## STATUTORY INSTRUMENTS

# 1991 No. 2765 (S. 213)

# TOWN AND COUNTRY PLANNING, SCOTLAND

The Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Amendment Regulations 1991

Made - - - - 3rd December 1991
Coming into force - - 31st December 1991

The Secretary of State in exercise of the powers conferred on him by section 87 of the Local Government, Planning and Land Act 1980(1) and of all other powers enabling him in that behalf, hereby makes the following Regulations, a draft of which has been laid before and approved by resolution of each House of Parliament:

## Citation, commencement, interpretation, application and extent

- 1.—(1) These Regulations may be cited as the Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Amendment Regulations 1991.
- (2) These Regulations shall come into force on the twenty-eighth day after the date on which they are made.
  - (3) Any reference in these Regulations-
    - (a) to "the principal Regulations" shall be construed as a reference to the Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Regulations 1990(2); and
    - (b) to "the amendment Regulations" shall be construed as a reference to the Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Amendment Regulations 1990(3).
  - (4) These Regulations apply–
    - (a) where such an application as is referred to in regulation 1(2)(a) (other than a deemed application for planning permission), (b) or (c) of the principal Regulations is made on or after the date on which these Regulations come into force; and

<sup>(1) 1980</sup> c. 65; section 87(3) was amended by the Planning and Compensation Act 1991 (c. 34), Schedule 13, paragraph 45.

<sup>(2)</sup> S.I.1990/563, amended by S.I. 1990/2474.

<sup>(3)</sup> S.I. 1990/2474.

- (b) where an application is deemed to have been made by virtue of section 85(7) or section 91(5) of the Town and Country Planning (Scotland) Act 1972(4) in connection with an enforcement notice served, or an application for an established use certificate made, on or after the date on which these Regulations come into force.
- (5) These Regulations extend to Scotland only.

# General increase in fees

- **2.**—(1) The principal Regulations shall be amended in accordance with this regulation.
- (2) In regulation 12 of the principal Regulations (fees for applications for consent for advertisements) in paragraph (2) for "£39" there shall be substituted "£46".
  - (3) In the Schedule to the principal Regulations-
    - (a) in paragraphs 4(1), 6(2), 6(3), 10 and 16 for "£77" there shall be substituted "£92";
    - (b) in paragraph 7 for "£39" there shall be substituted "£46";
    - (c) in paragraph 16 for "£1,925" there shall be substituted "£2,300"; and
    - (d) for the table there shall be substituted the table set out in the Schedule to these Regulations.

# Miscellaneous amendments

- **3.**—(1) The principal Regulations shall also be amended in accordance with this regulation.
- (2) In regulation 10-
  - (a) in paragraph (1), for "paragraph (6)" substitute "paragraphs (3) and (6)";
  - (b) in paragraph (2) for "paragraph (4)" substitute "paragraphs (3) and (4)";
  - (c) for paragraph (3) substitute the following paragraph:
    - (a) "(3) This paragraph applies where an application is deemed to have been made by virtue of section 85(7) of the 1972 Act;
    - (b) where this paragraph applies—
      - (i) a fee shall be paid in respect of the application by every person who has made a valid appeal against the relevant enforcement notice;
      - (ii) the fee payable shall be twice the fee calculated in accordance with the Schedule;
      - (iii) half the fee shall be paid to the Secretary of State and the other half shall be paid to the planning authority which served the relevant enforcement notice.";
  - (d) in sub-paragraph (4)(ii) for "the Schedule" substitute "paragraph (3)".
- (3) In paragraphs (1) and (3)(a) of regulation 11, omit "by the Secretary of State".
- (4) Paragraph 5 of the Schedule shall be omitted.

# Revocation and saving

- **4.**—(1) Subject to paragraph (2), regulation 2 of the amendment Regulations is hereby revoked.
- (2) The regulation referred to in paragraph (1) shall continue to have effect in relation to applications referred to in regulation 1(4)(b) of the amendment Regulations deemed to have been

<sup>(4) 1972</sup> c. 52; section 85(7) was amended by the Local Government (Scotland) Act 1973 (c. 65), section 172(2) and section 91(5) was amended by the Local Government (Miscellaneous Provisions) (Scotland) Act 1981 (c. 23), Schedule 4.

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made in connection with an enforcement notice served, or, as the case may be, an application for an established use certificate made, before the date on which these Regulations come into force.

St. Andrew's House, Edinburgh 3rd December 1991 James Douglas-Hamilton
Parliamentary Under Secretary of State, Scottish
Office

#### **SCHEDULE**

Regulation 2(3)(d)

## "TABLE

2 (Category of development) (Fee payable)

# I. Operations

- 1. The erection of dwellinghouses Where the application is for-(other than development within category (a)
  - - outline planning permission, £92 for each 0.1 hectare of the site area, subject to a maximum of £2,300; or for one dwellinghouse £92;
  - Other than outline planning permission, (b) £92 for each dwellinghouse to be created by the development, subject to a maximum of £4,600.
- 2. The erection of buildings (other than Where the application is for buildings coming within category 1, 3 or (a)
  - - outline planning permission, £92 for each 0.1 hectare of the site area, subject to a maximum of £2,300;
  - (b) other than outline planning permission
    - where no floor space is to be created by the development, £46;
    - where the area of gross floor space to be created by the development does not exceed 40 square metres, £46;
    - (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, £92;
    - (iv) where the area of gross floor space to be created by the development exceeds 75 square metres, £92 for each 75 square metres, subject to a maximum of £4,600.
    - Where the application is for outline planning permission, £92 for each 0.1 hectare of the site area, subject to a maximum of £2,300;
    - (b) In all other cases-
      - (i) where the area of gross floor space to be created by the development does not exceed 465 square metres, nil;
      - (ii) where the area of gross floor space to be created by the development exceeds 465

**3.** The erection on land used for the purposes of agriculture, of those buildings excluded by virtue of sub-paragraph (c) in paragraph (1) of class V in Schedule 1 to the General Development Order from that

class.

1	2
(Category of development)	(Fee payable)

square metres but does not exceed 540 square metres, £92;

- (iii) where the area of gross floor space to be created by the development exceeds 540 square metres, £92 for the first 540 square metres and £92 for each 75 square metres in excess of that figure subject to a maximum of £4,600.
- **4.** The erection. alteration replacement of plant or machinery.
- **5.** The enlargement, improvement other alteration existing of dwellinghouses.
- or £92 for each 0.1 hectare of the site area, subject to a maximum of £4,600.
  - (a) Where the application relates to one dwellinghouse, £46;
  - (b) where the application relates to 2 or more dwellinghouses, £92.
  - out £46 (a) The carrying 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;
  - (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.
  - 7. The carrying out of any operations £92 for each 0.1 hectare of the site area, subject
- connected with exploratory drilling for oil to a maximum of £6,900. or natural gas.

not within categories 1 to 7.

- 8. The carrying out of any operations In the case of operations for
  - the winning and working of minerals, (a) £46 for each 0.1 hectare of the site area, subject to a maximum of £6,900;
  - the winning and working of peat, £46 for each hectare of the site area, subject to a maximum of £690;

1	2
(Category of development)	(Fee payable)
	(c) any other purpose, £46 for each 0.1
	hectare of the site area, subject to a
	maximum of £460.

## II. Uses of Land

- dwellinghouses.
- 9. The change of use of a building £92 for each additional dwellinghouse to to use as one or more separate be created by the development, subject to a maximum of £4,600.
  - (a) disposal of refuse or waste to a maximum of £6,900. materials or for the deposit of material remaining after minerals have been extracted from land: or
- The use of land for the £46 for each 0.1 hectare of the site area, subject
  - (b) the use of land for the storage of minerals in the open.
- 11. The making of a material change in £92 the use of a building or land, other than a material change of use within category 9 or 10.
- **12.** The continuance of a use of land. £46." 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.

## **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) (Scotland) Regulations 1990 ("the principal Regulations").

The main change is that all fees currently payable under the principal Regulations are increased (by approximately 20%). In addition, the following changes have been made to the fees regime-

(a) the fee payable on a deemed planning application in connection with an appeal against an enforcement notice has been doubled and half has to be paid to the local planning authority, the other half being paid to the Secretary of State; and

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(b) the 75% reduction of the fee payable on an application submitted within 28 days of an application for the same development or reserved matters has been withdrawn, so that the standard fee will be payable in respect of both applications.