
STATUTORY INSTRUMENTS

1991 No. 2735

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

**The Town and Country Planning (Fees for Applications
and Deemed Applications) (Amendment) Regulations 1991**

Made - - - - - *5th December 1991*

Coming into force - - - - - *2nd January 1992*

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 303 of the Town and Country Planning Act 1990(1) 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:

Citation and commencement

1.—(1) These Regulations may be cited as the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) Regulations 1991.

(2) These Regulations shall come into force on the twenty-eighth day after the day on which they are made.

Application and interpretation

2.—(1) In these Regulations “the 1989 Regulations” means the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 1989(2).

(2) These Regulations apply—

- (a) to applications referred to in regulation 1(2)(a), (b), (bb) or (c) of the 1989 Regulations made on or after the date on which these Regulations come into force;
- (b) to applications referred to in regulation 1(2)(d) or (e) of the 1989 Regulations deemed to have been made in connection with an enforcement notice issued, or, as the case may be, an application for an established use certificate made, on or after the date on which these Regulations come into force.

(1) 1990 c. 8; section 303 was amended by section 6(6) of the Planning and Compensation Act 1991 (c. 34).

(2) S.I.1989/193, amended by S.I. 1990/2473.

General increase in fees

3.—(1) In Part I of Schedule 1 to the 1989 Regulations—

- (a) in paragraphs 4(1) and 6(2), for “£92” substitute “£110”;
- (b) in paragraph 7, for “£46” substitute “£55”;
- (c) in paragraph 11, for “£92” substitute “£110”; and
- (d) in paragraph 15(2), for “£92” substitute “£110”, and for “£2,300” substitute “£2,760”.

(2) For Part II of Schedule 1 to the 1989 Regulations (scale of fees) substitute the new Part II set out in Schedule 1 hereto.

(3) For Schedule 2 to the 1989 Regulations (scale of fees for advertisement applications) substitute the new Schedule 2 set out in Schedule 2 hereto.

Miscellaneous amendments

4. The 1989 Regulations shall have effect subject to the amendments set out in Schedule 3 hereto.

Revocation

5.—(1) Subject to paragraph (2), regulations 2 and 3 of the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) Regulations 1990(3) are hereby revoked.

(2) The Regulations referred to in paragraph (1) shall continue to have effect in relation to applications referred to in regulation 1(2)(d) or (e) of the 1989 Regulations deemed to have been made in connection with an enforcement notice issued, or, as the case may be, an application for an established use certificate made, before the date on which these Regulations come into force.

Signed by authority of the Secretary of State

Department of the Environment
2nd December 1991

G. S. K. Young
Minister of State,

5th December 1991

David Hunt
Secretary of State for Wales

SCHEDULE 1

Regulation 3(2)

NEW PART II OF SCHEDULE 1 TO THE 1989 REGULATIONS
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).	(a) Where the application is for outline planning permission, £110 for each 0.1 hectare of the site area, subject to a maximum of £2,760; (b) in other cases, £110 for each dwellinghouse to be created by the development, subject to a maximum of £5,520.
2. The erection of buildings (other than buildings coming within categories 1, 3, 4, 5 or 7).	(a) Where the application is for outline planning permission, £110 for each 0.1 hectare of the site area, subject to a maximum of £2,760; (b) in other cases— (i) where no floor space is to be created by the development, £55; (ii) where the area of gross floor space to be created by the development does not exceed 40 sq metres, £55; (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, £110; and (iv) where the area of gross floor space to be created by the development exceeds 75 sq metres, £110 for each 75 sq metres, subject to a maximum of £5,520.
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).	(a) Where the application is for outline planning permission, £110 for each 0.1 hectare of the site area, subject to a maximum of £2,760; (b) in other cases— (i) where the area of gross floor space to be created by the development does not exceed 465 sq metres, nil; (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, £110; (iii) where the area of gross floor space to be created by the development exceeds 540 sq metres, £110 for the first 540 sq metres and £110 for each 75 sq metres in excess of that

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<i>Category of development</i>	<i>Fee payable</i>
	figure, subject to a maximum of £5,520.
4. The erection of glasshouses on land used for the purposes of agriculture.	(a) Where the area of gross floor space to be created by the development does not exceed 465 sq metres, nil; (b) where the area of gross floor space to be created by the development exceeds 465 sq metres, £650.
5. The erection, alteration or replacement of plant or machinery.	£110 for each 0.1 hectare of the site area, subject to a maximum of £5,520.
6. The enlargement, improvement or other alteration of existing dwellinghouses.	(a) Where the application relates to one dwellinghouse, £55; (b) where the application relates to 2 or more dwellinghouses, £110.
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.	£55.
8. The carrying out of any operations connected with exploratory drilling for oil or natural gas.	£110 for each 0.1 hectare of the site area, subject to a maximum of £8,280.
9. The carrying out of any operations not coming within any of the above categories.	£55 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, £8,280; (b) in other cases, £550.

II. Uses of Land

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, £110 for each additional dwellinghouse to be created by the development, subject to a maximum of £5,520;
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<i>Category of development</i>	<i>Fee payable</i>
	(b) in other cases, £110 for each dwellinghouse to be created by the development, subject to a maximum of £5,520.
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	£55 for each 0.1 hectare of the site area, subject to a maximum of £8,280.
(b) the use of land for the storage of minerals in the open.	
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).	£110.
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).	£55.

SCHEDULE 2

Regulation 3(3)

NEW SCHEDULE 2 TO THE 1989 REGULATIONS 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—	£30.
(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.	
2. Advertisements for the purposes of directing members of the public to, or otherwise drawing attention to the	£30.

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<i>Category of advertisement</i>	<i>Fee payable</i>
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.	
3. All other advertisements.	£110.

SCHEDULE 3

Regulation 4

MISCELLANEOUS AMENDMENTS TO THE 1989 REGULATIONS

1. In regulation 1, after paragraph (2)(b) insert—
 - “(bb) to applications under the General Development Order referred to in regulation 11A”.
2. In regulation 10—
 - (a) in paragraph (2), for “paragraph (14)” substitute “paragraphs (3) and (14)”;
 - (b) for paragraph (3) substitute—
 - “(3) In the case of a deemed application to which paragraph (1)(a) applies—
 - (a) a fee shall be paid in respect of the application by every person who has made a valid appeal against the enforcement notice and whose appeal has not been withdrawn before the date on which the Secretary of State issues a notice under paragraph (4);
 - (b) the fee payable shall be twice the fee calculated in accordance with Schedule 1;
 - (c) half the fee shall be paid to the Secretary of State and the other half shall be paid to the local planning authority which issued the relevant enforcement notice.”;
 - (c) in paragraphs (8), (9)(a), (11) and (12) omit “by the Secretary of State”.
3. After regulation 11 insert—

“Fees for certain applications under the General Development Order

11A. Where an application is made to a local planning authority for their determination as to whether the prior approval of the authority will be required to the siting, design and external appearance of a building or the siting and means of construction of a private way under Part 6 or Part 7 of Schedule 2 to the General Development Order, a fee shall be paid to that authority of £20.”.

4. Paragraph 5 of Part I of Schedule 1 shall be omitted.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 1989.

The main change is that all fees currently payable under the 1989 Regulations are increased (by approximately 20%). In addition, the following changes have been made to the fees regime—

(1) the fee payable on a deemed planning application in connection with an appeal against an enforcement notice has been doubled and half is to be paid to the local planning authority, the other half being paid to the Secretary of State;

(2) the 75% reduction of the fee payable on an application submitted within 28 days of an application for the same development or reserved matters has been withdrawn, so that the standard fee will be payable in respect of both applications;

(3) a £20 fee has been introduced in respect of applications under the General Development Order relating to the siting, design and external appearance of agricultural and forestry buildings and the siting and means of construction of private ways.