

1989 No. 193

**TOWN AND COUNTRY PLANNING, ENGLAND
AND WALES**

**The Town and Country Planning (Fees for Applications
and Deemed Applications) Regulations 1989**

Made - - - - - 14th February 1989

Coming into force - - - - - 14th March 1989

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred upon them by section 87 of the Local Government, Planning and Land Act 1980(a) and of all other powers enabling them in that behalf, hereby make the following Regulations, a draft of which has been laid before and approved by each House of Parliament:-

Application, citation and commencement

1.—(1) These Regulations may be cited as the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 1989 and shall come into force on the twenty-eighth day after the day on which they are made.

(2) These Regulations apply—

- (a) to applications for planning permission made on or after the date when they come into operation;
- (b) to applications for approval of reserved matters made on or after the date when they come into operation;
- (c) to applications for consent for the display of advertisements made on or after the date when they come into operation;
- (d) to applications for planning permission deemed to have been made, by virtue of section 88B(3) of the Town and Country Planning Act 1971(b), in connection with an enforcement notice issued on or after the date when they come into operation; and
- (e) to applications for planning permission deemed to have been made, by virtue of section 95(6) of the Town and Country Planning Act 1971, in connection with an application for an established use certificate made on or after the date when they come into operation.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

“the 1971 Act” means the Town and Country Planning Act 1971;

“the 1984 Regulations” means the Town and Country Planning (Control of Advertisements) Regulations 1984(c);

(a) 1980 c.65.

(b) 1971 c.78; section 88B was inserted by the Schedule to the Local Government and Planning (Amendment) Act 1981 (c.41).

(c) S.I. 1984/421.

“the General Development Order” means the Town and Country Planning General Development Order 1988(a);

“dwellinghouse” means a building or part of a building which is used as a single private dwellinghouse and for no other purpose;

“glasshouse” means a building which—

(a) has not less than three-quarters of its total external area comprised of glass or other translucent material;

(b) is designed for the production of flowers, fruit, vegetables, herbs or other horticultural produce; and

(c) is used, or is to be used, solely for the purposes of agriculture;

“outline planning permission” and “reserved matters” have the same meaning as in the General Development Order;

“use for residential purposes” means use as a dwellinghouse;

“use of land” includes use of land for the winning and working of minerals.

(2) Subject to paragraph (3) below, expressions used in these Regulations have, unless the context otherwise requires, the meaning which they bear in the 1971 Act.

(3) Expressions used in regulation 11 and Schedule 2 have, unless the context otherwise requires, the meaning which they bear in the 1984 Regulations.

(4) References in regulations 7(2)(d), 8(2)(f), 10(5) and 11(10)(e) and in paragraph 5(1) of Schedule 1 to particular provisions of these Regulations shall be construed as including references to the corresponding provisions of the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 1981(b) and the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 1983(c).

Fees for planning applications

3.—(1) Subject to regulations 4 to 9, where an application is made to a local planning authority for planning permission for the development of land or for the approval of reserved matters, a fee shall be paid to that authority.

(2) The fee payable in respect of the application shall be calculated in accordance with Schedule 1.

(3) The fee due in respect of an application shall (subject to paragraph 8(2) of Schedule 1) be paid to the local planning authority with whom the application is lodged and shall accompany the application.

(4) Where the local planning authority who receive the fee in accordance with paragraphs (1) to (3) are not the local planning authority who have to determine the application, they shall remit the fee to that authority at the same time as they forward the application to them.

(5) Any fee paid pursuant to this regulation shall be refunded if the application is rejected as invalidly made.

Exceptions

4.—(1) Regulation 3 shall not apply where the local planning authority to whom the application is made are satisfied that it relates solely to—

(a) the carrying out of operations for the alteration or extension of an existing dwellinghouse; or

(b) the carrying out of operations (other than the erection of a dwellinghouse) in the curtilage of an existing dwellinghouse,

for the purpose, in either case, of providing means of access to or within the dwellinghouse for a disabled person who is resident in, or is proposing to take up

(a) S.I. 1988/1813.

(b) S.I. 1981/369.

(c) S.I. 1983/1674.

residence in, that dwellinghouse, or of providing facilities designed to secure his greater safety, health or comfort.

(2) Regulation 3 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 for the purpose of providing means of access for disabled persons to or within a building or premises to which members of the public are admitted (whether on payment or otherwise).

(3) In this regulation, "disabled person" means a person who is within any of the descriptions of persons to whom section 29 of the National Assistance Act 1948(a) applies.

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 Development Order; and
- (b) that the permission granted by article 3 of that Order 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 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 III of the 1971 Act 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 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 the said classes.

6. 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 the use of a building or other land for a purpose of any class specified in the Schedule to the Town and Country Planning (Use Classes) Order 1987(b); and
- (b) that the existing use of that building or other land is for another purpose of the same class; and
- (c) that the making of an application for planning permission in respect of the use to which the application relates is necessary by reason of (and only by reason of) the requirements of a condition imposed on a permission granted or deemed to be granted under Part III of the 1971 Act.

7.—(1) Where all the conditions set out in paragraph (2) are satisfied, regulation 3 shall not apply to—

- (a) an application for planning permission which is made following the granting of planning permission for development which the local planning authority are satisfied is development of the same character or description as the development to which the application relates, on an application for planning permission made by or on behalf of the same applicant; or
- (b) an application for approval of one or more reserved matters which is made following the granting of approval of details relating to the same reserved matters authorised by the same outline planning permission, on an application made by or on behalf of the same applicant.

(a) 1948 c.29.

(b) S.I. 1987/764.

(2) The conditions referred to in paragraph (1) are—

- (a) that the application is made within 12 months of the date of the grant of planning permission or grant of approval of details of reserved matters, as the case may be;
- (b) that the application relates—
 - (i) in the case of an application for planning permission, to the same site as that to which the grant of planning permission related, or to part of that site, and to no other land except land included solely for the purpose of providing a different means of access to the site; or
 - (ii) in the case of an application for approval of reserved matters, to the same site as that in respect of which the approval was granted, or to part of that site (and no other land);
- (c) in the case of an application for planning permission which is not made in outline, that the planning permission which has been granted is not an outline planning permission;
- (d) 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 regulation 3 by this regulation.

8.—(1) Where all the conditions set out in paragraph (2) are satisfied, regulation 3 shall not apply to—

- (a) an application for planning permission which is made following the withdrawal (before notice of decision was issued) of an application for planning permission made by or on behalf of the same applicant;
- (b) an application for planning permission which is made following the refusal of planning permission (whether by the local planning authority or by the Secretary of State on appeal or following the reference of the application to him for determination) on an application for planning permission made by or on behalf of the same applicant;
- (c) an application for planning permission which is made following the making of an appeal to the Secretary of State under section 37 of the 1971 Act (appeal in default of planning decision) in relation to an application for planning permission made by or on behalf of the same applicant;
- (d) an application for approval of one or more reserved matters which is made following the withdrawal (before notice of decision was issued) of an application made by or on behalf of the same applicant for approval of details relating to the same reserved matters authorised by the same outline planning permission;
- (e) an application for approval of one or more reserved matters which is made following the refusal (whether by the local planning authority or by the Secretary of State on appeal or following the reference of the application to him for determination) to approve details relating to the same reserved matters which were submitted in an application made by or on behalf of the same applicant and in relation to the same outline planning permission; or
- (f) an application for approval of one or more reserved matters which is made following the making of an appeal to the Secretary of State under section 37 of the 1971 Act in relation to an application made by or on behalf of the same applicant for approval of details relating to the same reserved matters authorised by the same outline planning permission.

(2) The conditions referred to in paragraph (1) are—

- (a) that the application is made within 12 months of—
 - (i) the date when the earlier application was made, in the case of a withdrawn application;
 - (ii) the date when (by virtue of the relevant provisions of the General

Development Order) the period for the giving of notice of a decision on the earlier application expired, in the case of an application which is made following an appeal under section 37 of the 1971 Act; or

- (iii) the date of the refusal, in any other case;
- (b) that the application relates—
 - (i) in the case of an application for planning permission, to the same site as that to which the earlier application related, or to part of that site, and to no other land except land included solely for the purpose of providing a different means of access to the site; or
 - (ii) in the case of an application for approval of reserved matters, to the same site as that to which the earlier application related, or to part of that site (and no other land);
- (c) in the case of an application for planning permission, that the local planning authority to whom the application is made are satisfied that it relates to development of the same character or description as the development to which the earlier application related (and to no other development);
- (d) in the case of an application for planning permission which is not made in outline, that the earlier application was also not made in outline;
- (e) that the fee payable in respect of the earlier application was paid; and
- (f) 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 regulation 3 by this regulation.

9. Regulation 3 shall not apply to impose a fee in relation to an application to a local planning authority for permission to carry out development consisting of the winning and working of minerals where the application—

- (a) is for a permission which consolidates two or more subsisting permissions; and
- (b) does not seek permission for development which is not authorised by a subsisting permission.

Fees for deemed applications

10.—(1) Subject to paragraphs (3), (5) and (6), a fee shall be paid to the Secretary of State in every case where an application for planning permission is deemed to have been made—

- (a) by virtue of section 88B(3) of the 1971 Act (in consequence of an appeal under section 88 of the 1971 Act against an enforcement notice); or
- (b) by virtue of section 95(6) of the 1971 Act (in consequence of an appeal under section 95(2) against a decision of a local planning authority on an application for an established use certificate, or in consequence of an application for an established use certificate which has been referred to the Secretary of State under section 95(1)).

(2) Subject to paragraph (14) and regulation 12(2), the fee payable in respect of a deemed application shall be calculated in accordance with Schedule 1.

(3) In the case of an application deemed to have been made by virtue of section 88B(3) of the 1971 Act, a fee shall be paid in respect of that deemed application by every person who has made a valid appeal against the relevant enforcement notice and whose appeal has not been withdrawn before the date on which the Secretary of State issues a notice under paragraph (4).

(4) The fee due in respect of a deemed application shall be paid at such time as the Secretary of State may in the particular case specify by notice in writing to the appellant or applicant.

(5) In the case of an application deemed to have been made by virtue of section 88(B)(3) of the 1971 Act, this regulation shall not apply where the person who has appealed against the relevant enforcement notice had—

(a) before the date when the notice was issued, made an application to the local planning authority for planning permission for the development to which the relevant enforcement notice relates (and had paid to the authority the fee payable in respect of that application); or

(b) before the date specified in the notice as the date on which the notice is to take effect, made an appeal to the Secretary of State against the refusal of the local planning authority to grant such permission,

and at the date when the relevant enforcement notice was issued that application or, in the case of an appeal made before that date, that appeal, had not been determined.

(6) In the case of an application deemed to have been made by virtue of section 95(6) of the 1971 Act, this regulation shall not apply in any case where—

(a) the relevant application or appeal has been withdrawn; or

(b) the applicant or appellant has been informed that the Secretary of State declines jurisdiction on his application or appeal,

before the Secretary of State issues a notice under paragraph (4).

(7) Regulations 4, 5 and 6 shall apply to a deemed application as they apply to an application for planning permission made to the local planning authority, with the following modifications—

(a) references to the local planning authority to whom the application is made shall be construed as references to the Secretary of State; and

(b) references to the development to which the application relates shall be construed as references to the use of land or the operations to which the relevant enforcement notice relates, or to the use of land in respect of which the relevant application for an established use certificate was made, as the case may be.

(8) In the case of an application deemed to have been made by virtue of section 88B(3) of the 1971 Act, in the event that the Secretary of State—

(a) declines jurisdiction on the relevant appeal under section 88(a) of the 1971 Act on the grounds that it does not comply with one or more of the requirements of subsections (1) to (3) of that section;

(b) dismisses the relevant appeal in exercise of the powers contained in section 88(6)(a) of the 1971 Act (on the grounds that the appellant has failed to comply with subsection (4) of that section); or

(c) allows the relevant appeal and quashes the relevant enforcement notice in exercise of the powers contained in section 88(6)(b) of the 1971 Act (on the grounds that the local planning authority have failed to comply with a requirement of any Regulations made under subsection (5) of that section),

any fee paid in respect of the deemed application shall be refunded to the appellant by the Secretary of State.

(9)(a) In the event of the relevant appeal under section 88 or 95 of the 1971 Act, or the relevant application which has been referred to the Secretary of State under section 95(1) of that Act, being withdrawn with the result that there are at least 21 days between the date of withdrawal and—

(i) the date (or in the event of postponement, the latest date) appointed for the holding of an inquiry into that appeal or application; or

(ii) in the case of an appeal or application which is being dealt with by way of written representations, the date (or in the event of postponement, the latest date) appointed for the inspection of the site to which the enforcement notice or the application for an established use certificate relates,

any fee paid in respect of the deemed application shall be refunded to the appellant or the applicant by the Secretary of State.

(a) Section 88 was substituted by the Schedule to the Local Government and Planning (Amendment) Act 1981 (c.41).

- (b) For the purpose of this paragraph an application or appeal shall be treated as being withdrawn on the date on which notice in writing of the withdrawal is received by the Secretary of State.

(10) The reference in paragraph (9) above to an appeal or application being dealt with by way of written representations shall be construed as a reference to an appeal or application in respect of which neither the appellant or applicant (as the case may be) nor the local planning authority has asked for an opportunity of appearing before and being heard by a person appointed by the Secretary of State and in respect of which no local inquiry is to be held under section 282 of, or Schedule 9 to, the 1971 Act.

(11) In the case of an application which is deemed to have been made by virtue of section 88B(3) of the 1971 Act, any fee paid by an appellant shall be refunded to him by the Secretary of State in the event of the local planning authority withdrawing the relevant enforcement notice before it takes effect or if the Secretary of State decides that the enforcement notice is a nullity.

(12) Save in the case of an application deemed to have been made in connection with an enforcement notice alleging a breach of planning control by the use of land as a caravan site, the fee paid by the appellant in respect of an application deemed to have been made by virtue of section 88B(3) of the 1971 Act shall be refunded to him by the Secretary of State in the event of the Secretary of State allowing the appeal against the relevant enforcement notice on—

- (a) grounds set out in section 88(2) (b) to (f) of the 1971 Act; or
(b) the ground that the notice is invalid, or that it contains an informality, defect or error which cannot be corrected in pursuance of his powers under section 88A(2)(a) of the 1971 Act.

(13) In the case of an application which is deemed to have been made by virtue of section 95(6) of the 1971 Act, the fee paid by the applicant or appellant shall be refunded to him by the Secretary of State in the event of the Secretary of State granting him an established use certificate, or modifying the certificate granted by the local planning authority on the application, in pursuance of the provisions of section 95(1) or section 95(2)(a) of the 1971 Act, or determining that he has no power to grant planning permission under section 95(3) of the 1971 Act (whether because there is no subsisting use of the land in relation to which he may grant planning permission or for any other reason).

(14)(a) In the case of an application which is deemed to have been made by virtue of section 88B(3) of the 1971 Act where—

- (i) an enforcement notice is varied under section 88A otherwise than to take account of a grant of planning permission under section 88B; and
(ii) the fee calculated in accordance with Schedule 1 would have been a lesser amount if the original notice had been in the terms of the varied notice,

the fee payable shall be that lesser amount and any excess amount already paid shall be refunded.

- (b) In determining a fee under sub-paragraph (a) no account shall be taken of any change in fees which takes effect after the making of the deemed application.

Fees for applications for consent for advertisements

11.—(1) Where an application is made to a local planning authority under regulation 17 of the 1984 Regulations for consent for the display of an advertisement, a fee shall be paid to that authority in accordance with this regulation.

(2) Where the application relates to the display of one advertisement only the fee payable in respect of the application shall be the amount specified in the table in Schedule 2 for the appropriate category.

(3) Where the application relates to the display of more than one advertisement on the same site a single fee shall be payable in respect of all of the advertisements to be displayed on that site and listed in the application and—

(a) Section 88A was inserted by the Schedule to the Local Government and Planning (Amendment) Act 1981 (c.41).

- (a) if all of the advertisements are within the same category the fee payable shall be the amount specified for that category;
- (b) if all of the advertisements are within categories 1 and 2 the fee payable shall be the amount specified for category 1;
- (c) if one or more of the advertisements is within category 3 the fee payable shall be the amount specified for category 3.

(4) Where the application relates to the display of advertisements on parking meters, litter bins or bus shelters within a specified area, the whole of the area to which the application relates shall be treated as one site for the purpose of this regulation.

(5) Where the application relates to the display of advertisements on more than one site, the fee payable in respect of the application shall be the aggregate of the sums payable in respect of the display of advertisements on each such site.

(6) Where the application is made by or on behalf of a parish council or community council, the fee payable in respect of the application shall be one-half of the amount appropriate to the display of the advertisement to which the application relates.

(7) The fee due in respect of an application shall be paid to the local planning authority with whom the application is lodged and shall accompany the application.

(8) In the case of an application made in relation to a site within a National Park, the amount of fee shall be remitted to the county planning authority when the application is forwarded to that authority for determination.

(9) Where all of the conditions set out in paragraph (10) are satisfied, this regulation shall not apply to—

- (a) an application which is made following the withdrawal (before notice of decision was issued) of an application made by or on behalf of the same person; or
- (b) an application which is made following the refusal of consent (whether by the local planning authority or by the Secretary of State on appeal) for the display of advertisements on an application made by or on behalf of the same person.

(10) The conditions referred to in paragraph (9) are—

- (a) that the application is made within 12 months of—
 - (i) the date when the earlier application was made, in the case of a withdrawn application; or
 - (ii) 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;
- (c) that the local planning authority to whom the application is made are satisfied that it relates to an advertisement, or advertisements, of the same description as the advertisement or advertisements to which the earlier application related;
- (d) that the fee payable in respect of the earlier application was paid; and
- (e) that no previous application has at any time been made by or on behalf of the same applicant which related to—
 - (i) the same site as the site to which the earlier application related; and
 - (ii) an advertisement of the same description as the advertisement (or any of the advertisements) to which the earlier application related,and which was exempted from the provisions of this regulation by paragraph (9).

(11) No fee is payable under this regulation in respect of an application for consent to display an advertisement if the application is occasioned by a direction under regulation 15 of the 1984 Regulations disapplying regulation 14 in relation to the advertisement in question.

(12) Any fee paid pursuant to this regulation shall be refunded if the relevant application is rejected as invalidly made.

Revocation

12.—(1) Subject to paragraph (2), the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 1983(a), the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) Regulations 1985(b) and the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) Regulations 1987(c) are hereby revoked.

(2) The regulations referred to in paragraph (1) shall continue to apply to applications for planning permission deemed to have been made by virtue of section 88B(3) or section 95(6) of the 1971 Act in connection with an enforcement notice issued or, as the case may be, an application for an established use certificate made before the date when these regulations come into force.

13th February 1989

Nicholas Ridley
Secretary of State for the Environment

14th February 1989

Peter Walker
Secretary of State for Wales

SCHEDULE 1

FEEES IN RESPECT OF APPLICATIONS AND DEEMED APPLICATIONS FOR PLANNING PERMISSION OR FOR APPROVAL OF RESERVED MATTERS

PART I

GENERAL PROVISIONS

1.—(1) Subject to paragraphs 3 to 11, the fee payable under regulation 3 or regulation 10 shall be calculated in accordance with the table set out in Part II of this Schedule and paragraphs 2 and 12 to 16.

(2) In the case of an application for approval of reserved matters, references in this Schedule to the category of development to which an application relates shall be construed as references to the category of development authorised by the relevant outline planning permission.

2. Where an application or deemed application relates to the retention of buildings or works or to the continuance of a use of land, the fee payable shall be calculated as if the application or deemed application were one for planning permission to construct or carry out those buildings or works or to institute that use.

3. Where an application or deemed application is made or deemed to be made by or on behalf of a parish council or by or on behalf of a community council, the fee payable shall be one-half of the amount as would otherwise be payable.

4.—(1) Where an application or deemed application is made or deemed to be made by or on behalf of a club, society or other organisation (including any persons administering a trust) which

(a) S.I. 1983/1674.
(b) S.I. 1985/1182.
(c) S.I. 1987/101.

is not established or conducted for profit and whose objects are the provision of facilities for sport or recreation, and the conditions specified in sub-paragraph (2) are satisfied, the fee payable shall be £76.

(2) The conditions referred to in sub-paragraph (1) are—

- (a) that the application or deemed application relates to—
 - (i) the making of a material change in the use of land to use as a playing field; or
 - (ii) the carrying out of operations (other than the erection of a building containing floor space) for purposes ancillary to the use of land as a playing field, and to no other development; and
- (b) that the local planning authority with whom the application is lodged, or (in the case of a deemed application) the Secretary of State, is satisfied that the development is to be carried out on land which is, or is intended to be, occupied by the club, society or organisation and used wholly or mainly for the carrying out of its objects.

5.—(1) Where an application for planning permission or an application for approval of reserved matters is made not more than 28 days after the lodging with the local planning authority of an application for planning permission or, as the case may be, an application for approval of reserved matters—

- (a) made by or on behalf of the same applicant;
- (b) relating to the same site; and
- (c) relating to the same development or, in the case of an application for approval of reserved matters, relating to the same reserved matters in respect of the same building or buildings authorised by the same outline planning permission,

and a fee of the full amount payable in respect of the category or categories of development to which the applications relate has been paid in respect of the earlier application, the fee payable in respect of the later application shall, subject to sub-paragraph (2), be one-quarter of the amount paid in respect of the earlier application.

(2) Sub-paragraph (1) shall apply only in respect of one application made by or on behalf of the same applicant in relation to the same development or in relation to the same reserved matters (as the case may be).

6.—(1) This paragraph applies where—

- (a) an application is made for approval of one or more reserved matters (“the current application”); and
- (b) the applicant has previously applied for such approval under the same outline planning permission and paid fees in relation to one or more such applications; and
- (c) no application has been made under that permission other than by or on behalf of the applicant.

(2) Where the amount paid as mentioned in sub-paragraph (1)(b) is not less than the amount which would be payable if the applicant were by his current application seeking approval of all the matters reserved by the outline permission (and in relation to the whole of the development authorised by the permission), the fee payable in respect of the current application shall be £76.

(3) Where—

- (a) a fee has been paid as mentioned in sub-paragraph (1)(b) at a rate lower than that prevailing at the date of the current application; and
 - (b) sub-paragraph (2) would apply if that fee had been paid at the rate applying at that date,
- the fee in respect of the current application shall be the amount specified in sub-paragraph (2).

7. Where application is made pursuant to section 31A of the 1971 Act the fee payable in respect of the application shall be £38.

8.—(1) This paragraph applies where applications are made for planning permission or for the approval of reserved matters in respect of the development of land lying in the areas of—

- (a) two or more local planning authorities in a metropolitan county or in Greater London; or
- (b) two or more district planning authorities in a non-metropolitan county; or
- (c) one or more such local planning authorities and one or more such district planning authorities.

(2) A fee shall be payable only to the local planning authority or district planning authority in whose area the largest part of the relevant land is situated and the amount payable shall not exceed—

- (a) where the applications relate wholly or partly to a county matter within the meaning of paragraph 32 of Schedule 16 to the Local Government Act 1972(a), and all the land is situated in a single non-metropolitan county, the amount which would have been payable if application had fallen to be made to one authority in relation to the whole development;
- (b) in any other case, one and a half times the amount which would have been payable if application had fallen to be made to a single authority.

9.—(1) This paragraph applies where application for planning permission is deemed to have been made by virtue of section 88B(3) of the 1971 Act in respect of such land as is mentioned in paragraph 8(1).

(2) The fee payable to the Secretary of State shall be the amount which would be payable by virtue of paragraph 8(2) if application for the like permission had been made to the relevant local or district planning authority on the date on which notice of appeal was given in accordance with section 88(3) of the 1971 Act.

10.—(1) Where—

- (a) application for planning permission is made in respect of two or more alternative proposals for the development of the same land; or
- (b) application for approval of reserved matters is made in respect of two or more alternative proposals for the carrying out of the development authorised by an outline planning permission,

and application is made in respect of all of the alternative proposals on the same date and by or on behalf of the same applicant, a single fee shall be payable in respect of all such alternative proposals, calculated as provided in sub-paragraph (2).

(2) Calculations shall be made, in accordance with this Schedule, of the fee appropriate to each of the alternative proposals and the single fee payable in respect of all the alternative proposals shall be the sum of—

- (a) an amount equal to the highest of the amounts calculated in respect of each of the alternative proposals; and
- (b) an amount calculated by adding together the amounts appropriate to all of the alternative proposals, other than the amount referred to in sub-paragraph (i), and dividing that total by the figure of 2.

11. In the case of an application for planning permission which is deemed to have been made by virtue of section 95(6) of the 1971 Act, the fee payable shall be the sum of £76.

12. Where, in respect of any category of development specified in the table set out in Part II of this Schedule, the fee is to be calculated by reference to the site area—

- (a) that area shall be taken as consisting of the area of land to which the application relates or, in the case of an application for planning permission which is deemed to have been made by virtue of section 88B(3) of the 1971 Act, the area of land to which the relevant enforcement notice relates; and
- (b) where the area referred to in sub-paragraph (a) above is not an exact multiple of the unit of measurement specified in respect of the relevant category of development, the fraction of a unit remaining after division of the total area by the unit of measurement shall be treated as a complete unit.

13.—(1) In relation to development within any of the categories 2 to 4 specified in the table in Part II of this Schedule, the area of gross floor space to be created by the development shall be ascertained by external measurement of the floor space, whether or not it is to be bounded (wholly or partly) by external walls of a building.

(2) In relation to development within category 2 specified in the said table, where the area of gross floor space to be created by the development exceeds 75 sq metres and is not an exact multiple of 75 sq metres, the area remaining after division of the total number of square metres of gross floor space by the figure of 75 shall be treated as being 75 sq metres.

(a) 1972 c.70; relevant amendments are made by section 86 of the Local Government, Planning and Land Act 1980 (c.65).

(3) In relation to development within category 3 specified in the said table, where the area of gross floor space exceeds 540 sq metres and the amount of the excess is not an exact multiple of 75 sq metres, the area remaining after division of the number of square metres of that excess area of gross floor space by the figure of 75 shall be treated as being 75 sq metres.

14.—(1) Where an application (other than an outline application) or a deemed application relates to development which is in part within category 1 in the table set out in Part II of this Schedule and in part within category 2, 3 or 4, the following sub-paragraphs shall apply for the purpose of calculating the fee payable in respect of the application or deemed application.

(2) An assessment shall be made of the total amount of gross floor space which is to be created by that part of the development which is within category 2, 3 or 4 ("the non-residential floor space"), and the sum payable in respect of the non-residential floor space to be created by the development shall be added to the sum payable in respect of that part of the development which is within category 1 and, subject to subparagraph (4), the sum so calculated shall be the fee payable in respect of the application or deemed application.

(3) For the purpose of calculating the fee payable under sub-paragraph (2)—

(a) where any of the buildings is to contain floor space which it is proposed to use for the purposes of providing common access or common services or facilities for persons occupying or using that building for residential purposes and for persons occupying or using it for non-residential purposes ("common floor space"), the amount of non-residential floor space shall be assessed, in relation to that building, as including such proportion of the common floor space as the amount of non-residential floor space in the building bears to the total amount of gross floor space in the building to be created by the development;

(b) where the development falls within more than one of categories 2, 3 and 4 an amount shall be calculated in accordance with each such category and the highest amount so calculated shall be taken as the sum payable in respect of all of the non-residential floor space.

(4) Where an application or deemed application to which this paragraph applies relates to development which is also within one or more than one of categories 5 to 13 in the table set out in Part II of this Schedule, an amount shall be calculated in accordance with each such category and if any of the amounts so calculated exceeds the amount calculated in accordance with sub-paragraph (2) that higher amount shall be the fee payable in respect of all of the development to which the application or deemed application relates.

15.—(1) Subject to paragraph 14 and sub-paragraph (2), where an application or deemed application relates to development which is within more than one of the categories specified in the table set out in Part II of this Schedule—

(a) an amount shall be calculated in accordance with each such category; and

(b) the highest amount so calculated shall be the fee payable in respect of the application or deemed application.

(2) Where an application is for outline planning permission and relates to development which is within more than one of the categories specified in the said table, the fee payable in respect of the application shall be £76 for each 0.1 hectares of the site area, subject to a maximum of £1,900.

16. In the case of an application for planning permission which is deemed to have been made by virtue of section 88B(3) of the 1971 Act, references in this Schedule to the development to which an application relates shall be construed as references to the use of land or the operations (as the case may be) to which the relevant enforcement notice relates; references to the amount of floor space or the number of dwellinghouses to be created by the development shall be construed as references to the amount of floor space or the number of dwellinghouses to which that enforcement notice relates; and references to the purposes for which it is proposed that floor space be used shall be construed as references to the purposes for which floor space was stated to be used in the enforcement notice.

PART II
SCALE OF FEES

<i>Category of development</i>	<i>Fee payable</i>
<i>I. Operations</i>	
1. The erection of dwellinghouses (other than development within category 6 below).	<p>(a) Where the application is for outline planning permission, £76 for each 0.1 hectare of the site area, subject to a maximum of £1,900;</p> <p>(b) in other cases, £76 for each dwellinghouse to be created by the development, subject to a maximum of £3,800.</p>
2. The erection of buildings (other than buildings coming within categories 1, 3, 4, 5 or 7).	<p>(a) Where the application is for outline planning permission, £76 for each 0.1 hectare of the site area, subject to a maximum of £1,900;</p> <p>(b) in other cases—</p> <p>(i) where no floor space is to be created by the development, £38;</p> <p>(ii) where the area of gross floor space to be created by the development does not exceed 40 sq metres, £38;</p> <p>(iii) where the area of gross floor space to be created by the development exceeds 40 sq metres but does not exceed 75 sq metres, £76; and</p> <p>(iv) where the area of gross floor space to be created by the development exceeds 75 sq metres, £76 for each 75 sq metres, subject to a maximum of £3,800.</p>
3. The erection, on land used for the purposes of agriculture, of buildings to be used for agricultural purposes (other than buildings coming within category 4).	<p>(a) Where the application is for outline planning permission, £76 for each 0.1 hectare of the site area, subject to a maximum of £1,900;</p> <p>(b) in other cases—</p> <p>(i) where the area of gross floor space to be created by the development does not exceed 465 sq metres, nil;</p> <p>(ii) where the area of gross floor space to be created by the development exceeds 465 sq metres but does not exceed 540 sq metres, £76;</p> <p>(iii) where the area of gross floor space to be created by the development exceeds 540 sq metres, £76 for the first 540 sq metres and £76 for each 75 sq metres in excess of that figure, subject to a maximum of £3,800.</p>
4. The erection of glasshouses on land used for the purposes of agriculture.	<p>(a) Where the area of gross floor space to be created by the development does not exceed 465 sq metres, nil;</p> <p>(b) where the area of gross floor space to be created by the development exceeds 465 sq metres, £450.</p>

SCHEDULE 1: Part II—*continued*

<i>Category of development</i>	<i>Fee payable</i>
5. The erection, alteration or replacement of plant or machinery.	£76 for each 0.1 hectare of the site area, subject to a maximum of £3,800.
6. The enlargement, improvement or other alteration of existing dwellinghouses.	(a) Where the application relates to one dwellinghouse, £38; (b) where the application relates to 2 or more dwellinghouses, £76.
7. (a) The carrying out of operations (including the erection of a building) within the curtilage of an existing dwellinghouse, for purposes ancillary to the enjoyment of the dwellinghouse as such, or the erection or construction of gates, fences, walls or other means of enclosure along a boundary of the curtilage of an existing dwellinghouse; or (b) the construction of car parks, service roads and other means of access on land used for the purposes of a single undertaking, where the development is required for a purpose incidental to the existing use of the land.	£38.
8. The carrying out of any operations connected with exploratory drilling for oil or natural gas.	£76 for each 0.1 hectare of the site area, subject to a maximum of £5,700.
9. The carrying out of any operations not coming within any of the above categories.	£38 for each 0.1 hectare of the site area, subject to a maximum of— (a) in the case of operations for the winning and working of minerals, £5,700; (b) in other cases, £380.
<i>II. Uses of Land</i>	
10. The change of use of a building to use as one or more separate dwellinghouses.	(a) Where the change is from a previous use as a single dwellinghouse to use as two or more single dwellinghouses, £76 for each additional dwellinghouse to be created by the development, subject to a maximum of £3,800; (b) in other cases, £76 for each dwellinghouse to be created by the development, subject to a maximum of £3,800.
11. (a) The use of land for the disposal of refuse or waste materials or for the deposit of material remaining after minerals have been extracted from land; or (b) the use of land for the storage of minerals in the open.	£38 for each 0.1 hectare of the site area, subject to a maximum of £5,700.
12. The making of a material change in the use of a building or land (other than a material change of use coming within any of the above categories).	£76.

SCHEDULE 1: Part II—*continued*

<i>Category of development</i>	<i>Fee payable</i>
13. The continuance of a use of land, or the retention of buildings or works on land, without compliance with a condition subject to which a previous planning permission has been granted (including a condition requiring the discontinuance of the use or the removal of the building or works at the end of a specified period).	£38.

SCHEDULE 2

SCALE OF FEES IN RESPECT OF APPLICATIONS FOR CONSENT TO DISPLAY ADVERTISEMENTS

<i>Category of advertisement</i>	<i>Fee Payable</i>
1. Advertisements displayed on business premises, on the forecourt of business premises or on other land within the curtilage of business premises, wholly with reference to all or any of the following matters— (a) the nature of the business or other activity carried on on the premises; (b) the goods sold or the services provided on the premises; or (c) the name and qualifications of the person carrying on such business or activity or supplying such goods or services.	£21
2. Advertisements for the purpose of directing members of the public to, or otherwise drawing attention to the existence of, business premises which are in the same locality as the site on which the advertisement is to be displayed but which are not visible from that site.	£21
3. All other advertisements.	£76.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations consolidate, with amendments, the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 1983, the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) Regulations 1985 and the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) Regulations 1987. They make provision for the payment of fees to local planning authorities in respect of applications made under Part III of the Town and Country Planning Act 1971 for planning permission for development or for approval of matters reserved by an outline planning permission and in respect of applications for consent for the display of advertisements; and for the payment of fees to the Secretary of State in respect of applications for planning permission which are deemed to have been made, by virtue of the provisions of section 88B(3) or 95(6) of the Act of 1971, in connection with an appeal against an enforcement notice or in connection with an application for an established use certificate.

The main changes made by these Regulations are—

- (a) all fees are increased by approximately 15%;
- (b) the exception from fees for deemed applications is extended (regulation 10(5));
- (c) a 21 day time limit is inserted in regulation 10(9) (repayment of fee on withdrawal of appeal under section 88 or 95 of the 1971 Act).

Some drafting amendments have also been made.

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