SCHEDULE 1

FEES 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 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(**1**), 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).

(**1**) 1972 c. 70; relevant amendments are made by section 86 of the Local Government, Planning and Land Act 1980 (c. 65).

(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.

(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.