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STATUTORY INSTRUMENTS

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**1992 No. 1817**

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

**The Town and Country Planning (Fees for Applications  
and Deemed Applications) (Amendment) Regulations 1992**

*Made* - - - - 20th July 1992  
*Coming into force* - - 27th July 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 on 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, commencement and interpretation**

1.—(1) These Regulations may be cited as the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) Regulations 1992 and shall come into force on 27th July 1992.

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

**Application**

2.—(1) Subject to paragraph (2), the amendments made to the 1989 Regulations by these Regulations apply to applications made on or after 27th July 1992.

(2) The amendment to regulation 10(12) of the 1989 Regulations by regulation 3 of these Regulations applies where the Secretary of State determines an appeal against an enforcement notice on or after 27th July 1992.

**Fee for deemed application in consequence of an enforcement appeal**

3. In regulation 10(12) of the 1989 Regulations, after “site” insert—

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(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 and S.I. 1991/2735.

“or where, on the determination of the appeal, the Secretary of State issues a certificate under section 191 of the Town and Country Planning Act 1990 in accordance with section 177(1)(c) of that Act(3)

#### **Fees for applications for certificates of lawful use or development**

##### **4. After regulation 10 of the 1989 Regulations insert—**

#### **“Fees for applications for certificates of lawful use or development**

**10A.—**(1) Subject to paragraphs (2), (3), (4) and (9), where an application is made to a local planning authority under section 191 or 192 (certificate of lawful use or development) of the Town and Country Planning Act 1990 (the “1990 Act ”)(4) a fee shall be paid to that authority.

(2) This regulation 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 specified in regulation 4 for the purposes specified in that regulation.

(3) Where all of the conditions set out in paragraph (4) 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 applicant;
- (b) an application which is made following the refusal of an application (whether by the local planning authority or the Secretary of State on appeal) made by or on behalf of the same applicant;
- (c) an application which is made following the making of an appeal to the Secretary of State under section 195(1)(b) of the 1990 Act (appeal in default of decision) in relation to an application made by or on behalf of the same applicant.

(4) The conditions referred to in paragraph (3) 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 195(1)(b) of the 1990 Act; or
  - (iii) the date of refusal, in any other case;
- (b) that the application relates to the same site as that to which the earlier application related, or to part of that site and to no other land;
- (c) that the local planning authority to whom the application is made are satisfied that it relates to a use, operation or other matter of the same description as the use, operation or matter to which the earlier application related and to no other use, operation or matter;
- (d) that the fee payable in respect of the earlier application was paid; and
- (e) 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 this regulation by paragraph (3).

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(3) Section 177(1)(c) was substituted by paragraph 24(1)(b) of Schedule 7 to the Planning and Compensation Act 1991 (c. 34).

(4) Sections 191 and 192 were substituted by section 10(1) of the Planning and Compensation Act 1991 (c. 34).

(5) Subject to paragraphs (6) to (10), the fee payable in respect of an application to which this regulation applies shall be—

- (a) in the case of an application under section 191(1)(a) or (b) (or under both paragraphs), the amount that would be payable in respect of an application for planning permission to institute the use or carry out the operations specified in the application (or an application to do both, as the case may be);
- (b) in the case of an application under section 191(1)(c), £55;
- (c) in the case of an application under section 192(1)(a) or (b) (or under both paragraphs), half the amount that would be payable in respect of an application for planning permission to institute the use or carry out the operations specified in the application (or an application to do both, as the case may be).

(6) Where a use specified in an application under section 191(1)(a) is use as one or more separate dwellinghouses, the fee payable in respect of that use shall be £110 for each dwellinghouse, or £55 for each dwellinghouse if the use is established, subject to a maximum of £5,520.

(7) Where a use specified in an application under section 191(1)(a) (other than a use to which paragraph (6) applies) is established, the fee payable in respect of that use shall be half the amount that would otherwise be payable in accordance with paragraph (5)(a).

(8) Where an application is made under section 191(1)(a) or (b) (or under both paragraphs) and under section 191(1)(c), the fee payable shall be the sum of the fees that would have been payable if there had been an application under section 191(1)(a) or (b) (or under both paragraphs, as the case may be) and a separate application under section 191(1)(c).

(9) In the case of an application which relates to land in the area of two or more local planning authorities, paragraph 8(2) of Part I of Schedule 1 shall apply for the purpose of determining the authority to whom the fee shall be payable and the amount payable as it applies in the case of an application for planning permission which relates to such land.

(10) Where an application is 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 that would otherwise be payable in accordance with paragraphs (5) to (9).

(11) The fee due in respect of an application to which this regulation applies shall accompany the application when it is lodged with the local planning authority.

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

(13) In this regulation, a use shall be treated as established if it was certified as established by an established use certificate granted under section 194 or 195 of the 1990 Act, as originally enacted.”

## **Fees for certain applications under the General Development Order**

5. For regulation 11A of the 1989 Regulations(5) substitute—

“**11A.**—(1) 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 in relation to development under Part 6, Part 7 or Part 31 of Schedule 2 to the General Development Order, a fee shall be paid to that authority of £20.

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(5) Regulation 11A was inserted by paragraph 3 of Schedule 3 to S.I. 1991/2735.

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

**Amendment of Schedule 1 to the 1989 Regulations**

6. In Schedule 1 to the 1989 Regulations—

- (a) delete paragraph 2 of Part I and paragraph 13 of the Table in Part II;
- (b) after paragraph 7 in Part I insert—

“7A. Where an application relates to development to which section 73A(6) of the Town and Country Planning Act 1990 applies, the fee payable in respect of the application shall be—

- (a) where the application relates to development carried out without planning permission, the fee that would be payable if the application were for planning permission to carry out that development;
- (b) £55, in any other case.”

**Revocation**

7. Paragraph 3 of Schedule 3 to the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) Regulations 1991(7) is hereby revoked.

20th July 1992

*Michael Howard*  
Secretary of State for the Environment

20th July 1992

*David Hunt*  
Secretary of State for Wales

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(6) Section 73A was inserted by paragraph 16 of Schedule 7 to the Planning and Compensation Act 1991 (c. 34).

(7) S.I. 1991/2735.

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## 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 changes are the introduction of fees in respect of—

(1) applications for certificates of lawful use or development under sections 191 and 192 of the Town and Country Planning Act 1990, as substituted by section 10(1) of the Planning and Compensation Act 1991 (*regulations 3 and 4*);

(2) applications under Part 6 of Schedule 2 to the General Development Order (agricultural buildings and operations) (in addition to those previously provided for) and under Part 31 of that Schedule (demolition) (*regulation 5*).

The provisions relating to applications for planning permission for development which has already been carried out have been redrafted to take account of the replacement of section 63 of the Town and Country Planning Act 1990, which previously applied to such applications, by section 73A of that Act (*regulation 6*).