

## SCHEDULE 1

### Fees in Respect of Deemed Applications

#### PART 1

##### General Provisions

1. The fee payable under regulation 3(2) in respect of a deemed application shall be calculated in accordance with the provisions of Part 2 and (where applicable) paragraphs 4 to 7.

2. Where a deemed application relates to development stated in the relevant enforcement notice to have been carried out without planning permission, the amount of the fee payable shall be calculated in accordance with the provisions of Part 2 as if the deemed application were one for permission to carry out that development.

3. In this Schedule—

- (a) references to the development to which any deemed application relates shall be construed as references to the use of land or the operations (as the case may be) to which the relevant enforcement notice relates;
- (b) references to the floor space or the number of dwellinghouses to be created by the development shall be construed as references to the floor space or the number of dwellinghouses to which that enforcement notice relates; and
- (c) references to the purposes for which it is proposed that the floor space shall be used shall be construed as references to the purposes for which floor space was stated to be used in the enforcement notice.

4. Where, in respect of any category of development specified in Part 2, the fee is to be calculated by reference to the site area—

- (a) that area shall be taken as consisting of the site area to which the relevant enforcement notice 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, as a complete unit.

5.—(1) In relation to development within category 3, 5 or 10(b) specified in Part 2, 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.

(2) In relation to development within category 3 or 10(b) where the area of gross floor space is not an exact multiple of 75 square 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 square metres.

(3) In relation to development within category 5 where the area of gross floor space is not an exact multiple of 500 square metres, the area remaining after division of the total number of square metres of gross floor space by the figure of 500 shall be treated as being 500 square metres.

6.—(1) Subject to the provisions in sub-paragraph 6(2) and paragraph 7(1), where a deemed application relates to more than one of the categories of development specified in Part 2—

- (a) an amount shall be calculated, in accordance with this Schedule, in respect of development which is within each category; and

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(b) the total of the amounts calculated for each of the categories of development shall be the fee.

(2) Where a building is to contain floor space which it proposes to use for the purposes of providing common access or common services or facilities for persons occupying or using that building for development within category 1 and for persons occupying or using it for development within category 3 and or category 5 (such floor space being referred to below as “common floor space”), the category 3 and or category 5 floor space shall be assessed, in relation to that building, as including such proportion of the common floor space as the category 3 and or category 5 floor space in the building bears to the gross floor space in the building.

7.—(1) Subject to the provisions of paragraph 6, where a deemed application relates to development which is within more than one of the site-based categories (4, 6 and 7)—

- (a) an amount shall be calculated, in accordance with this Schedule in respect of the development which is within each category; and
- (b) the highest of the amounts so calculated shall be the fee.