
STATUTORY INSTRUMENTS

1994 No. 3269 (S.189)

TOWN AND COUNTRY PLANNING, SCOTLAND

The Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Amendment Regulations 1994

Made - - - - *16th December 1994*

Coming into force - - *3rd January 1995*

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, in accordance with section 87(6) of that Act, been laid before and approved by 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 1994.

(2) These Regulations shall come into force on 3rd January 1995.

(3) In these Regulations—

(a) “the principal Regulations” means the Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Regulations 1990(2); and

(b) “the amendment Regulations” means the Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Amendment Regulations 1993(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), (bb) or (c) of the principal Regulations or paragraph 7A of the Schedule to the principal Regulations(4) is made on or after 3rd January 1995; and

(1) 1980 c. 65; section 87(3) was amended by the Planning and Compensation Act 1991 (c. 34), Schedule 13, paragraph 45 and section 87(9) was inserted by the Environmental Protection Act 1990 (c. 43), Schedule 13, paragraph 13.

(2) S.I.1990/563; relevant amending instruments are S.I. 1990/2474, 1991/2765, 1992/1951 and 1993/3211.

(3) S.I. 1993/3211.

(4) Regulation 1(2)(bb) was inserted by regulation 4(1) of S.I. 1992/1951 and paragraph 7A of the Schedule was inserted by regulation 5(a) of S.I. 1992/1951.

- (b) where an application for planning permission is deemed to have been made by virtue of section 85(7) of the Town and Country Planning (Scotland) Act 1972(5) in connection with an enforcement notice issued on or after 3rd January 1995.
- (5) These Regulations extend to Scotland only.

General increase

2.—(1) The principal Regulations shall be amended in accordance with this and the following regulations.

(2) In the principal Regulations in relation to fees due in respect of applications made, or applications deemed to be made in connection with an enforcement notice issued—

(a) before 3rd July 1995—

(i) in regulation 11A(6), paragraph (5)(b) for “£67” there shall be substituted “£70” and in paragraph (6) for “£133” there shall be substituted “£140” and for “£6,650” there shall be substituted “£7,000”; and

(ii) in regulation 12(2)(7) for “£67” there shall be substituted “£70”; and

(b) on and after 3rd July 1995—

(i) in regulation 11A, paragraph (5)(b) for “£70” there shall be substituted “£80” and in paragraph (6) for “£140” there shall be substituted “£160” and for “£7,000” there shall be substituted “£8,000”; and

(ii) in regulation 12(2) for “£70” there shall be substituted “£80”.

3. In the Schedule to the principal Regulations in relation to fees due in respect of applications made, or applications deemed to be made in connection with an enforcement notice issued,—

(a) before 3rd July 1995—

(i) in paragraphs 4(1), 6(2), 6(3), 10 and 16(8) for “£133” there shall be substituted “£140”;

(ii) in paragraph 7(9) for “£67” there shall be substituted “£70”;

(iii) in paragraph 7A(b)(10) for “£67” there shall be substituted “£70”;

(iv) in paragraph 16(11) for “£3,325” there shall be substituted “£3,500”; and

(v) for the table(12) there shall be substituted the table set out in Schedule 1 to these Regulations; and

(b) on and after 3rd July 1995—

(i) in paragraphs 4(1), 6(2), 6(3), 10 and 16 for “£140” there shall be substituted “£160”;

(ii) in paragraph 7 for “£70” there shall be substituted “£80”;

(iii) in paragraph 7A(b) for “£70” there shall be substituted “£80”;

(iv) in paragraph 16 for “£3,500” there shall be substituted “£4,000”; and

(5) 1972 c. 52; section 85(7) was amended by the Local Government (Scotland) Act 1973 (c. 65) s.172(2) and by the Planning and Compensation Act 1991, Schedule 13, paragraph 20.

(6) Regulation 11A was inserted by regulation 4(2)(a) of S.I. 1992/1951, and amended by regulation 2(2) of S.I. 1993/3211.

(7) Regulation 12 was amended by regulation 2(2) of S.I. 1993/3211.

(8) Paragraphs 4(1), 6(2), 6(3), 10 and 16 of the Schedule were amended by regulation 3 of S.I. 1993/3211.

(9) Paragraph 7 of the Schedule was amended by regulation 3 of S.I. 1993/3211.

(10) Paragraph 7A(b) of the Schedule was inserted by regulation 5(a) of S.I. 1992/1951, and amended by regulation 3 of S.I. 1993/3211.

(11) Paragraph 16 of the Schedule was amended by regulation 3 of S.I. 1993/3211.

(12) The table was substituted by regulation 3 of S.I. 1993/3211.

(v) for the table set out in Schedule 1 to these Regulations there shall be substituted the table set out in Schedule 2 to these Regulations.

Fees for certain applications under the General Permitted Development Order

4. For regulation 11B(1)(13) of the principal Regulations there shall be substituted—

“Where an application is made to a planning authority for their determination as to whether the prior approval of the authority will be required in relation to development under Schedule 1 to the Town and Country Planning (General Permitted Development) (Scotland) Order 1992(14) a fee shall be paid to that authority of £25 (in respect of applications made before 3rd July 1995) and £30 (in respect of applications made on and after 3rd July 1995).”.

Revocations and savings

5.—(1) Subject to paragraph (2) of this regulation, regulations 2 and 3 of the amendment Regulations are hereby revoked.

(2) Regulations 2(2)(a) and 3(a) of the amendment Regulations shall continue to have effect in relation to applications for planning permission deemed to have been made by virtue of section 85(7) of the Town and Country Planning (Scotland) Act 1972 in connection with an enforcement notice served before 3rd January 1995.

St Andrew’s House,
Edinburgh
16th December 1994

Allan Stewart
Parliamentary Under Secretary of State, Scottish
Office

(13) Regulation 11B was inserted by regulation 4(2)(b) of S.I. 1992/1951.

(14) S.I. 1992/223; relevant amending instrument is S.I. 1992/1078.

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SCHEDULE 1

Regulation 3(a)(v)

“TABLE

SCALE OF FEES BEFORE 3RD JULY 1995

1 <i>(Category of development)</i>	2 <i>(Fee Payable)</i>
I Operations	
<p>1. The erection of dwellinghouses (other than development within category 5).</p>	<p>Where the application is for—</p> <p>(a) outline planning permission, £140 for each 0.1 hectare of the site area, subject to a maximum of £3,500, or for one dwellinghouse, £140;</p> <p>(b) other than outline planning permission, £140 for each dwellinghouse to be created by the development, subject to a maximum of £7,000.</p>
<p>2. The erection of buildings (other than buildings coming within category 1, 3, 3A or 5).</p>	<p>Where the application is for—</p> <p>(a) outline planning permission, £140 for each 0.1 hectare of the site area, subject to a maximum of £3,500;</p> <p>(b) other than outline planning permission—</p> <p>(i) where no floor space is to be created by the development, £70;</p> <p>(ii) where the area of gross floor space to be created by the development does not exceed 40 square metres, £70;</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, £140; and</p> <p>(iv) where the area of gross floor space to be created by the development exceeds 75 square metres, £140 for each 75 square metres, subject to a maximum of £7,000.</p>
<p>3. The erection on land used for the purposes of agriculture, of those buildings excluded by virtue of paragraph 2(d) of Class 18 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (other than buildings coming within category 3A).</p>	<p>(a) Where the application is for outline planning permission, £140 for each 0.1 hectare of the site area, subject to a maximum of £3,500;</p> <p>(b) in all other cases—</p> <p>(i) where the area of gross floor space to be created by the development does not exceed 465 square metres, £25;</p> <p>(ii) where the area of gross floor space to be created by the</p>

1 (Category of development)	2 (Fee Payable)
	<p>development exceeds 465 square metres but does not exceed 540 square metres, £140;</p> <p>(iii) where the area of gross floor space to be created by the development exceeds 540 square metres, £140 for the first 540 square metres and £140 for each 75 square metres in excess of that figure, subject to a maximum of £7,000.</p>
<p>3A. The erection on land used for the purposes of agriculture of glasshouses excluded by virtue of paragraph 2(d) of Class 18 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992.</p>	<p>(a) Where the area of gross floor space to be created by the development does not exceed 465 square metres, £25;</p> <p>(b) where the area of gross floor space to be created exceeds 465 square metres £820.</p>
<p>4. The erection, alteration or replacement of plant or machinery.</p>	<p>£140 for each 0.1 hectare of the site area, subject to a maximum of £7,000.</p>
<p>5. The enlargement, improvement or other alteration of existing dwellinghouses.</p>	<p>(a) Where the application relates to one dwellinghouse, £70;</p> <p>(b) where the application relates to 2 or more dwellinghouses, £140.</p>
<p>(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>(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</p> <p>(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.</p>	

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1 <i>(Category of development)</i>	2 <i>(Fee Payable)</i>
7. The carrying out of any operations connected with exploratory drilling for oil or natural gas.	£140 for each 0.1 hectare of the site area, subject to a maximum of £10,500.
8. The carrying out of any operations not within categories 1 to 7.	In the case of operations for— (a) the winning and working of minerals, £70 for each 0.1 hectare of the site area, subject to a maximum of £10,500; (b) the winning and working of peat, £70 for each hectare of the site area, subject to a maximum of £1,050; (c) any other purpose, £70 for each 0.1 hectare of the site area, subject to a maximum of £700.
II. Uses of Land	
9. The change of use of a building to use as one or more separate dwellinghouses.	£140 for each additional dwellinghouse to be created by the development, subject to a maximum of £7,000.
(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	£70 for each 0.1 hectare of the site area, subject to a maximum of £10,500.
(b) the use of land for the storage of minerals in the open.	
11. The making of a material change in the use of a building or land, other than a material change of use within category 9 or 10.	£140.”.

SCHEDULE 2

Regulation 3(b)(v).

“TABLE

SCALE OF FEES ON AND AFTER 3RD JULY 1995

1 <i>(Category of development)</i>	2 <i>(Fee Payable)</i>
I. Operations	
1. The erection of dwellinghouses (other than development within category 5).	Where the application is for— (a) outline planning permission, £160 for each 0.1 hectare of the site area, subject to a maximum of £4,000; or for one dwellinghouse, £160;

1 <i>(Category of development)</i>	2 <i>(Fee Payable)</i>
	(b) other than outline planning permission, £160 for each dwellinghouse to be created by the development, subject to a maximum of £8,000.
<p>2. The erection of buildings (other than buildings coming within category 1, 3, 3A or 5).</p>	<p>Where the application is for—</p> <p>(a) outline planning permission, £160 for each 0.1 hectare of the site area, subject to a maximum of £4,000;</p> <p>(b) other than outline planning permission—</p> <p>(i) where no floor space is to be created by the development, £80;</p> <p>(ii) where the area of gross floor space to be created by the development does not exceed 40 square metres, £80;</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, £160; and</p> <p>(iv) where the area of gross floor space to be created by the development exceeds 75 square metres, £160 for each 75 square metres, subject to a maximum of £8,000.</p>
<p>3. The erection on land used for the purposes of agriculture, of those buildings excluded by virtue of paragraph 2(d) of Class 18 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (other than buildings coming within category 3A).</p>	<p>(a) Where the application is for outline planning permission, £160 for each 0.1 hectare of the site area, subject to a maximum of £4,000;</p> <p>(b) in all other cases—</p> <p>(i) where the area of gross floor space to be created by the development does not exceed 465 square metres, £30;</p> <p>(ii) where the area of gross floor space to be created by the development exceeds 465 square metres but does not exceed 540 square metres, £160;</p> <p>(iii) where the area of gross floor space to be created by the development exceeds 540 square metres, £160 for the first 540 square metres and £160 for each 75 square metres in excess of that figure, subject to a maximum of £8,000.</p>

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1 <i>(Category of development)</i>	2 <i>(Fee Payable)</i>
<p>3A. The erection on land used for the purposes of agriculture, of glasshouses excluded by virtue of paragraph 2(d) of Class 18 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992.</p>	<p>(a) Where the area of gross floor space to be created by the development does not exceed 465 square metres, £30;</p> <p>(b) where the area of gross floor space to be created by the development exceeds 465 square metres, £940.</p>
<p>4. The erection, alteration or replacement of plant or machinery.</p>	<p>£160 for each 0.1 hectare of the site area, subject to a maximum of £8,000.</p>
<p>5. The enlargement, improvement or other alteration of existing dwellinghouses.</p>	<p>(a) Where the application relates to one dwellinghouse, £80;</p> <p>(b) where the application relates to 2 or more dwellinghouses, £160.</p>
<p>(a) The carrying out of operations, including the erection of a building, within the curtilage of an existing dwellinghouse, for purposes of ancillary to the enjoyment of the dwellinghouse as such;</p> <p>(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</p> <p>(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.</p>	<p>£80.</p>
<p>7. The carrying out of any operations connected with exploratory drilling for oil or natural gas.</p>	<p>£160 for each 0.1 hectare of the site area, subject to a maximum of £12,000.</p>
<p>8. The carrying out of any operations not within categories 1 to 7.</p>	<p>In the case of operations for—</p> <p>(a) the winning and working of minerals, £80 for each 0.1 hectare of the site area, subject to a maximum of £12,000;</p> <p>(b) the winning and working of peat, £80 for each hectare of the site area, subject to a maximum of £1,200;</p> <p>(c) any other purpose, £80 for each 0.1 hectare of the site area, subject to a maximum of £800.</p>

II. *Uses of Land*

1 (Category of development)	2 (Fee Payable)
9. The change of use of a building to use as one or more separate dwellinghouses.	£160 for each additional dwellinghouse to be created by the development, subject to a maximum of £8,000.
(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	£80 for each 0.1 hectare of the site area, subject to a maximum of £12,000.
(b) the use of land for the storage of minerals in the open.	
11. The making of a material change in the use of a building or land, other than a material change of use within category 9 or 10.	£160.”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Regulations 1990 (“the principal Regulations”), which make provision for the payment of fees to planning authorities in respect of—

(1) applications made under Part III of the Town and Country Planning (Scotland) Act 1972 for planning permission for development or for approval of matters reserved by an outline planning permission and in respect of applications for consent for the display of advertisements;

(2) applications for planning permission which are deemed to have been made, by virtue of the provisions of section 85(7) of the 1972 Act, in connection with an appeal against an enforcement notice; and

(3) applications for certificates of lawful use or development made under sections 90 and 90A of the 1972 Act.

The main change is that all fees, save for that relating to agricultural buildings as defined in category 3(b)(i) of each Schedule, currently payable under the principal Regulations are increased in two stages. The first increase of 20% (ie 5% in addition to the increase already approved to take effect from 3rd January 1995) is to apply on commencement and the second of 15% is to apply on and after 3rd July 1995. Replacement scales of fees are set out for the period before 3rd July 1995 in the table contained in Schedule 1 and for the period commencing on 3rd July 1995 in the table contained in Schedule 2. These tables are substituted for the existing tables in the Schedule to the principal Regulations.

In addition the regulations make provision for the payment of a standard fee in all cases where an application has to be made to a planning authority for their determination as to whether the prior

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approval of the authority will be required in relation to development under Schedule 1 to the Town and Country Planning (General Permitted Development) (Scotland) Order 1992. A new category of fee has also been introduced for glasshouses.