

**1987 No. 101**

**TOWN AND COUNTRY PLANNING, ENGLAND AND WALES**

**The Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) Regulations 1987**

*Made - - - - - 28th January 1987*  
*Coming into force 25th February 1987*

The Secretary of State for the Environment, in exercise of the powers conferred upon him by section 87 of the Local Government, Planning and Land Act 1980<sup>(a)</sup> and of all other powers enabling him in that behalf, hereby makes the following regulations:

**Citation and commencement**

1.—(1) These regulations may be cited as the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) Regulations 1987.

(2) These regulations shall come into force on the twenty-eighth day after the day on which they are made.

**General increase in fees**

2.—(1) The Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 1983<sup>(b)</sup> ("the 1983 regulations") shall have effect with the amendments relating to the amounts of fees that are set out in this regulation.

(2) In Part I of Schedule 1 there shall be substituted for "£53"—

(a) in relation to fees due after the commencement of these regulations but before 1st July 1987, "£60"; and

(b) in relation to fees due on or after 1st July 1987, "£66".

(3) The scale of fees set out in Part II of Schedule 1 shall have effect with the substitution for a reference to a sum mentioned in the first column of the Table below—

(i) in relation to fees due after the commencement of these regulations but before 1st July 1987, of a reference to the relevant sum specified in the second column; and

(ii) in relation to fees due on or after 1st July 1987, of a reference to the relevant sum specified in the third column.

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<sup>(a)</sup> 1980 c.65.

<sup>(b)</sup> S.I. 1983/1674; amended by S.I. 1985/1182.

<i>Sum currently specified</i>	<i>Increased sum for the period until 1st July 1987</i>	<i>Increased sum from 1st July 1987</i>
<i>Fees and multipliers</i>		
£27	£30	£33
£53	£60	£66
<i>Maxima</i>		
£270	£300	£330
£315	£355	£390
£1,325	£1,500	£1,650
£2,650	£3,000	£3,300
£4,050	£4,500	£4,950

(4) In Schedule 2,—

- (a) in relation to fees due after the commencement of these regulations but before 1st July 1987, “£16” shall be substituted for “£14” and “£60” for “£53”; and
- (b) in relation to fees due on or after 1st July 1987, “£18” shall be substituted for “£14” and “£66” for “£53”.

#### **Miscellaneous amendments**

3. The 1983 regulations shall also have effect subject to the miscellaneous amendments set out in Schedule 1 hereto.

#### **Substitution of a new fee Schedule**

4. In relation to fees due on or after 1st July 1987 there shall be substituted for Part II of Schedule 1 to the 1983 regulations the new Part II set out in Schedule 2 hereto (which reflects the increased amounts mentioned in column 3 of the Table in regulation 2 and other amendments made to Part II by these regulations).

#### **Revocations**

5.—(1) In the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) Regulations 1985 (a), regulations 2(c)(iii), (iv) and (vi) and (e) are revoked from the commencement of these regulations, and regulation 2(d) and the Schedule are revoked on 1st July 1987.

(2) Regulations 2(2)(a), (3) and (4)(a) of, and paragraph 7 of Schedule 1 to, these regulations cease to have effect on 1st July 1987.

## SCHEDULE 1

Regulation 3

### MINOR AMENDMENTS TO THE 1983 REGULATIONS

#### **Invalid application: refund of fees**

1. In regulation 3, there shall be added as paragraph (5)—

“(5) Any fee paid pursuant to this regulation shall be refunded if the relevant application is rejected as invalidly made.”.

#### **Consolidation of permissions for mineral working: exemption from fee**

2. There shall be inserted as regulation 7A—

“7A. Regulation 3 shall not apply to impose a fee in relation to an application to a local planning authority for permission to carry out development consisting of the winning and working of minerals where the application—

(a) S.I. 1985/1182.

- (a) is for a permission which consolidates two or more subsisting permissions; and
- (b) does not seek permission for development which is not authorised by a subsisting permission.”.

### **Refund of fees on deemed applications**

#### **3. In regulation 8.—**

- (a) at the beginning of paragraph (2) there shall be inserted, “Subject to paragraph (13)”;
- (b) at the end of paragraph (10) there shall be added “or if the Secretary of State decides that the enforcement notice is a nullity”;
- (c) at the end of paragraph (12) there shall be added “(whether because there is no subsisting use of the land in relation to which he may grant planning permission or for any other reason)”;
- (d) there shall be added as paragraph (13),—

“(13)(a) Where planning permission is deemed to have been applied for by virtue of section 88B (3) of the 1971 Act (a) and—

- (i) an enforcement notice is varied under section 88A otherwise than to take account of a grant of planning permission under section 88B; and
- (ii) the amount of the fee calculated in accordance with Schedule 1 would have been a lesser amount if the original notice had been in the terms of the varied notice,

the fee payable shall be that lesser amount; and any excess amount already paid shall be refunded.

- (b) In determining a fee under sub-paragraph (a) no account shall be taken of any change in fees which takes effect after the making of the deemed application.”.

### **Advertisement consent: exemption from, and refund of, fees**

#### **4. In regulation 9.—**

- (a) in paragraph (1) for “1969” there shall be substituted “1984 (“the 1984 regulations”)”;
- (b) in paragraph (10) (conditions for exemption) there shall be substituted for sub-paragraph (a)(ii)—  
“(ii) in any other case, the date of refusal, or where an appeal is made to the Secretary of State pursuant to regulation 22 of the 1984 regulations, the date on which the appeal is determined.”; and
- (c) there shall be added as paragraphs (11) and (12),—

“(11) No fee is payable under this regulation in respect of an application for consent to display an advertisement if the application is occasioned by a direction under regulation 15 of the 1984 regulations disapplying regulation 14 in relation to the advertisement in question.

(12) Any fee paid pursuant to this regulation shall be refunded if the relevant application is rejected as invalidly made.”.

### **Multiple applications for approval of reserved matters**

#### **5. Paragraph 5 of Part I of Schedule 1 shall be omitted and there shall be inserted the following two paragraphs—**

“5.—(1) This paragraph applies where—

- (a) an application is made for approval of one or more reserved matters (“the current application”); and
- (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 this paragraph applies and the amount of the fees paid as mentioned in sub-paragraph (1)(b) is not less than the amount which would be payable if the applicant were by his 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 amount of the fee payable in respect of the current application shall be—

- (a) if the fee is due after the commencement of these regulations but before 1st July 1987, £60;
- (b) if the fee is due on or after 1st July 1987, £66.

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(a) This is a reference to the Town and Country Planning Act 1971 (c.78).

(3) Where—

- (i) this paragraph applies;
- (ii) 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
- (iii) sub-paragraph (2) would apply if that fee had been paid at the rate applying at that date,

the amount of the fee in respect of the current application shall be the relevant amount specified in sub-paragraph (2).

**Applications under section 31A of the 1971 Act**

5A. Where application is made pursuant to section 31A of the 1971 Act (a) the amount of the fee payable in respect of the application shall be £30 if the fee is due before 1st July 1987, and £33 if it is due on or after that date."

**Land in the area of two or more authorities**

6. Paragraph 6 of Part I of Schedule 1 shall be omitted and there shall be inserted the following two paragraphs—

"6.—(1) This paragraph applies where applications are made for planning permission or for the approval of reserved matters in respect of the development of land lying in the areas of—

- (a) two or more local planning authorities in a metropolitan county or in Greater London; or
- (b) two or more district planning authorities in a non-metropolitan county; or
- (c) one or more such local planning authorities and one or more such district planning authorities.

(2) Where this paragraph applies a fee shall be payable under these regulations only to the local planning authority or district planning authority in whose area the largest part of the relevant land is situated: and the amount of that fee shall be—

- (i) where the applications relate wholly or partly to a county matter within the meaning of paragraph 32 of Schedule 16 to the Local Government Act 1972 (b), and all the land is situated in a single non-metropolitan county, the amount which would have been payable if application had fallen to be made to one authority in relation to the whole development;
- (ii) 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.

6A.—(1) This paragraph applies where application for planning permission is deemed to have been made by virtue of section 88B(3) of the 1971 Act in respect of such land as is mentioned in paragraph 6(1).

(2) Where this paragraph applies, the fee payable to the Secretary of State shall be a fee of the amount which would be payable by virtue of paragraph 6(2) if application for the like permission had been made to the relevant local or district planning authority on the date on which notice of appeal was given in accordance with section 88(3) of the 1971 Act."

**Development in connection with oil or gas exploration**

7. In Part II of Schedule 1 there shall be inserted as item 7A—

"7A. The carrying out of any operations connected with exploratory drilling for oil or natural gas.

- (a) Where application is made before 1st July 1987, £60 for each 0.1 hectare of the site area subject to a maximum of £4,500;
- (b) in any other case, £66 for each 0.1 hectare of the site area subject to a maximum of £4,950."

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(a) Section 31A is inserted by paragraph 4 of Schedule 11 to the Housing and Planning Act 1986 (c.63).  
(b) 1972 c.70.

**NEW PART II OF SCHEDULE 1 TO THE 1983 REGULATIONS  
SCALE OF FEES PAYABLE ON OR AFTER 1ST JULY 1987**

<i>Category of development</i>	<i>Fee payable</i>
<i>I. Operations</i>	
1. The erection of dwellinghouses (other than development within category 6 below).	(a) Where the application is for outline planning permission, £66 for each 0.1 hectare of the site area, subject to a maximum of £1,650; (b) in other cases, £66 for each dwellinghouse to be created by the development, subject to a maximum of £3,300.
2. The erection of buildings (other than dwellinghouses, buildings coming within category 3, category 4 or category 7 or buildings in the nature of plant or machinery).	(a) Where the application is for outline planning permission, £66 for each 0.1 hectare of the site area, subject to a maximum of £1,650; (b) in other cases— (i) where no floor space is to be created by the development, £33; (ii) where the area of gross floor space to be created by the development does not exceed 40 sq metres, £33; (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, £66; and (iv) where the area of gross floor space to be created by the development exceeds 75 sq metres, £66 for each 75 sq metres, subject to a maximum of £3,300.
3. The erection, on land used for the purposes of agriculture, of buildings (other than glasshouses) to be used for agricultural purposes.	(a) Where the application is for outline planning permission, £66 for each 0.1 hectare of the site area, subject to a maximum of £1,650; (b) in other cases— (i) where the area of gross floor space to be created by the development does not exceed 465 sq metres, nil; (ii) where the area of gross floor space to be created by the development exceeds 465 sq metres but does not exceed 540 sq metres, £66; (iii) where the area of gross floor space to be created by the development exceeds 540 sq metres, £66 for the first 540 sq metres and £66 for each 75 sq metres in excess of that figure, subject to a maximum of £3,300.
4. The erection of glasshouses on land used for the purposes of agriculture.	(a) Where the area of gross floor space to be created by the development does not exceed 465 sq metres, nil; (b) where the area of gross floor space to be created by the development exceeds 465 sq metres, £390.
5. The erection, alteration or replacement of plant or machinery.	£66 for each 0.1 hectare of the site area, subject to a maximum of £3,300.

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| <p><b>6.</b> The enlargement, improvement or other alteration of existing dwellinghouses.</p>   | <p>(a) Where the application relates to one dwellinghouse, £33;<br/>(b) where the application relates to 2 or more dwellinghouses, £66.</p>   |
| <p><b>7. (a)</b> 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<br/><b>(b)</b> 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.</p> | <p>£33.</p>   |
| <p><b>8.</b> The carrying out of any operations connected with exploratory drilling for oil or natural gas.</p>   | <p>£66 for each 0.1 hectare of the site area, subject to a maximum of £4,950.</p>   |
| <p><b>9.</b> The carrying out of any operations not coming within any of the above categories.</p>  | <p>£33 for each 0.1 hectare of the site area, subject to a maximum of—<br/>(a) in the case of operations for the winning and working of minerals, £4,950;<br/>(b) in other cases, £330.</p> |

*II. Uses of Land*

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| <p><b>10.</b> The change of use of a building to use as one or more separate dwellinghouses.</p>   | <p>(a) Where the change is from a previous use as a single dwellinghouse to use as two or more single dwellinghouses, £66 for each additional dwellinghouse to be created by the development, subject to a maximum of £3,300;<br/>(b) in other cases, £66 for each dwellinghouse to be created by the development, subject to a maximum of £3,300.</p> |
| <p><b>11. (a)</b> 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<br/><b>(b)</b> the use of land for the storage of minerals in the open.</p>  | <p>£33 for each 0.1 hectare of the site area, subject to a maximum of £4,950.</p>  |
| <p><b>12.</b> 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).</p>  | <p>£66.</p>  |
| <p><b>13.</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).</p> | <p>£33.</p>  |

### EXPLANATORY NOTE

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

These regulations further amend the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 1983.

The main change is that fees currently payable under the 1983 Regulations on planning applications are increased by two stages. The table in regulation 2 sets out the main figures and the increased figures. A replacement fee schedule set out in Schedule 2 shows most of the fees chargeable from 1st July 1987.

Two new fee categories are introduced. A new paragraph 5A is added to Part I of Schedule 1 to the 1983 regulations to provide for a standard fee of £30 (increasing to £33 on 1st July 1987) for applications under section 31A of the 1971 Act (change of conditions). A distinct fee category is introduced in paragraph 7A for planning permission connected with oil or natural gas exploration. The fee will be £60 for each 0.1 hectare of the site up to a maximum of £4,500, with an increase on 1st July 1987 in line with similar fees. Without specific provision, the fee would initially have been £30 for each 0.1 hectare subject to a maximum of £300.

Schedule 1 also sets out other miscellaneous amendments to the 1983 regulations. These provide for the refund of fees where an application is invalid (paragraphs 1 and 4) or where it is connected with an enforcement notice which is found to be invalid (paragraph 3). They also exempt from fee applications to consolidate existing permissions for mineral operations (paragraph 2) and applications to display advertisements occasioned by the withdrawal of deemed consent (paragraph 4). Account is also taken of the impact of the Local Government Act 1985 (c.51) on planning responsibilities in a case where a site is in the area of two authorities (paragraph 6) and the provision for reduced fees on successive applications for approval of reserved matters is revised to take account of fee increases (paragraph 5).