

## SCHEDULE

Regulation 3

### FEES IN RESPECT OF APPLICATIONS AND DEEMED APPLICATIONS FOR PLANNING PERMISSION OR FOR APPROVAL OF RESERVED MATTERS

#### PART I

##### INTRODUCTION

1. In this Schedule—
  - (a) any reference to a category of development shall be taken to mean one of the categories of development specified in column 1 of the tables set out in Part III;
  - (b) in the case of an application for approval of reserved matters, references to the category of development to which an application relates shall be construed as references to the category of development authorised by the relevant outline planning permission;
  - (c) in the case of an application for planning permission which is deemed to have been made by virtue of section 133(7) of the 1997 Act, references to—
    - (i) the development to which an 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;
    - (ii) the amount of floor space or the number of dwellinghouses to be created by the development shall be construed as references to the amount of floor space or the number of dwellinghouses to which that enforcement notice relates; and
    - (iii) the purposes for which it is proposed that floor space be used shall be construed as references to the purposes for which floor space was stated to be used in the enforcement notice.

#### PART II

##### GENERAL PROVISIONS

2. Subject to paragraphs 3 to 10, the fee payable under regulation 3 or regulation 10 for a category of development shall be calculated in accordance with—
  - (a) for the period up to and including 31 March 2005, the appropriate entry specified in Column 2 of Table 1;
  - (b) for the period on or after 1st April 2005, the appropriate entry specified in Column 2 of Table 2; andparagraphs 11 to 14.
3. Where an application or deemed application is made or deemed to be made by a community council, the fee payable shall be one half of the amount that would otherwise be payable.
- 4.—(1) Where an application or deemed application is made or deemed to be made by a club, society, trust or other organisation 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 fee payable shall be £240, and on or after 1st April 2005, £260.
  - (2) The conditions referred to in sub-paragraph (1) are—
    - (a) that the application or deemed application relates to—

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- (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 playing field,

and to no other development; and

- (b) that the planning authority with which the application is lodged is, or, in the case of a deemed application, the Scottish Ministers are, satisfied that the development is to be carried out on land which is, or is intended to be, occupied by the club, society, trust or organisation and used wholly or mainly for the carrying out of its objects.

**5.—**(1) This paragraph applies where—

- (a) an application is made for approval of one or more reserved matters (“the current application”);
- (b) the applicant has previously applied for such approval under the same outline planning permission and paid fees in relation to one or more such applications; and
- (c) no application has been made under that permission other than by the applicant.

(2) Where the amount paid as mentioned in sub-paragraph (1)(b) is not less than the amount which would be payable if the applicant were by the current application seeking approval of all the matters reserved by the outline permission and in relation to the whole of the development authorised by the permission, the fee payable in respect of the current application shall be £240, and on or after 1st April 2005, £260.

(3) Where—

- (a) a fee has been paid as mentioned in sub-paragraph (1)(b) at a rate lower than that prevailing at the date of the current application; and
- (b) sub-paragraph (2) would apply if that fee had been paid at the rate applying at that date, the fee in respect of the current application shall be £240, and on or after 1st April 2005, £260.

**6.** Where application is made for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted the fee payable in respect of the application shall be £120, and on or after 1st April 2005, £130.

**7.** Where an application relates to development to which section 33 of the 1997 Act applies, the fee payable in respect of the application shall be—

- (a) where the application relates to development carried out without permission, the fee that would be payable if the application were for planning permission to carry out that development; and
- (b) in any other case, £120, and on or after 1st April 2005, £130.

**8.—**(1) This paragraph applies where applications are made or deemed to have been made by virtue of section 133(7) of the 1997 Act for planning permission or for the approval of reserved matters in respect of the development of land lying in the areas of 2 or more planning authorities.

(2) The amount payable in respect of all the applications shall be one and a half times the amount which would have been payable if application had been made to a single authority in respect of the whole development or the sum of the amounts which would have been payable but for this paragraph whichever is the lesser.

(3) In applications other than deemed applications the fee payable under sub-paragraph (2) shall accompany only the application to the planning authority in whose area the larger or largest part of the land to which the applications relate is situated.

(4) In deemed applications the fee payable to the Scottish Ministers shall be the amount which would be payable by virtue of sub-paragraph (2) if applications for the like permission had been made to the relevant planning authorities on the date on which notice of appeal was given in accordance with section 130(2) of the 1997 Act.

**9.—(1)** Where application is made—

- (a) for planning permission in respect of 2 or more proposals for the development of the same land; or
- (b) for approval of reserved matters in respect of 2 or more proposals for the carrying out of the development authorised by an outline planning permission,

and application is made in respect of all the proposals on the same date and by the same applicant a single fee shall be payable in respect of all such proposals, calculated as provided in sub paragraph (2).

(2) Calculations shall be made in accordance with this Schedule of the fee appropriate to each of the proposals and the single fee payable in respect of all the proposals shall be the sum of—

- (a) an amount equal to the highest fee calculated in respect of each of the proposals; and
- (b) an amount calculated by adding together the fees appropriate to all of the proposals, other than the fee referred to in sub-sub-paragraph (a) and dividing that total by the figure of 2.

### PART III

#### SCALES OF FEES ETC

**10.** Where, in respect of any category of development the fee is to be calculated by reference to the site area—

- (a) that area shall be taken as consisting of the area of land to which the application relates or, in the case of an application for planning permission which is deemed to have been made by virtue of section 133(7) of the 1997 Act, the area of land 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 as a complete unit.

**11.** In relation to development within category 2—

- (a) 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,
- (b) where the area of gross floor space to be created by the development exceeds 75 square metres and 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.

**12.—(1)** Where an application, or a deemed application other than an outline application, relates to development which is partly within category 1 and partly within category 2, the following sub-paragraphs shall apply for the purpose of calculating the fee.

(2) The amount of gross floor space which is to be created by that part of the development which is within category 2 (“the non-residential floor space”), shall be calculated and the sum payable in respect of that non-residential floor space shall be added to the sum payable in respect of that part

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of the development which is within category 1 and, subject to sub-paragraph (4), the result of the addition shall be the fee payable.

(3) For the purpose of sub-paragraph (2) where any of the buildings is to contain floor space for the purposes of providing common access or 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 (“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.

(4) Where an application or deemed application to which this paragraph applies relates to development which is also within one or more than one of categories 3 to 12 an amount shall be calculated in accordance with each such category and if any of the amounts so calculated exceeds the amount calculated in accordance with sub-paragraph (2) that higher amount shall be the fee payable in respect of all of the development to which the application or deemed application relates.

**13.** Subject to paragraph 12 where an application or deemed application, other than an outline application, relates to development which is within more than one of the categories–

- (a) an amount shall be calculated in respect of each category; and
- (b) the highest amount so calculated shall be the fee payable in respect of the application or deemed application.

**14.** Where an application is for outline planning permission and relates to development which is within more than one of the categories the fee payable in respect of the application shall be £240 for each 0.1 hectares of the site area, subject to a maximum of £6,000, and on or after 1st April 2005, £260 for each 0.1 hectares of the site area, subject to a maximum of £6,500.

**TABLE 1**

**FEE PAYABLE ON OR AFTER 1ST JUNE 2004**

<i>1</i> (Category of development)	<i>2</i> (Fee Payable)
<i>I. Operations</i>	
<p><b>1.</b> The erection of dwellinghouses (other than development within category 6).</p>	<p>Where the application is for–</p> <ul style="list-style-type: none"> <li>(a) outline planning permission, £240 for each 0.1 hectare of the site area, subject to a maximum of £6,000; or for one dwellinghouse, £240;</li> <li>(b) other than outline planning permission, £240 for each dwellinghouse to be created by the development, subject to a maximum of £12,000.</li> </ul>
<p><b>2.</b> The erection of buildings (other than buildings coming within category 1, 3, 4 or 6).</p>	<p>Where the application is for–</p> <ul style="list-style-type: none"> <li>(a) outline planning permission, £240 for each 0.1 hectare of the site area, subject to a maximum of £6,000;</li> <li>(b) other than outline planning permission–                             <ul style="list-style-type: none"> <li>(i) where no floor space is to be created by the development, £120;</li> <li>(ii) where the area of gross floor space to be created by the development</li> </ul> </li> </ul>

<i>1</i> <i>(Category of development)</i>	<i>2</i> <i>(Fee Payable)</i>
<p><b>3.</b> The erection on land used for the purposes of agriculture, of those works, structures or buildings excluded by virtue of paragraph 2(d) of Class 18 in Schedule 1 to the General Permitted Development Order from that class (other than buildings coming within category 4).</p>	<p>does not exceed 40 square metres, £120;</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, £240; and</p> <p>(iv) where 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 £12,000.</p> <p>(a) (a) Where the application is for outline planning permission, £240 for each 0.1 hectare of the site area, subject to a maximum of £6,000;</p> <p>(b) in all other cases—</p> <p>(i) where the ground area to be covered by the development exceeds 465 square metres but does not exceed 540 square metres, £240;</p> <p>(ii) where the ground area to be covered 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 £12,000.</p>
<p><b>4.</b> The erection on land used for the purposes of agriculture, of glasshouses excluded by virtue of paragraph 2(d) of Class 18 of the General Permitted Development Order.</p>	<p>Where the ground area to be covered by the development exceeds 465 square metres, £1,380.</p>
<p><b>5.</b> The erection, alteration or replacement of plant or machinery.</p>	<p>£240 for each 0.1 hectare of the site area, subject to a maximum of £12,000.</p>
<p><b>6.</b> The enlargement, improvement or other alteration of existing dwellinghouses.</p>	<p>(a) (a) Where the application relates to one dwellinghouse, £120;</p> <p>(b) where the application relates to two or more dwellinghouses, £240.</p>
<p>(a) (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;</p>	<p>£120.</p>

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<i>1</i> <i>(Category of development)</i>	<i>2</i> <i>(Fee Payable)</i>
(b) the erection or construction of gates, fences, walls or other means of enclosure along a boundary of the curtilage of an existing dwellinghouse; or	
(c) 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.	
<b>8.</b> 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 £18,000.
<b>9.</b> The carrying out of any operations not within categories 1 to 8.	In the case of operations for— (a) the winning and working of minerals, £120 for each 0.1 hectare of the site area, subject to a maximum of £18,000; (b) the winning and working of peat, £120 for each hectare of the site area, subject to a maximum of £1,800; (c) any other purpose, £120 for each 0.1 hectare of the site area, subject to a maximum of £1,200.
<b>II. Uses of Land</b>	
<b>10.</b> The change of use of a building to use as one or more separate dwellinghouses.	£240 for each additional dwellinghouse to be created by the development, subject to a maximum of £12,000.
(a) (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 £18,000.
(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 within category 10 or 11.	£240.

**TABLE 2**

FEES PAYABLE ON OR AFTER 1ST APRIL 2005

<i>1</i> <i>(Category of development)</i>	<i>2</i> <i>(Fee Payable)</i>
<b>I. Operations</b>	

<i>I</i> <i>(Category of development)</i>	<i>2</i> <i>(Fee Payable)</i>
<b>1.</b> The erection of dwellinghouses (other than development within category 6).	Where the application is for— (a) outline planning permission, £260 for each 0.1 hectare of the site area, subject to a maximum of £6,500; or for one dwellinghouse, £260; (b) other than outline planning permission, £260 for each dwellinghouse to be created by the development, subject to a maximum of £13,000.
<b>2.</b> The erection of buildings (other than buildings coming within category 1, 3, 4 or 6).	Where the application is for— (a) outline planning permission, £260 for each 0.1 hectare of the site area, subject to a maximum of £6,500; (b) other than outline planning permission— (i) where no floor space is to be created by the development, £130; (ii) where the area of gross floor space to be created by the development does not exceed 40 square metres, £130; (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, £260; and (iv) where the area of gross floor space to be created by the development exceeds 75 square metres, £260 for each 75 square metres, subject to a maximum of £13,000.
<b>3.</b> The erection on land used for the purposes of agriculture, of those works, structures or buildings excluded by virtue of paragraph 2(d) of Class 18 in Schedule 1 to the General Permitted Development Order from that class (other than buildings coming within category 4).	(a) (a) Where the application is for outline planning permission, £260 for each 0.1 hectare of the site area, subject to a maximum of £6,500; (b) in all other cases— (i) where the ground area to be covered by the development exceeds 465 square metres but does not exceed 540 square metres, £260; (ii) where the ground area to be covered by the development exceeds 540 square metres, £260 for the first 540 square metres and £260 for each 75 square metres in excess of that figure, subject to a maximum of £13,000.

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<i>1</i> <i>(Category of development)</i>	<i>2</i> <i>(Fee Payable)</i>
4. The erection on land used for the purposes of agriculture, of glasshouses excluded by virtue of paragraph 2(d) of Class 18 of the General Permitted Development Order.	Where the ground area to be covered by the development exceeds 465 square metres, £1,520.
5. The erection, alteration or replacement of plant or machinery.	£260 for each 0.1 hectare of the site area, subject to a maximum of £13,000.
6. The enlargement, improvement or other alteration of existing dwellinghouses.	(a) (a) Where the application relates to one dwellinghouse, £130; (b) where the application relates to two or more dwellinghouses, £260.
(a) (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;	£130.
(b) the erection or construction of gates, fences, walls or other means of enclosure along a boundary of the curtilage of an existing dwellinghouse; or	
(c) 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.	£260 for each 0.1 hectare of the site area, subject to a maximum of £19,500.
9. The carrying out of any operations not within categories 1 to 8.	In the case of operations for— (a) the winning and working of minerals, £130 for each 0.1 hectare of the site area, subject to a maximum of £19,500; (b) the winning and working of peat, £130 for each hectare of the site area, subject to a maximum of £1,950; (c) any other purpose, £130 for each 0.1 hectare of the site area, subject to a maximum of £1,300.
<b>II. Uses of Land</b>	
10. The change of use of a building to use as one or more separate dwellinghouses.	£260 for each additional dwellinghouse to be created by the development, subject to a maximum of £13,000.



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<i>I</i>	<i>2</i>
<i>(Category of development)</i>	<i>(Fee Payable)</i>
(a) (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	£130 for each 0.1 hectare of the site area, subject to a maximum of £19,500.
(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 within category 10 or 11.	£260.

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