
STATUTORY INSTRUMENTS

1997 No. 37

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

**The Town and Country Planning (Fees for Applications
and Deemed Applications) (Amendment) Regulations 1997**

Made - - - - *7th January 1997*

Coming into force—

*for all purposes except
those of regulation 3 and
Schedules 3 and 4*

4th February 1997

*for the purposes of
regulation 3 and Schedules 3
and 4*

1st October 1997

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, commencement and interpretation

1.—(1) These Regulations may be cited as the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) Regulations 1997 and shall come into force—

- (a) for all purposes, except those of regulation 3 and Schedules 3 and 4, on the twenty-eighth day after that on which they are made;
- (b) for the purposes of regulation 3 and Schedules 3 and 4, on 1st October 1997.

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

(1) 1990 c. 8; section 303 was amended by paragraph 10 of Schedule 13 to the Environmental Protection Act 1990 (c. 43), and section 6(6) of the Planning and Compensation Act 1991 (c. 34). See section 336(1) of the Town and Country Planning Act 1990 for a definition of “prescribed”.

(2) S.I.1989/193, amended by S.I. 1990/2473, S.I. 1991/2735, S.I. 1992/1817, S.I. 1992/3052 and S.I. 1993/3170.

General increase in fees

- 2.—(1) In regulation 10A of the 1989 Regulations⁽³⁾—
- (a) in paragraph (5)(b), for “£80” substitute “£90”; and
 - (b) in paragraph (6), for “£160” substitute “£180”, and for “£8,000” substitute “£9,000”.
- (2) In regulation 11A⁽⁴⁾ of the 1989 Regulations for “£30” substitute “£33”.
- (3) In Part I of Schedule 1 to the 1989 Regulations—
- (a) in paragraphs 4(1) and 6(2), for “£160” substitute “£180”;
 - (b) in paragraphs 7, 7A(b)⁽⁵⁾ and 7B⁽⁶⁾, for “£80” substitute “£90”; and
 - (c) in paragraph 15(2), for “£160” substitute “£180”, and for “£4,000” substitute “£4,500”.
- (4) For Part II of Schedule 1 to the 1989 Regulations (scale of fees), substitute the new Part II set out in Schedule 1 to these Regulations.
- (5) For Schedule 2 to the 1989 Regulations (scale of fees for advertisement applications), substitute the new Schedule 2 set out in Schedule 2 to these Regulations.

Further increase from 1st October 1997

- 3.—(1) In regulation 10A of the 1989 Regulations—
- (a) in paragraph (5)(b), for “£90” substitute “£95”; and
 - (b) in paragraph (6), for “£180” substitute “£190” and for “£9,000” substitute “£9,500”.
- (2) In regulation 11A of the 1989 Regulations, for “£33” substitute “£35”.
- (3) In Part I of Schedule 1 to the 1989 Regulations—
- (a) in paragraphs 4(1) and 6(2), for “£180” substitute “£190”;
 - (b) in paragraphs 7, 7A(b) and 7B, for “£90” substitute “£95”; and
 - (c) in paragraph 15(2), for “£180” substitute “£190” and for “£4,500” substitute “£4,750”.
- (4) For Part II of Schedule 1 to the 1989 Regulations (scale of fees), substitute the new Part II set out in Schedule 3 to these Regulations.
- (5) For Schedule 2 to the 1989 Regulations (scale of fees for advertisement applications) substitute the new Schedule 2 set out in Schedule 4 to these Regulations.

Amendment to definition of “disabled person”

4. For regulation 4(3) of the 1989 Regulations there shall be substituted:
- “(3) In this regulation, “disabled person” means—
- (a) a person who is within any of the descriptions of persons to whom section 29 of the National Assistance Act 1948 applies; or
 - (b) a child who is disabled for the purposes of Part III of the Children Act 1989.”⁽⁷⁾

Other amendments

5. The 1989 Regulations shall have effect subject to the amendments set out in Schedule 5 to these Regulations.

⁽³⁾ Regulation 10A was inserted by regulation 4 of S.I. [1992/1817](#).

⁽⁴⁾ Regulation 11A was inserted by paragraph 3 of Schedule 3 to S.I. [1991/2735](#) and substituted by regulation 4 of S.I. [1992/3052](#).

⁽⁵⁾ Paragraph 7A was inserted by regulation 6(b) of S.I. [1992/1817](#).

⁽⁶⁾ Paragraph 7B was inserted by regulation 5 of S.I. [1992/3052](#).

⁽⁷⁾ [1989 c. 41](#). Section 17(11) sets out the relevant criteria.

Revocation

6. Regulations 3, 4, 5, 6 and 7 of the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) Regulations 1993(8) are hereby revoked.

7th February 1997

John Gummer
Secretary of State for the Environment

Signed by authority of the Secretary of State for Wales

2nd January 1997

Gwilym Jones
Parliamentary Under Secretary of State, Welsh
Office

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SCHEDULE 1

Regulation 2(4)

PART II OF SCHEDULE 1 TO THE 1989 REGULATIONS
SCALE OF FEES IN RESPECT OF APPLICATIONS MADE
OR DEEMED TO BE MADE BEFORE 1ST OCTOBER 1997

| <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, £180 for each 0.1 hectare of the site area, subject to a maximum of £4,500;</p> <p>(b) in other cases, £180 for each dwellinghouse to be created by the development, subject to a maximum of £9,000.</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, £180 for each 0.1 hectare of the site area, subject to a maximum of £4,500;</p> <p>(b) in other cases—</p> <p>(i) where no floor space is to be created by the development, £90;</p> <p>(ii) where the area of gross floor space to be created by the development does not exceed 40 square metres, £90;</p> <p>(iii) where the area of gross floor space to be created by the development exceeds 40 square metres but does not exceed 75 square metres, £180; and</p> <p>(iv) where the area of gross floor space to be created by the development exceeds 75 square metres, £180 for each 75 square metres, subject to a maximum of £9,000.</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) (a) Where the application is for outline planning permission, £180 for each 0.1 hectare of the site area, subject to a maximum of £4,500;</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 square metres, £33;</p> |

| <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 square metres but does not exceed 540 square metres, £180; and |
| | (iii) where the area of gross floor space to be created by the development exceeds 540 square metres, £180 for the first 540 square metres and £180 for each 75 square metres in excess of that figure, subject to a maximum of £9,000. |
| 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 square metres, £33; (b) where the area of gross floor space to be created by the development exceeds 465 square metres, £1,035. |
| 5. The erection, alteration or replacement of plant or machinery. | £180 for each 0.1 hectare of the site area, subject to a maximum of £9,000. |
| 6. The enlargement, improvement or other alteration of existing dwellinghouses. | (a) (a) Where the application relates to one dwellinghouse, £90; (b) where the application relates to 2 or more dwellinghouses, £180. |
| (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. | £90. |
| 8. The carrying out of any operations connected with exploratory drilling for oil or natural gas. | £180 for each 0.1 hectare of the site area, subject to a maximum of £13,500. |

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| <i>Category of development</i> | <i>Fee payable</i> |
|--|---|
| <p>9. The carrying out of any operations not coming within any of the above categories.</p> | <p>£90 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, £13,500;</p> <p>(b) in other cases, £900.</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, £180 for each additional dwellinghouse to be created by the development, subject to a maximum of £9,000;</p> <p>(b) in other cases, £180 for each dwellinghouse to be created by the development, subject to a maximum of £9,000.</p> |
| <p>(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</p> <p>(b) the use of land for the storage of minerals in the open.</p> | <p>£90 for each 0.1 hectare of the site area, subject to a maximum of £13,500.</p> |
| <p>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).</p> | <p>£180.</p> |

SCHEDULE 2

Regulation 2(5)

SCHEDULE 2 TO THE 1989 REGULATIONS

SCALE OF FEES IN RESPECT OF APPLICATIONS FOR CONSENT TO DISPLAY ADVERTISEMENTS MADE BEFORE 1ST OCTOBER 1997

| <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> <p>(a) the nature of the business or other activity carried on on the premises;</p> <p>(b) the goods sold or the services provided on the premises; or</p> | <p>£48.</p> |

| <i>Category of advertisement</i> | <i>Fee payable</i> |
|--|--------------------|
| (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. | £48. |
| 3. All other advertisements. | £180. |

SCHEDULE 3

Regulation 3(4)

PART II OF SCHEDULE 1 TO THE 1989 REGULATIONS
SCALE OF FEES IN RESPECT OF APPLICATIONS MADE OR
DEEMED TO BE MADE ON OR AFTER 1ST OCTOBER 1997

| <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, £190 for each 0.1 hectare of the site area, subject to a maximum of £4,750; (b) in other cases, £190 for each dwellinghouse to be created by the development, subject to a maximum of £9,500. |
| 2. The erection of buildings (other than buildings coming within categories 1, 3, 4, 5 or 7). | (a) (a) Where the application is for outline planning permission, £190 for each 0.1 hectare of the site area, subject to a maximum of £4,750; (b) in other cases— (i) where no floor space is to be created by the development, £95; (ii) where the area of gross floor space to be created by the development does not exceed 40 square metres, £95; (iii) where the area of gross floor space to be created by the development exceeds 40 square metres but does not exceed 75 square metres, £190; and |

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| <i>Category of development</i> | <i>Fee payable</i> |
|---|--|
| | (iv) where the area of gross floor space to be created by the development exceeds 75 square metres, £190 for each 75 square metres, subject to a maximum of £9,500. |
| 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) (a) Where the application is for outline planning permission, £190 for each 0.1 hectare of the site area, subject to a maximum of £4,750;</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 square metres, £35;</p> <p>(ii) where the area of gross floor space to be created by the development exceeds 465 square metres but does not exceed 540 square metres, £190; and</p> <p>(iii) where the area of gross floor space to be created by the development exceeds 540 square metres, £190 for the first 540 square metres and £190 for each 75 square metres in excess of that figure, subject to a maximum of £9,500.</p> |
| 4. The erection of glasshouses on land used for the purposes of agriculture. | <p>(a) (a) Where the area of gross floor space to be created by the development does not exceed 465 square metres, £35;</p> <p>(b) where the area of gross floor space to be created by the development exceeds 465 square metres, £1,085.</p> |
| 5. The erection, alteration or replacement of plant or machinery. | £190 for each 0.1 hectare of the site area, subject to a maximum of £9,500. |
| 6. The enlargement, improvement or other alteration of existing dwellinghouses. | <p>(a) (a) Where the application relates to one dwellinghouse, £95;</p> <p>(b) where the application relates to 2 or more dwellinghouses, £190.</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 | £95. |

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| <i>Category of development</i> | <i>Fee payable</i> |
|---|---|
| <p>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 the land.</p> | |
| <p>8. The carrying out of any operations connected with exploratory drilling for oil or natural gas.</p> | <p>£190 for each 0.1 hectare of the site area, subject to a maximum of £14,250.</p> |
| <p>9. The carrying out of any operations not coming within any of the above categories.</p> | <p>£95 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, £14,250;</p> <p>(b) in other cases, £950.</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, £190 for each additional dwellinghouse to be created by the development, subject to a maximum of £9,500;</p> <p>(b) in other cases, £190 for each dwellinghouse to be created by the development, subject to a maximum of £9,500.</p> |
| <p>(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</p> <p>(b) the use of land for the storage of minerals in the open.</p> | <p>£95 for each 0.1 hectare of the site area, subject to a maximum of £14,250.</p> |
| <p>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).</p> | <p>£190.</p> |

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SCHEDULE 4

Regulation 3(5)

SCHEDULE 2 TO THE 1989 REGULATIONS

SCALE OF FEES IN RESPECT OF APPLICATIONS FOR CONSENT TO
DISPLAY ADVERTISEMENTS MADE ON OR AFTER 1ST OCTOBER 1997

| <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> <p>(a) the nature of the business or other activity carried on on the premises;</p> <p>(b) the goods sold or the services provided on the premises; or</p> <p>(c) the name and qualifications of the person carrying on such business or activity or supplying such goods or services.</p> | £50. |
| <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> | £50. |
| <p>3. All other advertisements.</p> | £190. |

SCHEDULE 5

Regulation 5

OTHER MISCELLANEOUS AMENDMENTS TO THE 1989 REGULATIONS

1. In regulation 1(2)(bb), for “General Development Order” substitute “The Town and Country Planning (General Permitted Development) Order 1995”(9).

2. In regulation 1, after paragraph (2), add—

“(3) Any fee payable under these Regulations shall be calculated in accordance with these Regulations as they have effect—

- (a) in the case of applications referred to in paragraph (2)(a) to (c) above, on the date on which the application is made;
- (b) in the case of applications referred to in paragraph (2)(d) above, on the date of issue of the enforcement notice;
- (c) in the case of applications referred to in paragraph (2)(e) above, on the date on which the application for an established use certificate is made.”

(9) S.I. 1995/418.

3. In regulation 2, for the definition of “the General Development Order” substitute—
“the General Development Procedure Order” means the Town and Country Planning (General Development Procedure) Order 1995(10);
“the General Permitted Development Order” means the Town and Country Planning (General Permitted Development) Order 1995; and;
in the definition of “outline planning permission” and “reserved matters”, for “General Development Order”, substitute “General Development Procedure Order”.
4. In regulation 5, in paragraph (1)(a) and (2) for “General Development Order” substitute “General Permitted Development Order”.
5. In regulation 8, in paragraph (2)(a)(ii), for “General Development Order” substitute “General Development Procedure Order”.
6. In regulation 10A, in paragraph (4)(a)(ii), for “General Development Order” substitute “General Development Procedure Order”.
7. In regulation 11A, for the heading, substitute “Fees for certain applications under the General Permitted Development Order” and for “General Development Order” substitute “General Permitted Development Order”.

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 when these Regulations come into force (28 days after they are made) and the second from 1st October, 1997. The first increase is of approximately 10% on the previous fees, and the second increase is of approximately 5% on the fees as first increased. 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.

Regulation 4 provides that a disabled child is a disabled person for the purposes of exemption from fees under regulation 4 of the 1989 Regulations.

Schedules 1 to 4 change only the amount of the fees and do not effect any change to the categories of development or the basis of calculation.