

## 1981 No. 220

## TOWN AND COUNTRY PLANNING

Planning (Prescribed Fees) Regulations  
(Northern Ireland) 1981

Made . . . . . 7th July 1981

Coming into operation . . . . . 1st August 1981

The Department of the Environment in exercise of the powers conferred on it by Articles 14(1), 23(3), 34, 105A and 106(1) of the Planning (Northern Ireland) Order 1972(a) and now vested in it(b) hereby makes the following regulations:—

*Citation and commencement*

1. These regulations may be cited as the Planning (Prescribed Fees) Regulations (Northern Ireland) 1981 and shall come into operation on 1st August 1981.

*Revocations*

2. The following statutory provisions are hereby revoked namely—

- (a) regulations 3(4) and 6 of the Planning (Listed Buildings) Regulations (Northern Ireland) 1973(c);
- (b) articles 5(4) and 11 of the General Development Order; and
- (c) the Planning (Prescribed Fees — Amendment) Regulations (Northern Ireland) 1975(d).

*Interpretation*

3.—(1) In these regulations—

“the 1972 Order” means the Planning (Northern Ireland) Order 1972;

“the General Development Order” means the Planning (General Development) Order (Northern Ireland) 1973(e);

“dwellinghouse” means a building or part of a building which is used as a single private dwellinghouse, and for no other purpose;

“reserved matters” has the same meaning as in the General Development Order;

“use for residential purposes” means use as a dwellinghouse;

“the Department” means the Department of the Environment.

(2) Expressions used in regulation 13 and Schedule 2 have the meaning which they bear in the Planning (Control of Advertisements) Regulations (Northern Ireland) 1973(f).

(a) S.I. 1972/1634 (N.I. 17)

(b) S.R. & O. (N.I.) 1973 No. 504; S.I. 1976/424 (N.I. 6)

(c) S.R. & O. (N.I.) 1973 No. 264

(d) S.R. 1975 No. 241

(e) S.R. & O. (N.I.) 1973 No. 326

(f) S.R. & O. (N.I.) 1973 No. 324

*Fees for planning applications*

4.—(1) Subject to the provisions of regulations 5 to 9, where an application is made to the Department for planning permission for the development of land or for the approval of reserved matters, a fee shall be paid to the Department as provided in paragraph (2).

(2) The amount of the fee payable in respect of the application shall be calculated in accordance with the provisions of Schedule 1.

5.—(1) The provisions of regulation 4 shall not apply where the Department is satisfied that the application relates solely to:—

(a) the carrying out of operations for the alteration or extension of an existing dwellinghouse; or

(b) the carrying out of operations (other than the erection of a dwellinghouse) in the curtilage of an existing dwellinghouse,

for the purpose; in either case, of providing means of access to or within the dwellinghouse for a disabled person who is resident in that dwellinghouse, or of providing facilities designed to secure his greater safety, health or comfort.

(2) In this regulation “disabled person” means a person who is within any of the descriptions of persons to whom section 1 of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978(a) applies.

6. The provisions of regulation 4 shall not apply where the Department is satisfied:—

(a) that the application relates solely to development which is within one or more of the classes specified in Schedule 1 to the General Development Order; and

(b) that the permission granted by article 3 of that Order does not apply in respect of the development by reason of (and only by reason of):—

(i) a direction made under article 4 of that Order which is in force on the date when the application is made; or

(ii) the requirements of a condition imposed on any permission granted under Part IV of the 1972 Order.

7. The provisions of regulation 4 shall not apply to an application made under Article 19(1)(a) of the 1972 Order for planning permission to retain a building or works, or to continue a use of land, without complying with a condition, imposed on a previous grant of planning permission which requires the removal of that building or those works, or the discontinuance of that use, at the end of a specific period.

8.—(1) Where all of the conditions set out in paragraph (2) are satisfied, the provisions of regulation 4 shall not apply to:—

(a) an application for planning permission which is made following the withdrawal (before it is determined) of an application for planning permission made by or on behalf of the same applicant;

(b) an application for planning permission which is made following the refusal of planning permission (whether by the Department or by the planning appeals commission) on an application made by or on behalf of the same applicant;

(c) an application for approval of one or more reserved matters which is made following withdrawal (before it is determined) of an application made by or on behalf of the same applicant for approval of reserved matters referred to in the same outline planning permission; or

- (d) an application for approval of one or more reserved matters which is made following the refusal (whether by the Department or the planning appeals commission) to approve details relating to the same reserved matters which were submitted in an application made by or on behalf of the same applicant and in relation to the same outline planning permission.
- (2) The conditions referred to in paragraph (1) are:—
- (a) that the application is made before the end of the period of 12 months following:—
- (i) the date when the earlier application was made, in the case of a withdrawn application; or
  - (ii) the date of the 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 other than additional land required for the provision of access to the development);
- (c) that the Department is satisfied that it relates to development of the same character to which the earlier application related (and to no other development); and
- (d) that no previous application has at any time been made by or on behalf of the same applicant which related to the same land (or any part of it) and which was exempted from the provisions of regulation 4 by the provisions of this regulation.

9. The prescribed fee for an application for planning permission, to which regulations 6, 7 and 8 apply, shall be £6.

*Fees for applications for listed building consent*

10.—(1) The prescribed fee for an application for listed building consent shall be £6.

*Fees for appeals*

11.—(1) The prescribed fee for the purposes of article 23(3)(b) of the 1972 Order shall be £6.

(2) No fee shall be payable in respect of the following:—

- (a) for an appeal under paragraph 3 of the Second Schedule to a Tree Preservation Order made under the Planning (Tree Preservation Order) Regulations (Northern Ireland) 1973(a) against a refusal or conditional grant of consent to cut down, top or lop trees or for an appeal under paragraph 4 of the said Second Schedule in default of a decision; or
- (b) for an appeal under regulation 15(1) of the Planning (Control of Advertisements) Regulations (Northern Ireland) 1973 against a refusal or conditional grant of consent to display an advertisement or for an appeal under paragraph (5) of the said regulation 15 in default of a decision.

*Fees for statutory authorities*

12.—(1) The provisions of regulation 4 shall not apply to an application for planning permission or for approval of reserved matters for development in connection with their statutory functions made by the following:—

- (a) district councils;
- (b) the Northern Ireland Housing Executive;
- (c) Education and Library Boards;

- (d) The Northern Ireland Electricity Service in respect of the construction or extension of a generating station or the installation of any overhead line;
- (e) The Northern Ireland Fire Authority; and
- (f) The Northern Ireland Police Authority.

(2) The prescribed fee for an application for planning permission for the development set out in paragraph (1) shall be £6.

*Fees for applications for consent for advertisements*

13.—(1) Where an application is made to the Department under regulation 11 of the Planning (Control of Advertisements) Regulations (Northern Ireland) 1973 for consent for the display of an advertisement, a fee shall be paid to the Department in accordance with the following provisions of this regulation.

(2) The amount of the fee payable in respect of the application shall be calculated in accordance with the provisions of paragraphs (3) and (4) below and with the table in Schedule 2.

(3) Where the application relates to the display of advertisements on more than one piece of land, the amount of the fee payable in respect of the application shall be the aggregate of the sums payable (calculated in accordance with the provisions of paragraph (4) and Schedule 2) in respect of the display of advertisements on each such piece of land.

(4) Where the application relates to the display of more than one advertisement on the same land, a single fee shall be payable in respect of all of the advertisements to be displayed on that land:

Provided that, where one or more of the advertisements on that land is within category 3 of Schedule 2, the amount of the single fee referred to in this paragraph shall be the amount specified in respect of category 3.

(5) The fee due in respect of an application shall be paid at the time when the application is made; and the amount of the fee shall be sent to the Department together with the application.

Sealed with the Official Seal of the Department of the Environment for Northern Ireland on 7th July 1981.

(L.S.)

*W. P. McIlmoyle*

Assistant Secretary

**Fees in respect of applications for planning permission  
or for approval of reserved matters**

## PART I

**General Provisions**

1. Subject to the provisions of paragraphs 2 to 5, the amount of the fee payable under regulation 4 in respect of an application shall be calculated in accordance with the provisions of Part II and (where applicable) the provisions of paragraphs 6 to 9.

2.—(1) Where an application for planning permission or an application for approval of reserved matters is made not more than 28 days after the lodging with the Department of an application for planning permission or as the case may be, an application for approval of reserved matters:—

(a) made by or on behalf of the same applicant;

(b) relating to the same land; and

(c) relating to the same development or, in the case of an application for approval of reserved matters, relating to the same reserved matters in respect of the same building or buildings authorised by the relevant outline planning permission.

and a fee of the full amount (calculated in accordance with the provisions of the following paragraphs and the provisions of Part II), payable in respect of the category or categories of development to which the applications relate has been paid in respect of the earlier application, the amount of the fee payable in respect of the later application shall, subject to the provisions of sub-paragraph (2), be one-quarter of the full amount paid in respect of the earlier application.

(2) The provisions of sub-paragraph (1) allowing payment of a reduced fee shall apply only in respect of one application made by or on behalf of the same applicant in relation to the same development or in relation to the same reserved matters (as the case may be).

(3) The provisions of sub-paragraphs (1) and (2) shall apply where more than one application for planning permission or for approval of reserved matters is made by or on behalf of the same applicant on the same day (provided that all of the conditions specified in sub-paragraph (1)(a) to (c) are fulfilled) as though one of those applications had been lodged earlier than the other application or applications.

3.—(1) Where an application for planning permission is made by or on behalf of a club, society or other organisation (including any persons administering a trust) which is not established or conducted for profit and whose objects are the provision of facilities for sport or recreation, and the conditions specified in sub-paragraph (2) are satisfied, the amount of the fee payable in respect of the application shall be £40.

(2) The conditions referred to in subparagraph (1) are—

(a) that the application relates to one or both of the following categories of development:—

(i) the making of a material change in the use of land to use as a playing field; or

(ii) the carrying out of operations (other than the erection of a building containing floor space) for purposes ancillary to the use of land as a playing field, and to no other development; and

(b) that the Department is satisfied that the development is to be carried out on land which is, or is intended to be, occupied by the club, society or organisation and used wholly or mainly for the carrying out of its objects.

4. In the case of an application for approval of reserved matters, where the application does not relate to any of the reserved matters referred to in the General Development Order other than:—

(a) the siting of the building or buildings authorised by the outline permission;

(b) the means of access; or

(c) the landscaping of the site,

the amount of the fee payable shall be £40.

5. Where, in respect of any category of development specified in the provisions of Part II, the amount of the fee is to be calculated by reference to the land area:—

- (a) that area shall be taken as consisting of the area of land to which the application relates; and
- (b) where the area referred to in sub-paragraph (a) is not an exact multiple of the unit of measurement specified in respect of the relevant category of development, the fraction of a unit remaining after division of the total area by the unit of measurement shall be treated, for the purposes of calculating the fee payable in respect of the application as a complete unit.

6. In relation to development within category 2 specified in the provisions of Part II, the area of gross floor space to be created by the development shall be ascertained by external measurement of the floor space, whether or not it is to be bounded (wholly or partly) by external walls of a building; and where that area exceeds 75 sq metres and is not an exact multiple of 75 sq metres, the area remaining after division of the total number of square metres of gross floor space by the figure of 75 shall be treated as being 75 sq metres.

7.—(1) Where an application relates to the erection of a building or buildings, the proposed use of which is partly use for residential purposes and partly use for other purposes, the amount of the fee payable in respect of the application shall be calculated in accordance with the following sub-paragraph.

(2) An assessment shall be made of the gross floor space to be created by the development which it is proposed to use for the purposes other than residential purposes (hereafter in this paragraph referred to as “the non-residential floor space”), and the sum payable in respect of the non-residential floor space (calculated in accordance with the provisions of Part II) shall be added to the sum payable in respect of the number of dwellinghouses to be created by the development (calculated in accordance with the provisions of Part II).

Provided that, where any of the buildings is to contain floor space which it is proposed to use for the purposes of providing common services or facilities for persons occupying or using that building for residential purposes and for persons occupying or using it for non-residential purposes (such floor space being hereafter referred to as “common floor space”), the amount of non-residential floor space shall be assessed, in relation to that building, as including such proportion of the common floor space as the amount of non-residential floor space in the building bears to the total amount of gross floor space in the building to be created by the development.

8. Where an application relates to development which is within more than one of the categories specified in the provisions of Part II—

- (a) an amount shall be calculated, in accordance with the provisions of this Schedule, in respect of the development which is within each such category (subject to the provisions of paragraph 7, where the development to which the application relates includes a building or buildings to which sub-paragraph (1) of that paragraph applies); and
- (b) the highest of the amounts so calculated shall be taken as the amount of the fee payable in respect of all the development to which the application relates.

## PART II

### Scale of Fees

<i>Category of development</i>	<i>Fee payable</i>
1. The erection of dwellinghouses.	(a) where the application is for outline permission:— <ol style="list-style-type: none"> <li>(i) £20 if the development involves only one dwellinghouse;</li> <li>(ii) £40 for each 0.1 hectare of the site area, subject to a maximum of £1,000 if more than one dwellinghouse is to be created;</li> </ol>

<i>Category of development</i>	<i>Fee payable</i>
	(b) In other cases, £40 for each dwellinghouse subject to a maximum of £2,000.
2. The erection of buildings (other than dwellinghouses or buildings in the nature of plant or machinery).	(a) Where the application is for outline planning permission, £40 for each 0.1 hectare of the site area, subject to a maximum of £1,000; (b) In other cases:— (i) where no floor space is to be created by the development, £20; (ii) where the area of gross floor space to be created by the development does not exceed 40 sq metres, £20; (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 £40; and (iv) where the area of gross floor space to be created by the development exceeds 75 sq metres £40 for each 75 sq metres subject to a maximum of £2,000.
3. The erection, alteration or replacement of plant or machinery.	£20 for each 0.1 hectare of the site area subject to a maximum of £1,000.
4. The winning and working of materials.	£20 for each 0.1 hectare of the site area, subject to a maximum of £3,000.
5. The enlargement, improvement or other alteration of an existing dwellinghouse, the carrying out of any 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.	£20
6. 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.	£20
7. The deposit of material on land whether it involves a new deposit, the extension of an existing deposit or the infilling and levelling of land.	£20 for each 0.1 hectare of the site area subject to a maximum of £200.
8. The carrying out of any operations not coming within any of the above categories.	£20 for each 0.1 hectare of the site area subject to a maximum of £200.

*Category of development**Fee payable*

9. The making of a material change in the use of a building or land (other than a material change of use coming within categories 7 or 10). £40
10. The use as two or more separate dwellinghouses of a building previously used as a single dwellinghouse. £40 for each additional dwellinghouse created by the development.
11. The continuation of a use of land or the retention of a building without compliance with a condition subject to which a previous planning permission has been granted (other than a condition requiring the discontinuance of the use or the removal of the building at the end of a specific period, or a condition prohibiting or limiting the carrying out of development which is within a class specified in Schedule 1 to the General Development Order). £40



## SCHEDULE 2

Regulation 13

**Scale of fees 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:— (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.	£10
2. Advertisements for the purpose 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.	£10
3. All other advertisements.	£40

## EXPLANATORY NOTE

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

These Regulations make provision for the payment of fees to the Department of the Environment in respect of applications made under Part IV of the Planning (Northern Ireland) Order 1972 for planning permission for development or for approval of matters reserved by an outline planning permission and in respect of applications for consent for the display of advertisements; and for the payment of fees to the Planning Appeals Commission for appeals.

Regulation 4 and Schedule 1 provide for the amount of the fee payable in respect of an application under Part IV of the 1972 Order to be determined by reference to the category of development to which the application relates.

The fees payable in respect of the carrying out of operations are in most cases based on a scale of charges, with a maximum limit. Outline applications for planning permission for building operations are based on a scale related to the area of the application site, and are subject to a maximum charge of £1,000, except in the case of an outline application for a single dwellinghouse where there is a flat-rate charge of £20. Detailed applications for planning permission for the erection of dwellinghouses are subject to a scale of charges related to the number of dwellinghouses to be created by the development, with a maximum charge of £2,000; and detailed applications relating to other building operations are subject to a scale of charges related to the area of gross floor space to be created by the development, with a maximum charge of £2,000 (where the development will not create any floor space there is a flat-rate charge of £20). Applications (including outline applications) for permission for the enlargement, improvement or other alteration of an existing dwellinghouse, or the carrying out of ancillary operations in the curtilage of an existing dwellinghouse, are subject to a flat-rate charge of £20. A flat-rate charge of £20 is also payable in respect of the construction of car parks, service roads and means of access to serve an existing use. The deposit of material on land, whether it involves a new dump, the extension of an existing deposit or the infilling or levelling of land, will be charged according to the area of the site, subject to a maximum of £200. The three other categories of operations namely the erection, alteration or replacement of plant or machinery, the carrying out of mining operations and the carrying out of operations not covered by any other category, are all subject to scales of charges related to the area of the application site, with maximum charges of £1,000, £3,000 and £200 respectively. For applications for planning permission for the making of a material change of use, a flat-rate charge of £40 is payable, except in the case of a material change of use of a building from use as a single dwellinghouse to use as two or more separate dwellinghouses, where the charge is £40 for each additional dwellinghouse created. Applications for planning permission for the continuation of a use or the retention of a building without complying with a condition on a previous planning permission carry a flat-rate charge of £40.

In the case of applications for approval of reserved matters, a flat-rate charge is payable where the application does not relate to any matters concerning the design and external appearance of the building authorised by the outline permission; but where the application does relate to any such matters the normal rates specified in respect of detailed applications for planning permission will apply.

Provision is made, in paragraph 2 of Part I of Schedule 1, for the payment of a reduced fee, in certain circumstances, where more than one application for planning permission for the same development, or more than one application for approval of

the same reserved matters, is made by the same applicant within a period of 28 days. There is also a special provision (in paragraph 3 of Part I of Schedule 1) for the payment of a flat-rate charge of £40 in respect of certain applications relating to playing fields made by non-profit-making sporting and recreational clubs and societies.

Regulation 13 and Schedule 2 provide for the payment of a fee of £40 in respect of the display of advertisements on each piece of land to which the application relates, save that the fee is reduced to £10 in the case of an application relating solely to the display of certain kinds of advertisement on, or in relation to, business premises (including advertisements giving advance notice of the existence of business premises).

Certain applications made by or on behalf of disabled persons are exempted from the requirement to pay a fee (regulation 5). Applications relating to development which would be permitted by the General Development Order but in respect of which an application is required because of a direction under article 4 of that Order or because the development is prohibited or restricted by a condition on an earlier planning permission (regulation 6), applications for the renewal of a temporary planning permission (regulation 7) and certain revised applications for planning permission or for approval of reserved matters (regulation 8) cost £6 each.

Regulations 10 and 11 provide that the fee for an application for listed building consent or for an appeal is £6. There is no fee for an appeal in connection with an application to display an advertisement or to cut down a tree covered by a Tree Preservation Order. Neither is there a fee for an application for consent to fell a tree covered by a Tree Preservation Order nor for an application under article 30 of the 1972 Order as to whether planning permission is needed.