
STATUTORY INSTRUMENTS

1993 No. 3170

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

**The Town and Country Planning (Fees for Applications
and Deemed Applications) (Amendment) Regulations 1993**

Approved by both Houses of Parliament

Made - - - - 16th December 1993

Coming into force - - 13th January 1994

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. These Regulations may be cited as the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) Regulations 1993 and 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 to—

- (a) applications referred to in regulations 1(2)(a), (b), (bb) or (c), or 10A of the 1989 Regulations(3) made on or after the date on which these Regulations come into force;
- (b) applications referred to in regulation 1(2)(d) of the 1989 Regulations deemed to have been made in connection with an enforcement notice issued 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) and paragraph 10 of Schedule 13 to the Environment Protection Act 1990 (c. 43).
(2) S.I.1989/193, amended by S.I. 1990/2473, S.I. 1991/2735, S.I. 1992/1817 and S.I. 1992/3052.
(3) Regulation 1(2)(bb) was inserted by paragraph 1 of Schedule 3 to S.I. 1991/2735 and regulation 10A was inserted by regulation 4 of S.I. 1992/1817.

General increase in fees

3. In regulation 10A of the 1989 Regulations in relation to fees due in respect of applications made—

- (a) before 3rd January 1995 in—
 - (i) paragraph (5)(b), for “£60” substitute “£70”; and
 - (ii) paragraph (6), for “£120” substitute “£140”, for “£60” substitute “£70”, and for “£6,000” substitute “£7,000”;
- (b) on or after 3rd January 1995 in—
 - (i) paragraph (5)(b), for “£70” substitute “£80”; and
 - (ii) paragraph (6), for “£140” substitute “£160”, and for “£7,000” substitute “£8,000”.

4. In Part I of Schedule 1 to the 1989 Regulations in relation to fees due in respect of an application or deemed application made or deemed to be made—

- (a) before 3rd January 1995 in—
 - (i) paragraphs 4(1) and 6(2), for “£120” substitute “£140”;
 - (ii) paragraphs 7, 7A(4) and 7B(5), for “£60” substitute “£70”; and
 - (iii) paragraph 15(2), for “£120” substitute “£140”, and for “£3,000” substitute “£3,500”;
- (b) on or after 3rd January 1995 in—
 - (i) paragraphs 4(1) and 6(2), for “£140” substitute “£160”;
 - (ii) paragraphs 7, 7A and 7B, for “£70” substitute “£80”; and
 - (iii) paragraph 15(2), for “£140” substitute “£160”, and for “£3,500” substitute “£4,000”.

5. For Part II of Schedule 1 to the 1989 Regulations (scale of fees) in relation to fees due in respect of an application or deemed application made or deemed to be made—

- (a) before 3rd January 1995 substitute the new Part II set out in Schedule 1 hereto;
- (b) on or after 3rd January 1995 substitute the new Part II set out in Schedule 2 hereto.

6. For Schedule 2 to the 1989 Regulations (scale of fees for advertisement applications) in relation to fees due in respect of applications or deemed applications made or deemed to be made—

- (a) before 3rd January 1995 substitute the new Schedule 2 set out in Schedule 3 hereto;
- (b) on or after 3rd January 1995 substitute the new Schedule 2 set out in Schedule 4 hereto.

Fees for certain applications under the General Development Order

7. In regulation 11A(5) of the 1989 Regulations for applications or deemed applications made or deemed to be made—

- (a) before 3rd January 1995 for “£22” substitute “£25”;
- (b) on or after 3rd January 1995 for “£25” substitute “£30”.

Amendments to 1989 Regulations

8. With effect from 3rd January 1995 in paragraph (6) of regulation 10A of the 1989 Regulations delete, “or £70 for each dwellinghouse if the use is established,”.

(4) Paragraph 7A was inserted by regulation 6(b) of S.I. [1992/1817](#).

(5) Paragraph 7B was inserted by regulation 5 of S.I. [1992/3052](#).

(5) Paragraph 7B was inserted by regulation 5 of S.I. [1992/3052](#).

9. In regulation 11(4) of the 1989 Regulations insert, after the words “litter bins”, “, public seating benches”.

Revocation

10.—(1) Subject to paragraph (2), regulation 3 of the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (No. 2) Regulations 1992(6) is hereby revoked.

(2) Regulation 3 referred to in paragraph (1) shall continue to have effect in relation to the applications referred to in regulation 1(2)(d) of the 1989 Regulations deemed to have been made in connection with an enforcement notice issued before the date on which these Regulations come into force.

(3) With effect from 3rd January 1995 paragraphs (7) and (13) of regulation 10A of the 1989 Regulations shall be revoked.

16th December 1993

John Selwyn Gummer
Secretary of State for the Environment

16th December 1993

John Redwood
Secretary of State for Wales

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SCHEDULE 1

Regulation 5(a)

PART II OF SCHEDULE 1 TO THE 1989 REGULATIONS
SCALE OF FEES BEFORE 3RD JANUARY 1995

<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) (a) Where the application is for outline planning permission, £140 for each 0.1 hectare of the site area, subject to a maximum of £3,500;</p> <p>(b) in other cases, £140 for each dwellinghouse to be created by the development, subject to a maximum of £7,000;</p>
2. The erection of buildings (other than buildings coming within categories 1, 3, 4, 5 or 7).	<p>(a) (a) where the application is for outline planning permission, £140 for each 0.1 hectare of the site area, subject to a maximum of £3,500;</p> <p>(b) in other cases-</p> <p>(i) where no floor space is to be created by the development, £70;</p> <p>(ii) where the area of gross floor space to be created by the development does not exceed 40 sq metres, £70;</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, £140; and</p> <p>(iv) where the area of gross floor space to be created by the development exceeds 75 sq metres, £140 for each 75 sq metres, subject to a maximum of £7,000.</p>
3. The erection, on land used for the purposes of agriculture, of buildings to to be used for agricultural purposes (other than buildings coming within category 4).	<p>(a) (a) Where the application is for outline planning permission, £140 for each 0.1 hectare of the site, area, subject to a maximum of £3,500;</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, £25;</p>

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<i>Category of development</i>	<i>Fee payable</i>
	(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, £140;
	(iii) where the area of gross floor space to be created by the development exceeds 540 sq metres, £140 for the first 540 sq metres and £140 for each 75 sq metres in excess of that figure, subject to a maximum of £7,000.
4. The erection of glasshouses on land used for the purposes of agriculture.	(a) (a) Where the area of gross floor space to be created by the development does not exceed 465 sq metres, £25; (b) where the area of gross floor space to be created by the development exceeds 465 sq metres, £820.
5. The erection, alteration or replacement of plant or machinery.	£140 for each 0.1 hectare of the site area, subject to a maximum of £7,000.
6. The enlargement, improvement or other alteration of existing dwellinghouses.	(a) (a) Where the application relates to one dwellinghouse, £70; (b) where the application relates to 2 or more dwellinghouses, £140.
(a) (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.	£70.
8. The carrying out of any operations connected with exploratory drilling for oil or natural gas.	£140 for each 0.1 hectare of the site area, subject to a maximum of £10,500.
9. The carrying out of any operations not coming within any of the above categories.	£70 for each 0.1 hectare of the site area, subject to a maximum of-

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<i>Category of development</i>	<i>Fee payable</i>
	(a) in the case of operations for the winning and working of minerals, £10,500;
	(b) in other cases, £700.
<i>II. Uses of Land</i>	
10. The change of use of a building to use as one or more separate dwellinghouses.	(a) (a) Where the change is from a previous use as a single dwellinghouse to use as two or more single dwellinghouses, £140 for each additional dwellinghouse to be created by the development, subject to a maximum of £7,000;
	(b) in other cases, £140 for each dwellinghouse to be created by the development, subject to a maximum of £7,000.
(a) (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	£70 for each 0.1 hectare of the site area, subject to a maximum of £10,500.
(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).	£140.

SCHEDULE 2

Regulation 5(b)

PART II OF SCHEDULE 1 TO THE 1989 REGULATIONS
SCALE OF FEES ON OR AFTER 3RD JANUARY 1995

<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) (a) Where the application is for outline planning permission, £160 for each 0.1 hectare of the site area, subject to a maximum of £4,000;
	(b) in other cases, £160 for each dwellinghouse to be created by the development, subject to a maximum of £8,000;

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<i>Category of development</i>	<i>Fee payable</i>
<p>2. The erection of buildings (other than buildings coming within categories 1, 3, 4, 5 or 7).</p>	<p>(a) (a) where the application is for outline planning permission, £160 for each 0.1 hectare of the site area, subject to a maximum of £4,000;</p> <p>(b) in other cases-</p> <p>(i) where no floor space is to be created by the development, £80;</p> <p>(ii) where the area of gross floor space to be created by the development does not exceed 40 sq metres, £80;</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, £160; and</p> <p>(iv) where the area of gross floor space to be created by the development exceeds 75 sq metres, £160 for each 75 sq metres, subject to a maximum of £8,000.</p>
<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>	<p>(a) (a) Where the application is for outline planning permission, £160 for each 0.1 hectare of the site area, subject to a maximum of £4,000;</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, £30;</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, £160;</p> <p>(iii) where the area of gross floor space to be created by the development exceeds 540 sq metres, £160 for the first 540 sq metres and £160 for each 75 sq metres in excess of that figure, subject to a maximum of £8,000.</p>

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<i>Category of development</i>	<i>Fee payable</i>
<p>4. The erection of glasshouses on land used for the purposes of agriculture.</p>	<p>(a) (a) Where the area of gross floor space to be created by the development does not exceed 465 sq metres, £30;</p> <p>(b) where the area of gross floor space to be created by the development exceeds 465 sq metres, £940.</p>
<p>5. The erection, alteration or replacement of plant or machinery.</p>	<p>£160 for each 0.1 hectare of the site area, subject to a maximum of £8,000.</p>
<p>6. The enlargement, improvement or other alteration of existing dwellinghouses.</p>	<p>(a) (a) Where the application relates to one dwellinghouse, £80;</p> <p>(b) where the application relates to 2 or more dwellinghouses, £160.</p>
<p>(a) (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</p> <p>(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 of the land.</p>	<p>£80.</p>
<p>8. The carrying out of any operations connected with exploratory drilling for oil or natural gas.</p>	<p>£160 for each 0.1 hectare of the site area, subject to a maximum of £12,000.</p>
<p>9. The carrying out of any operations not coming within any of the above categories.</p>	<p>£80 for each 0.1 hectare of the site area, subject to a maximum of</p> <p>(a) in the case of operations for the winning and working of minerals, £12,000;</p> <p>(b) in other cases, £800.</p>
<p><i>II. Uses of Land</i></p>	
<p>10. The change of use of a building to use as one or more separate dwellinghouses.</p>	<p>(a) (a) Where the change is from a previous use as a single dwellinghouse to use as two or more single dwellinghouses, £160 for each additional dwellinghouse to be created by the development, subject to a maximum of £8,000;</p> <p>(b) in other cases, £160 for each dwellinghouse to be created by the</p>

<i>Category of development</i>	<i>Fee payable</i>
	development, subject to a maximum of £8,000.
(a) (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	£80 for each 0.1 hectare of the site area, subject to a maximum of £12,000.
(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).	£160.

SCHEDULE 3

Regulation 6(a)

SCHEDULE 2 TO THE 1989 REGULATIONS

SCALE OF FEES BEFORE 3RD JANUARY 1995 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-	£40.
(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 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.	£40.
3. All other advertisements.	£140.

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SCHEDULE 4

Regulation 6(b)

SCHEDULE 2 TO THE 1989 REGULATIONS
SCALE OF FEES ON OR AFTER 3RD JANUARY 1995 IN RESPECT OF
APPLICATIONS FOR CONSENT TO DISPLAY ADVERTISEMENTS

<i>Category of advertisement</i>	<i>Fee payable</i>
<p>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-</p> <ul style="list-style-type: none"> (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. 	£45.
<p>2. Advertisements for the purposes 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.</p>	£45.
<p>3. All other advertisements.</p>	£160.

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 in two stages: the first on commencement and the second from 3rd January 1995. Each increase is of approximately 15%. Replacement scales of fees (Part II of Schedule 1, and Schedule 2, to the 1989 Regulations) are set out in the Schedules for each stage of increase.

In addition, regulation 11(4) of the 1989 Regulation has been amended to provide that where application is made to display an advertisement on public seating benches within a specified area the whole of the area is to be treated as one site for the purposes of the regulation.

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The concession in paragraphs (6) and (7) of regulation 10A of the 1989 Regulations (which provide a 50% reduction in fees where application is made to convert an established use certificate issued under section 194 of the 1990 Act, as originally enacted, into a certificate of lawful use) has been removed with effect from 3rd January 1995.