 12.—(1) Regulation 16 is amended as follows.
- (2) In paragraph (1)—
- (a) in sub-paragraph (a), for “£34” substitute “£43”;
 - (b) in sub-paragraph (b), for “£116” substitute “£145”.
- (3) After paragraph (1) insert—
- “(1A) Paragraph (1) is subject to regulation 18A.”.

Amendment of regulation 17 (fees for applications for non-material changes to planning permission or permission in principle)

- 13.—(1) Regulation 17 is amended as follows.
- (2) In paragraph (1)—
- (a) in sub-paragraph (a), for “£34” substitute “£43”;
 - (b) in sub-paragraph (b), for “£234” substitute “£293”.
- (3) After paragraph (1) insert—
- “(1A) Paragraph (1) is subject to regulation 18A.”.

Amendment of regulation 18 (fees for applications for certificates of appropriate alternative development)

- 14.—(1) Regulation 18 is amended as follows.
- (2) In paragraph (2), for “£234” substitute “£293”.
- (3) After paragraph (2) insert—
- “(2A) Paragraph (2) is subject to regulation 18A.”.

New regulation 18A (annual increase of fees)

15. After regulation 18 insert—

“Fees payable on or after 1st April 2025

18A.—(1) If there is a relevant increase in the consumer prices index, each relevant amount is increased on the fee change date in accordance with paragraph (3).

(2) There is a relevant increase in the consumer prices index if the consumer prices index for the month of September preceding the fee change date is higher than that for the previous September.

- (3) Each relevant amount is increased by the lower of—
- (a) the percentage increase in the consumer prices index, and
 - (b) 10%,

rounded up or down to the nearest £1.

(4) The increase in a relevant amount in accordance with paragraphs (1) to (3) applies only in respect of an application which is, or is deemed to have been, made on or after the fee change date.

- (5) In this paragraph—

“consumer prices index” means the all items consumer prices index published by the Statistics Board(2);

“fee change date” means—

- (a) 1st April 2025, or
- (b) 1st April in any subsequent year;

“relevant amount” means—

- (a) a fee specified in regulation 11(3)(b) or (6)(a), (b) or (c), 14(1)(za) to (c), 15(4) or (5), 16(1)(a) or (b), 17(1)(a) or (b) or 18(2),
- (b) a fee specified in paragraph 3(1), 4(2), 5, 6(b) or 7(1)(a), (b) or (c) of Schedule 1,
- (c) an amount set out in the table in Part 2 of Schedule 1 and expressed in pounds sterling, or
- (d) a fee specified in the table in Schedule 2.”.

Amendment of Schedule 1 (fees in respect of applications and deemed applications for planning permission or for approval of reserved matters)

16.—(1) Schedule 1 is amended as follows.

(2) In Part 1—

- (a) in paragraph 3(1), for “£462” substitute “£578”;
- (b) in paragraph 4(2), for “£462” substitute “£578”;
- (c) in paragraph 5, for “£234” substitute “£293”;
- (d) in paragraph 6(b), for “£234” substitute “£293”.
- (e) in paragraph 7(1)—
 - (i) for “£68” substitute “£85”;
 - (ii) for “£690” substitute “£932”;
 - (iii) for “£234” substitute “£293”;
- (f) in paragraph 12, omit sub-paragraphs (2) and (3);
- (g) in paragraph 14(2), for paragraphs (a) and (b) substitute—
 - “(a) where the site area is less than 0.5 hectares, £578 for each 0.1 hectare (or part thereof) of the site area;
 - (b) where the site area is at least 0.5 hectares but does not exceed 2.5 hectares, £624 for each 0.1 hectare (or part thereof) of the site area;
 - (c) where the site area exceeds 2.5 hectares, £15, 433 and an additional £186 for each 0.1 hectare (or part thereof) in excess of 2.5 hectares, subject to a maximum in total of £202,500.”.

(3) In Part 2 (scale of fees) for the table substitute the table in the Schedule to these Regulations.

Amendment of Schedule 2 (fees for advertisements)

17. In the table in Schedule 2—

- (a) for “£132”, in both places it occurs, substitute “£165”;
- (b) for “£462” substitute “£578”.

(2) The Statistics Board is a body corporate established by section 1 of the Statistics and Registration Service Act 2007 (c. 18).

PART 3

Savings

Removal of second application exemptions: savings in respect of applications made before the commencement date

18.—(1) The 2012 Fees Regulations as they had effect immediately before the commencement date continue to apply on and after that date in relation to any existing second application.

(2) In this regulation “existing second application” means an application mentioned in regulation 8(1), 9(1), 11(4), 11A(4), 13(9) or 14(1C) of the 2012 Fees Regulations as they had effect immediately before the commencement date—

- (a) which was made before the commencement date, and
- (b) in respect of which all of the exemption conditions were satisfied before that date.

(3) For the purposes of paragraph (2) “exemption conditions” means the conditions set out in regulation 8(2), 9(2), 11(5), 11A(5), 13(10) or, as the case may be, 14(1D) of the 2012 Fees Regulations as they had effect immediately before the commencement date.

Removal of second application exemptions: savings for cases where the application period had not ended before the commencement date

19.—(1) This regulation applies where a new second application is made on or after the commencement date.

(2) The 2012 Fees Regulations as they had effect immediately before the commencement date apply for the purposes of determining whether a fee is payable in respect of the new second application.

(3) In this regulation “new second application” means an application—

- (a) mentioned in regulation 8(1), 9(1), 11(4), 11(4A), 13(9) or, as the case may be, 14(1C) of the 2012 Fees Regulations as they had effect immediately before the commencement date, and
- (b) in respect of which the application period had begun but had not ended before that date.

(4) For the purposes of paragraph (3), “the application period” means the period mentioned in regulation 8(2)(a), 9(2)(a), 11(5)(a), 11A(5)(a), 13(10)(a) or, as the case may be, 14(1D)(a) of the 2012 Fees Regulations as they had effect immediately before the commencement date.

Refund of fees: savings

20. Regulation 9A of the 2012 Fees Regulations as it had effect immediately before the commencement date continues to apply on and after that date in respect of any application made before that date.

Amounts of fees: savings

21. The amendments made to the 2012 Fees Regulations by regulations 7(3), 10(2), 11, 12, 13, 14, 16 and 17 of these Regulations do not apply to—

- (a) any application—
 - (i) made before the commencement date, or

- (ii) deemed to have been made, by virtue of section 177(5) of the Town and Country Planning Act 1990, in connection with an enforcement notice issued before the commencement date,
- (b) any request made before the commencement date, or
- (c) any site visit which takes place before the commencement date.

8th November 2023

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