

1985 No. 225

## TOWN AND COUNTRY PLANNING

**Planning (Fees) (Amendment) Regulations (Northern Ireland) 1985**

*Made* . . . . . 22nd August 1985

*Coming into operation* . . . . . 30th September 1985

The Department of the Environment, in exercise of the powers conferred on it by Article 105A(a) of the Planning (Northern Ireland) Order 1972(b) and of all other powers enabling it in that behalf, makes the following regulations:—

*Citation and commencement*

1. These regulations may be cited as the Planning (Fees) (Amendment) Regulations (Northern Ireland) 1985 and shall come into operation on 30th September 1985.

*Amendments*

2. The Planning (Fees) Regulations (Northern Ireland) 1983(c) are amended as follows:—

(1) the following regulation shall be inserted after regulation 6:—

“6A. Regulation 4 shall not apply where the Department is satisfied:—

- (a) that the application relates to the use of a building or other land for a purpose of a class specified in the Planning (Use Classes) Order (Northern Ireland) 1973 and solely to such use; and
- (b) that the existing use of that building or other land is for another purpose of the same class; and
- (c) that the making of an application for planning permission in respect of the use to which the application relates is necessary by reason of (and only by reason of) a condition imposed on a permission granted or having the like effect as a permission granted under Part IV of the 1972 Order.”;

(2) in regulation 9 for “£7” there shall be substituted “£8”;

(3) in regulation 10 (fees for deemed applications):—

(a) the following paragraph shall be substituted for paragraph (4):—

“(4) In the case of a deemed application, paragraph (1) shall not apply where the appellant, before the date when the relevant enforcement notice was issued, made:—

(a) As inserted by Article 13 of the Planning (Amendment) (Northern Ireland) Order 1982 (S.I. 1982/1537 (N.I. 20)). See also S.R. & O. (N.I.) 1973 No. 504 Art. 7(1), The Northern Ireland Constitution Act c. 36 Sch. 5 para. 8(1) and S.I. 1976/424 (N.I. 6)

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

(c) S.R. 1983 No. 329 as amended by S.R. 1984 No. 224: see regulation 2(d)(i)

- (a) an application to the Department for planning permission for the development to which the relevant enforcement notice relates (and had paid to the Department the amount of the fee payable in respect of that application, in accordance with the requirements of regulation 4); or
- (b) an appeal to the Commission against the refusal of the Department to grant such permission;  
and that application or that appeal (as the case may be) had not been determined on or before the date when the relevant enforcement notice was issued.”;
- (b) in paragraph (5) for “and 6” there shall be substituted “, 6 and 6A”;
- (c) in paragraph (6) for “£7” there shall be substituted “£8”;
- (4) in regulation 12 for “£7” there shall be substituted “£8”;
- (5) in regulation 13(1) for “£7” there shall be substituted “£10”;
- (6) in regulation 14(2) for “£7” there shall be substituted “£8”;
- (7) in Part I of Schedule 1:—
- (a) in paragraph 1, for “paragraphs 2” there shall be substituted “paragraphs 1A”;
- (b) the following paragraph shall be inserted after paragraph 1:—
- “1A. Where an application or deemed application relates to the retention of buildings or works which were constructed or carried out without planning permission, or to the continuance of a use of land which was instituted without planning permission the amount of the fee payable shall be calculated in accordance with the provisions of Part II of this Schedule as if the application or deemed application were one for planning permission to construct or carry out those buildings or works or to institute that use.”;
- (c) in paragraph 3(1) for “£47” there shall be substituted “£53”;
- (d) in paragraph 4 for “£47” there shall be substituted “£53”;
- (e) in paragraph 5(1) after the words “the same date” there shall be inserted the words “and by or on behalf of the same applicant”;
- (8) for Part II of Schedule 1 there shall be substituted the Part II set out in the Schedule to these regulations;
- (9) in Schedule 2:—
- (a) for “£12” where it twice occurs there shall be substituted “£14”;
- (b) for “£47” there shall be substituted “£53”.

Sealed with the Official Seal of the Department of the Environment on 22nd August 1985.

(L.S.)

*R. H. MacKenzie*

Assistant Secretary

## SCHEDULE

Regulation 2(8)

## REPLACEMENT FOR PART II OF SCHEDULE 1

## "PART II

## Scale of Fees

<i>Category of development</i>	<i>Fee payable</i>
1. The erection of dwellinghouses.	<p>(a) Where the application is for outline planning permission:—</p> <p>(i) £27 if the development involves only one dwellinghouse;</p> <p>(ii) £53 for each 0.1 hectare of the site area, subject to a maximum of £1,325 if more than one dwellinghouse is to be created;</p> <p>(b) In other cases, £53 for each dwellinghouse subject to a maximum of £2,650.</p>
2. The erection of buildings (other than dwellinghouses, buildings coming within category 3, 4 or 7 or buildings in the nature of plant or machinery).	<p>(a) Where the application is for outline planning permission, £53 for each 0.1 hectare of the site area, subject to a maximum of £1,325;</p> <p>(b) in other cases:—</p> <p>(i) where no floor space is to be created by the development, £27;</p> <p>(ii) where the area of gross floor space to be created by the development does not exceed 40 square metres, £27;</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, £53; and</p> <p>(iv) where the area of gross floor space to be created by the development exceeds 75 square metres, £53 for each 75 square metres subject to a maximum of £2,650.</p>
3. The erection, on land used for the purposes of agriculture, of buildings (other than glasshouses) to be used for agricultural purposes.	<p>(a) Where the application is for outline planning permission, £53 for each 0.1 hectare of the site area, subject to a maximum of £1,325;</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 300 square metres, £8;</p> <p>(ii) where the area of gross floor space to be created by the development exceeds 300 square metres but does not exceed 375 square metres, £53;</p> <p>(iii) where the area of gross floor space to be created by the development exceeds 375 square metres, £53 for the first 375 square metres and £53 for each 75 square metres in excess of that figure, subject to a maximum of £2,650.</p>

4. The erection of glasshouses on land used for the purposes of agriculture. Where the application is for:
- (a) outline planning permission, £53;
  - (b) in other cases:—
    - (i) where the area of gross floor space to be created by the development does not exceed 465 square metres, £8;
    - (ii) where the area of gross floor space to be created by the development exceeds 465 square metres, £315.
5. The erection, alteration or replacement of plant or machinery. £53 for each 0.1 hectare of the site area, subject to a maximum of £1,325.
6. The enlargement, improvement or other alteration of existing dwellinghouses.
- (a) Where the application relates to one dwellinghouse, £27;
  - (b) where the application relates to 2 or more dwellinghouses, £53.
7. (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 £27.
- (b) the construction of car parks, service road 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 not coming within any of the above categories. £27 for each 0.1 hectare of the site area, subject to a maximum of:—
- (a) in the case of operations for the winning and working of minerals, £4,050;
  - (b) in other cases, £270.
9. The change of use of a building to use as one or more separate dwellinghouses.
- (a) Where the change is from a previous use as a single dwellinghouse to use as two or more single dwellinghouses, £53 for each additional dwellinghouse to be created by the development;
  - (b) in other cases, £53 for each dwellinghouse to be created by the development; subject, in each case, to a maximum of £2,650.
10. (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 £27 for each 0.1 hectare of the site area, subject to a maximum of £4,050.
- (b) the use of land for the storage of minerals in the open.

11. (a) 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); or £53.
- (b) the continuance of a use of land, or the retention of buildings or works on land, without compliance with a condition subject to which a previous planning permission has been granted (including a condition requiring the discontinuance of the use or the removal of the building or works at the end of a specified period). £27.

## EXPLANATORY NOTE

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

These regulations amend the Planning (Fees) Regulations (Northern Ireland) 1983, which prescribe fees payable 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 in 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 in respect of an application for planning permission deemed to have been made on an appeal against an enforcement notice by virtue of section 43B(3) of the said Order of 1972. Said section 43B(3) was inserted by Article 8 of S.I. 1982/1537 (N.I. 20).

The main alterations made by these regulations are as follows:—

- (a) with the exemptions and modifications referred to below all fees are increased by approximately 12½%;
- (b) the fees for appeals to the Planning Appeals Commission are raised from £7 to £10;
- (c) there is a reduction of £20 in the fee in relation to applications and deemed applications for planning permission to continue a use of land or retain a building or works without complying with a condition imposed on a previous grant of planning permission (category 11(b) in Part II of Schedule 1) (the new amount being £27);
- (d) a new regulation (regulation 6A) exempts from payment of a fee an application or deemed application relating to a change of use of a building or other land from a purpose of one of the classes specified in the Schedule to the Planning (Use Classes) Order 1973 to another purpose of the same class in a case where planning permission is required solely because the change is prohibited by a condition imposed on a previous grant of planning permission (regulation 2(1));
- (e) regulation 10 (fees for deemed applications) is amended to exempt from payment of a fee a deemed application arising out of an enforcement appeal where, before the date when the relevant enforcement notice was issued, the appellant had made an appeal to the Commission against the decision of the Department to refuse an application for planning permission for the development to which the relevant enforcement related (having paid to the Department the appropriate fee in respect of that application) and the appeal had not been determined by that date (regulation 2(3)(a));
- (f) a new paragraph (paragraph 1A) in Part I of Schedule 1 provides that the fee payable in respect of applications and deemed applications for the retention of building or works, or for the continuance of uses, for which planning permission had not been obtained, is to be the same as that which would have been payable if the applications has been for planning permission to construct or carry out the buildings or works or to institute the use (regulation 2(7)(b));
- (g) paragraph 5(1) of Part I of Schedule 1 (which provides for payment of a special rate of fee where applications relating to several alternative proposals are submitted to the Department on the same date) is amended to provide that the special rate does not apply unless the applications are submitted by the same applicant (regulation 2(7)(e)).