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WELSH STATUTORY INSTRUMENTS

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**2004 No. 2736 (W.243)**

**TOWN AND COUNTRY PLANNING, WALES**

**The Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (Wales) Regulations 2004**

*Made* - - - - *19 October 2004*  
*Coming into force* - - *8 November 2004*

The National Assembly for Wales, in exercise of the powers conferred upon the Secretary of State by section 303 of the Town and Country Planning Act 1990<sup>(1)</sup>, and now exercisable by the National Assembly for Wales in relation to Wales<sup>(2)</sup>, and all other powers enabling it in that behalf, hereby makes the following Regulations:

**Citation, commencement, interpretation and application**

1.—(1) These Regulations may be cited as the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (Wales) Regulations 2004 and come into force on 8 November 2004.

(2) In these Regulations, “the 1989 Regulations” means the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 1989<sup>(3)</sup>.

(3) These Regulations apply to Wales.

**General increase in fees**

2.—(1) The 1989 Regulations are amended in accordance with the provisions of this regulation.

(2) In regulation 10A of the 1989 Regulations—

(a) in paragraph (5)(b), for “£110” substitute “£120”; and

(b) in paragraph (6), for “£220” substitute “£240” and for “£11,000” substitute “£12,100”.

(3) In regulation 11A of the 1989 Regulations—

(a) in paragraph (1)(a), for “£40” substitute “£45”; and

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(1) 1990 c. 8.

(2) The functions of the Secretary of State under section 303 were transferred, in relation to Wales, to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and are now exercisable, in relation to Wales, by the National Assembly for Wales by article 4 of, and Schedule 3 to, the National Assembly for Wales (Transfer of Functions) Order 2000 (S.I. 2000/253 (W.5)).

(3) S.I. 1989/193, amended by S.I. 1990/2743, 1991/2735, 1992/1817, 1992/3052, 1993/3170 and 1997/37 and further amended, in relation to Wales, by S.I. 2002/1876 (W.185) and 2002/2258 (W.222).

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- (b) in paragraph (1)(b), for “£220” substitute “£240”.
- (4) In Part I of Schedule 1 to the 1989 Regulations—
  - (a) in paragraphs 4(1) and 6(2), for “£220” substitute “£240”;
  - (b) in paragraphs 7, 7A and 7B, for “£110” substitute “£120”; and
  - (c) in paragraph 15(2), for “£220” substitute “£240” and for “£5,550” substitute “£6,050”.
- (5) 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.
- (6) 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.

### **Revocation**

**3.** The Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment No.2) (Wales) Regulations 2002<sup>(4)</sup> and, in relation to Wales, paragraph 11 of Part I of Schedule 1 to the 1989 Regulations are hereby revoked.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998<sup>(5)</sup>.

19 October 2004

*D. Elis-Thomas*  
The Presiding Officer of the National Assembly

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<sup>(4)</sup> S.I. 2002/2258 (W.222).  
<sup>(5)</sup> 1998 c. 38.

## SCHEDULE 1

Regulation 2(5)

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 8 NOVEMBER 2004**

<i>Category of development</i>	<i>Fee payable</i>
<i>I. Operations</i>	
<p><b>1.</b> The erection of dwellinghouses (other than development within category 6 below).</p>	<p>(a) where the application is for outline planning permission, £240 for each 0.1 hectare of the site area, subject to a maximum of £6,050;</p> <p>(b) in other cases, £240 for each dwellinghouse to be created by the development, subject to a maximum of £12,100.</p>
<p><b>2.</b> The erection of buildings (other than buildings in categories 1, 3, 4, 5 or 7)</p>	<p>(a) where the application is for outline planning permission, £240 for each 0.1 hectare of the site area, subject to a maximum of £6,050;</p> <p>(b) in other cases, where—</p> <p style="margin-left: 2em;">(i) no floor space is to be created by the development, £120,</p> <p style="margin-left: 2em;">(ii) the area of gross floor space to be created by the development does not exceed 40 square metres, £120,</p> <p style="margin-left: 2em;">(iii) the area of gross floor space to be created by the development exceeds 40 square metres but does not exceed 75 square metres, £240, and</p> <p style="margin-left: 2em;">(iv) the area of gross floor space to be created by the development exceeds 75 square metres, £240 for each 75 square metres, subject to a maximum of £12,100.</p>
<p><b>3.</b> 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) where the application is for outline planning permission, £240 for each 0.1 hectare of the site area, subject to a maximum of £6,050;</p> <p>(b) in other cases, where—</p> <p style="margin-left: 2em;">(i) the area of gross floor space to be created by the development does not exceed 465 square metres, £45,</p>

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<i>Category of development</i>	<i>Fee payable</i>
<i>I. Operations</i>	
	(ii) the area of gross floor space to be created by the development exceeds 465 square metres but does not exceed 540 square metres, £240, and
	(iii) the area of gross floor space to be created by the development exceeds 540 square metres, £240 for the first 540 square metres and £240 for each 75 square metres in excess of that figure, subject to a maximum of £12,100.
4. The erection of glasshouses on land used for the purposes of agriculture.	(a) where the gross floor space to be created by the development does not exceed 465 square metres, £45; (b) where the gross floor space to be created by the development exceeds 465 square metres, £1,360.
5. The erection, alteration or replacement of plant or machinery.	£240 for each 0.1 hectare of the site area, subject to a maximum of £12,100.
6. The enlargement, improvement or other alteration of existing dwellinghouses.	(a) where the application relates to one dwellinghouse, £120; (b) where the application relates to 2 or more dwellinghouses, £240.
(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	£120.
(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.	
8. The carrying out of any operations connected with exploratory drilling for oil or natural gas.	£240 for each 0.1 hectare of the site area, subject to a maximum of £18,150.
9. The carrying out of any operations not coming within any of the above categories.	£120 for each 0.1 hectare of the site area, subject to a maximum of—

<i>Category of development</i>	<i>Fee payable</i>
<i>I. Operations</i>	
	(a) in the case of operations for the winning and working of minerals, £18,150;
	(b) in other cases, £1,210.
<i>II. Uses of Land</i>	
<b>10.</b> The change of use of a building to use as one or more separate dwellinghouses.	(a) where the change of use is from a previous use as a single dwellinghouse to use as two or more single dwellinghouses, £240 for each additional dwellinghouse to be created by the development, subject to a maximum of £12,100;
	(b) in other cases, £240 for each dwellinghouse to be created by the development, subject to a maximum of £12,100.
(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	£120 for each 0.1 hectare of the site area, subject to a maximum of £18,150.
(b) the use of land for the storage of minerals in the open.	
<b>12.</b> 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).	£240.””

ATODLEN 2

Regulation 2(6)

**“SCALE OF FEES IN RESPECT OF APPLICATIONS FOR CONSENT TO DISPLAY ADVERTISEMENTS MADE ON OR AFTER 8 NOVEMBER 2004**

<i>Category of development</i>	<i>Fee payable</i>
<b>1.</b> 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—	
(a) the nature of the business or other activity carried on on the premises;	£65.
(b) the goods sold or the services provided on the premises; or	

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<i>Category of development</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.	£65.
3. All other advertisements.	£240.”

### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations further amend, in relation to Wales, the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 1989 (“the 1989 Regulations”).

The effect of these Regulations is that all fees payable under the 1989 Regulations are increased by approximately 10% from 8 November 2004.

Regulation 2 amends the fees payable under regulations 10A and 11A of, and Part I of Schedule 2 to, the 1989 Regulations. Replacement scales of fees for those payable under Part II of Schedule 1, and Schedule 2, to the 1989 Regulations are set out in the Schedules to these Regulations.

Except for the revocation of paragraph 11 of Part I of Schedule 1 to the 1989 Regulations (which relates to a spent provision of the Town and Country Planning Act 1990), only the amount of the fees is changed and there is no change to the categories of development or the basis of calculation.

These Regulations revoke the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment No.2) (Wales) Regulations 2002 ([S.I. 2002/2258](#)) ([W.222](#)).