

SCHEDULE 1

Regulations 3, 10, 11(8) and 16(1)

Fees in Respect of Applications and Deemed Applications for Planning Permission or for Approval of Reserved Matters

PART 1

Fees payable under regulation 3 or regulation 10

CHAPTER 1

General

1.—(1) Subject to paragraphs 2 to 10, the fee payable under regulation 3 or regulation 10 shall be calculated in accordance with the table set out in Part 2 and paragraphs 11 to 14.

(2) In this Part, a reference to a category is to a category of development specified in the table set out in Part 2; and a reference to a numbered category is to the category of development so numbered in the table.

(3) In this Schedule “category of development” means—

- (a) in the case of an application for planning permission, the category of development in respect of which permission is being sought; and
- (b) in the case of an application for approval of reserved matters, the category of development authorised by the relevant outline planning permission.

(4) In the case of an application for planning permission which is deemed to have been made by virtue of section 177(5) of the 1990 Act⁽¹⁾, in this Schedule—

- (a) references to 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;
- (b) references to 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
- (c) references to 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.

CHAPTER 2

Fees in particular cases

2. Where an application or deemed application is made or deemed to be made by or on behalf of a parish council, the fee payable shall be one half of the amount that would otherwise be payable.

3.—(1) Where an application or deemed application is made or deemed to be 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 fee payable shall be £385.

(2) The conditions referred to in sub-paragraph (1) are—

(1) Section 177(5) was amended by section 32 of, and paragraph 24(3) of Schedule 7 to, the Planning and Compensation Act 1991 (c. 34) and section 123(6) of the Localism Act 2011 (c. 20).

- (a) that the application or deemed application relates to—
 - (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 local planning authority with whom the application is lodged, or (in the case of a deemed application) the Secretary of State, 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.—(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 or on behalf of 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 £385.

(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 the amount specified in sub-paragraph (2).

5. Where application is made pursuant to section 73 of the 1990 Act (determination of applications to develop land without compliance with conditions previously attached)⁽²⁾ the fee payable in respect of the application shall be £195.

6. Where an application relates to development to which section 73A of the 1990 Act (planning permission for development already carried out)⁽³⁾ applies, the fee payable in respect of the application shall be—

- (a) where the application relates to development carried out without planning permission, the fee that would be payable if the application were for planning permission to carry out that development;
- (b) £195, in any other case.

7.—(1) Where an application of the description contained in article 18(1)(b) of the Development Management Procedure Order (consultations before the grant of a replacement planning permission subject to a new time limit) is made the following fees shall be paid to the local planning authority—

- (a) if the application is a householder application, £57;
- (b) if the application is an application for major development, £575;
- (c) in any other case, £195.

⁽²⁾ Section 73 was amended by sections 42(2), 51(3) and 120 of, and Schedule 9 to, the Planning and Compulsory Purchase Act 2004 (c.5).

⁽³⁾ Section 73A was inserted by section 32 of, and paragraph 16 of Schedule 7 to, the Planning and Compensation Act 1991 (c. 34).

(2) In this paragraph, “major development” has the same meaning as in article 2(1) of the Development Management Procedure Order (interpretation).

8.—(1) This paragraph applies where—

- (a) an applicant applies for planning permission or for the approval of reserved matters in respect of the development of land (“the relevant land”); and
- (b) the relevant land straddles the boundary or boundaries between the areas of two or more local planning authorities so that, instead of application being made to one authority in relation to the whole of that development, applications are made to two or more local planning authorities, in accordance with article 10(1) of the Development Management Procedure Order (general provisions relating to applications).

(2) A fee shall be payable only to the local planning authority, to which one of the applications referred to in paragraph (1)(b) is made, in whose area the largest part of the relevant land is situated, and the amount payable shall be—

- (a) where the applications relate wholly or partly to a county matter within the meaning of paragraph 1 of Schedule 1 to the 1990 Act (local planning authorities: distribution of functions)⁽⁴⁾, and all the land is situated in a single county for which there is no county planning authority, the amount which would have been payable if application had fallen to be made to one authority in relation to the whole development;
- (b) in any other case, one and a half times the amount which would have been payable if application had fallen to be made to a single authority or the sum of the amounts which would have been payable but for this paragraph, whichever is the lesser.

9.—(1) This paragraph applies where an application for planning permission is deemed to have been made by virtue of section 177(5) of the 1990 Act (grant or modification of planning permission on appeals against enforcement notices)⁽⁵⁾ in respect of such land as is mentioned in paragraph 8(1).

(2) The fee payable to the Secretary of State shall be the amount which would be payable by virtue of paragraph 8(2) if an application for the like permission had been made to the relevant authority on the date on which notice of appeal was given in accordance with section 174(3) of the 1990 Act⁽⁶⁾ (appeal against enforcement notice).

10.—(1) Where—

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

and the application is made in respect of all of the alternative proposals on the same date and by or on behalf of the same applicant, the fee payable in respect of the application shall be calculated in accordance with sub-paragraph (2).

(2) Calculations shall be made in accordance with this Schedule of the fee that would be payable in respect of an application for planning permission, or approval of reserved matters (as the case may be), if made in respect of each of the alternative proposals, and the fee payable in respect of the application shall be the sum of—

(4) Paragraph 1 of Schedule 1 was amended by sections 21 and 84 of, and paragraph 13 of Schedule 1 and Part I of Schedule 19 to, the Planning and Compensation Act 1991.

(5) Section 177(5) was amended by paragraphs 8 and 24(3) of Schedule 7 to the Planning and Compensation Act 1991 (c. 34) and section 123(6) of the Localism Act 2011 (c. 20)..

(6) Section 174(3) was amended by section 6(1) of the Planning and Compensation Act 1991 (c. 34) and S.I. 2003/956.

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

CHAPTER 3

Provisions in relation to specified categories

11.—(1) Where, in respect of any category, the fee is to be calculated by reference to the site area, that area shall be taken as consisting of—

- (a) the area of land to which the application relates; or
- (b) in the case of an application for planning permission which is deemed to have been made by virtue of section 177(5) of the 1990 Act⁽⁷⁾, the area of land to which the relevant enforcement notice relates.

(2) Where the area referred to in sub-paragraph (1) 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.

12.—(1) In relation to development within category 2, 3 or 4, 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 2, 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.

(3) In relation to development within category 3, where the area of gross floor space exceeds 540 square metres and the amount of the excess is not an exact multiple of 75 square metres, the area remaining after division of the number of square metres of that excess area of gross floor space by the figure of 75 shall be treated as being 75 square metres.

13.—(1) Where an application (other than an outline application) or a deemed application relates to development which is in part within category 1 and in part within category 2, 3 or 4, the following sub-paragraphs shall apply for the purpose of calculating the fee payable in respect of the application or deemed application.

(2) An assessment shall be made of the total amount of gross floor space which is to be created by that part of the development which is within category 2, 3 or 4 (“the non-residential floor space”), and the sum payable in respect of the non-residential floor space to be created by the development shall be added to the sum payable in respect of that part of the development which is within category 1 and, subject to sub-paragraph (4), the sum so calculated shall be the fee payable in respect of the application or deemed application.

(3) For the purpose of calculating the fee payable under sub-paragraph (2)—

- (a) where any of the buildings is to contain floor space which it is proposed to use for the purposes of providing common access or common services or facilities for persons occupying or using part of that building for residential purposes and for persons occupying or using part of it for non-residential purposes (“common floor space”), the amount of

(7) Section 177(5) was amended by section 32 of, and paragraph 24(3) of Schedule 7 to, the Planning and Compensation Act 1991 (c. 34) and section 123(6) of the Localism Act 2011 (c. 20).

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;

- (b) where the development falls within more than one of categories 2, 3 and 4 an amount shall be calculated in accordance with each such category and the highest amount so calculated shall be taken as the sum payable in respect of all of the non-residential floor space.

(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 5 to 13—

- (a) an amount shall be calculated in accordance with each such category; and
- (b) 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.

(5) In sub-paragraph (3), the reference to using the building for residential purposes is a reference to using it as a dwellinghouse.

14.—(1) Subject to paragraph 13 and sub-paragraph (2), where an application or deemed application relates to development which is within more than one of the categories—

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

(2) 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—

- (a) where the site area does not exceed 2.5 hectares, £385 for each 0.1 hectare of the site area;
- (b) where the site area exceeds 2.5 hectares £9,527, and an additional £115 for each 0.1 hectare in excess of 2.5 hectares, subject to a maximum in total of £125,000.

PART 2

Scale of Fees

Scale of Fees in Respect of Applications Made or Deemed to be Made

<i>Category of Development</i>	<i>Fee Payable</i>
<i>I Operations</i>	
1. The erection of dwellinghouses (other than development in category 6).	(1) Where the application is for outline planning permission and— <ul style="list-style-type: none"> (a) the site area does not exceed 2.5 hectares, £385 for each 0.1 hectare of the site area; (b) the site area exceeds 2.5 hectares, £9,527; and an additional £115 for each 0.1 hectare in excess of 2.5 hectares, subject to a maximum in total of £125,000;

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 No. 2920*

<i>Category of Development</i>	<i>Fee Payable</i>
	<p>(2) in other cases—</p> <p>(a) where the number of dwellinghouses to be created by the development is 50 or fewer, £385 for each dwellinghouse;</p> <p>(b) where the number of dwellinghouses to be created by the development exceeds 50, £19,049; and an additional £115 for each dwellinghouse in excess of 50 dwellinghouses, subject to a maximum in total of £250,000.</p>
<p>2. The erection of buildings (other than buildings in categories 1, 3, 4, 5 or 7.</p>	<p>(1) Where the application is for outline planning permission and—</p> <p>(a) the site area does not exceed 2.5 hectares, £385 for each 0.1 hectare of the site area;</p> <p>(b) the site area exceeds 2.5 hectares, £9,527; and an additional £115 for each 0.1 hectare in excess of 2.5 hectares, subject to a maximum in total of £125,000;</p> <p>(2) in other cases—</p> <p>(a) where no floor space is to be created by the development, £195;</p> <p>(b) where the area of gross floor space to be created by the development does not exceed 40 square metres, £195;</p> <p>(c) where the area of the gross floor space to be created by the development exceeds 40 square metres, but does not exceed 75 square metres, £385;</p> <p>(d) where the area of the gross floor space to be created by the development exceeds 75 square metres, but does not exceed 3750 square metres, £385 for each 75 square metres of that area;</p> <p>(e) where the area of gross floor space to be created by the development exceeds 3750 square metres, £19,049; and an additional £115 for each 75 square metres in excess of 3750 square metres, subject to a maximum in total of £250,000.</p>
<p>3. The erection, on land used for the purposes of agriculture, of buildings to be used for</p>	<p>(1) where the application is for outline planning permission and—</p>

<i>Category of Development</i>	<i>Fee Payable</i>
<p>agricultural purposes (other than buildings in category 4).</p>	<p>(a) the site area does not exceed 2.5 hectares, £385 each 0.1 hectare of the site area;</p> <p>(b) the site area exceeds 2.5 hectares, £9,527; and an additional £115 for each additional hectare in excess of 2.5 hectares, subject to a maximum in total of £125,000;</p> <p>(2) in other cases—</p> <p>(a) where the area of gross floor space to be created by the development does not exceed 465 square metres, £80;</p> <p>(b) where the area of gross floor space to be created by the development exceeds 465 square metres but does not exceed 540 square metres, £385;</p> <p>(c) where the area of the gross floor space to be created by the development exceeds 540 square metres but does not exceed 4215 square metres, £385 for the first 540 square metres, and an additional £385 for each 75 square metres in excess of 540 square metres; and</p> <p>(d) where the area of gross floor space to be created by the development exceeds 4215 square metres, £19,049; and an additional £115 for each 75 square metres in excess of 4215 square metres, subject to a maximum in total of £250,000.</p>
<p>4. The erection of glasshouses on land used for the purposes of agriculture.</p>	<p>(1) Where the area of gross floor space to be created by the development does not exceed 465 square metres, £80;</p> <p>(2) where the area of gross floor space to be created by the development exceeds 465 square metres, £2,150.</p>
<p>5. The erection, alteration or replacement of plant or machinery.</p>	<p>(1) Where the site area does not exceed 5 hectares, £385 for each 0.1 hectare of the site area;</p> <p>(2) where the site area exceeds 5 hectares, £19,049; and an additional £115 for each 0.1 hectare in excess of 5 hectares, subject to a maximum in total of £250,000.</p>

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<i>Category of Development</i>	<i>Fee Payable</i>
6. The enlargement, improvement or other alteration of existing dwellinghouses.	(1) Where the application relates to one dwellinghouse, £172; (2) where the application relates to two or more dwellinghouses, £339.
7. 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.	£172.
8. 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.	£195.
9. The carrying out of any operations connected with exploratory drilling for oil or natural gas.	(1) Where the site area does not exceed 7.5 hectares, £385 for each 0.1 hectare of the site area; (2) where the site area exceeds 7.5 hectares, £28,750; and an additional £115 for each 0.1 hectare in excess of 7.5 hectares, subject to a maximum in total of £250,000.
10. The carrying out of any operations not coming within any of the above categories.	(1) In the case of operations for the winning and working of minerals— (a) where the site area does not exceed 15 hectares, £195 for each 0.1 hectare of the site area; (b) where the site area exceeds 15 hectares, £29,112; and an additional £115 for each 0.1 hectare in excess of 15 hectares, subject to a maximum in total of £65,000; (2) in any other case, £195 for each 0.1 hectare of the site area, subject to a maximum in total of £1,690.
<i>II Uses of Land</i>	
11. The change of use of a building to use as one or more separate dwellinghouses.	(1) Where the change of use is from a previous use as a single dwellinghouse to use as two or more single dwellinghouses— (a) where the change of use is to use as 50 or fewer dwellinghouses, £385 for each additional dwellinghouse;

<i>Category of Development</i>	<i>Fee Payable</i>
	<p>(b) where the change of use is to use as more than 50 dwellinghouses, £19,049; and an additional £115 for each dwellinghouse in excess of 50 dwellinghouses, subject to a maximum in total of £250,000;</p> <p>(2) in all other cases—</p> <p>(a) where the change of use is to use as 50 or fewer dwellinghouses, £385 for each dwellinghouse;</p> <p>(b) where the change of use is to use as more than 50 dwellinghouses, £19,049; and an additional £115 for each dwellinghouse in excess of 50 dwellinghouses, subject to a maximum in total of £250,000.</p>
<p>12. The use of land for—</p> <p>(a) the disposal of refuse or waste materials;</p> <p>(b) the deposit of material remaining after minerals have been extracted from land; or</p> <p>(c) the storage of minerals in the open.</p>	<p>(1) Where the site area does not exceed 15 hectares, £195 for each 0.1 hectare of the site area;</p> <p>(2) where the site area exceeds 15 hectares, £29,112; and an additional £115 for each 0.1 hectare in excess of 15 hectares, subject to a maximum in total of £65,000.</p>
<p>13. The making of a material change in the use of a building or land (other than a material change of use in category 11 or 12(a), (b) or (c)).</p>	<p>£385.</p>