

Draft Regulations laid before Parliament under section 303 of the Town and Country Planning Act 1990, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2008 No.

TOWN AND COUNTRY PLANNING, ENGLAND

The Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations 2008

<i>Made</i>	-	-	-	-	<i>2008</i>
<i>Coming into force</i>	-	-			<i>6th April 2008</i>

The Secretary of State, in exercise of the powers conferred by section 303 of the Town and Country Planning Act 1990(1), makes the following Regulations, a draft of which has been laid before and approved by each House of Parliament:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations 2008 and shall come into force on 6th April 2008.

(2) These Regulations apply in relation to England only.

Amendment of Regulations

2.—(1) The Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 1989(2) are amended as follows.

(2) After regulation 1(2)(a) (application), insert —

“(aa) to requests for confirmation that a condition or conditions attached to a grant of planning permission has been complied with where the request is made on or after 6th April 2008;”.

(3) In regulation 10A (fees for applications for certificates of lawful use or development)—

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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) and by section 53 of the Planning and Compulsory Purchase Act 2004 (c.5). These powers are devolved, in relation to Wales, to the Welsh Ministers; see the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), article 2, Schedule 1, and paragraphs 30 to 32 of Schedule 11 to the Government of Wales Act 2006 (c.32).
- (2) S.I. 1989/193, amended by S.I. 1990/2473, 1991/2735, 1992/1817, 1992/3052, 1993/3170, 1997/37, 2001/2719, 2002/768 (England only), 2005/843 (England only) and 2006/994 (England only).

- (a) in paragraph (5)(b), for “£135” substitute “£170”;
- (b) in paragraph (6)(a), for “£265” substitute “£335”; and
- (c) in paragraph (6)(b)—
 - (i) for “£13,250” substitute “£16,565”, and
 - (ii) for “£50,000” substitute “£250,000”.
- (4) In regulation 11A (fees for certain applications under the General Permitted Development Order)—
 - (a) in paragraph (1)(a), for “£50” substitute “£70”; and
 - (b) in paragraph (1)(b), for “£265” substitute “£335”.
- (5) After regulation 11B (fees in respect of the monitoring of mining and landfill sites), insert —

“Fee for confirmation of compliance with condition attached to planning permission: England

11D.—(1) Where a request is made to a local planning authority for written confirmation of compliance with a condition or conditions attached to a grant of planning permission, a fee shall be paid to that authority as follows—

- (a) where the request relates to a permission for development which falls within category 6 or 7(a) of Part 2 to Schedule 1, £25 for each request;
- (b) where the request relates to a permission for development which falls within any other category of that Schedule, £85 for each request.

(2) Any fee paid under this regulation shall be refunded if the local planning authority fails to give the written confirmation requested within a period of twelve weeks from the date on which the authority received the request.”

- (6) In Part 1 of Schedule 1 (general provisions)—
 - (a) in paragraphs 4(1) and 6(2), for “£265” substitute “£335”;
 - (b) in paragraphs 7 and 7A, for “£135” substitute “£170”;
 - (c) omit paragraph 7B;
 - (d) in paragraph 15(2)(a), for “£265”, substitute “£335”;
 - (e) in paragraph 15(2)(b)—
 - (i) for “£6,625” substitute “£8,285”; and
 - (ii) for “£25,000” substitute “£125,000”.
- (7) For Part 2 of Schedule 1 (scale of fees), substitute the Part set out in Schedule 1 to these Regulations.
- (8) For Schedule 2 (scale of fees for advertisement applications), substitute the Schedule set out in Schedule 2 to these Regulations.

Revocation

3. The Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations 2005(3) are revoked.

Signed by authority of the Secretary of State for Communities and Local Government

Date

Name
Parliamentary Under Secretary of State
Department of Communities and Local
Government

SCHEDULE 1

Regulation 2(7)

PART SUBSTITUTED FOR PART 2 OF SCHEDULE 1 TO THE 1989 REGULATIONS

PART 2

**Scale of Fees in Respect of Applications Made or
Deemed to be Made on or after 6th April 2008**

<i>Category of Development</i>	<i>Fee Payable</i>
<i>I Operations</i>	
1. The erection of dwelling houses (other than development in category 6)	<p>(a) Where the application is for outline planning permission and-</p> <p>(i) the site area does not exceed 2.5 hectares, £335 for each 0.1 hectare of the site area;</p> <p>(ii) the site area exceeds 2.5 hectares, £8,285; and an additional £100 for each 0.1 hectare in excess of 2.5 hectares, subject to a maximum in total of £125,000;</p> <p>(b) in other cases-</p> <p>(i) where the number of dwelling houses to be created by the development is 50 or fewer, £335 for each dwelling house;</p> <p>(ii) where the number of dwelling houses to be created by the development exceeds 50, £16,565; and an additional £100 for each dwelling house in excess of 50 dwelling houses, subject to a maximum in total of £250,000.</p>
2. The erection of buildings (other than	(a) Where the application is for outline

<i>Category of Development</i>	<i>Fee Payable</i>
buildings in categories 1, 3, 4, 5 or 7).	<p>planning permission and-</p> <p>(i) the site area does not exceed 2.5 hectares, £335 for each 0.1 hectare of the site area;</p> <p>(ii) the site area exceeds 2.5 hectares, £8,285; and an additional £100 for each 0.1 hectare in excess of 2.5 hectares, subject to a maximum in total of £125,000;</p> <p>(b) in other cases-</p> <p>(i) where no floor space is to be created by the development, £170;</p> <p>(ii) where the area of gross floor space to be created by the development does not exceed 40 square metres, £170;</p> <p>(iii) where the area of the gross floor space to be created by the development exceeds 40 square metres, but does not exceed 75 square metres, £335;</p> <p>(iv) where the area of the gross floor space to be created by the development exceeds 75 square metres, but does not exceed 3750 square metres, £335 for each 75 square metres of that area;</p> <p>(v) where the area of gross floor space to be created by the development exceeds 3750 square metres, £16,565; and an</p>