

---

STATUTORY INSTRUMENTS

---

**2005 No. 843**

**TOWN AND COUNTRY PLANNING, ENGLAND**

**The Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations 2005**

*Made* - - - - *17th March 2005*  
*Coming into force* - - *1st April 2005*

The Secretary of State, in exercise of the powers conferred by section 303 of the Town and Country Planning Act 1990(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 each House of Parliament:

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations 2005 and shall come into force on 1st April 2005.

(2) These Regulations apply in relation to England only.

**General increase in fees**

2.—(1) The Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 1989(2) are amended as follows.

(2) In regulation 10A (fees for applications for certificates of lawful use or development)(3)—

- (a) in paragraph (5)(b), for “£110” substitute “£135”; and
- (b) for paragraph (6) substitute—

---

(1) 1990 c. 8; section 303 was amended by paragraph 10 of Schedule 13 to the Environmental Protection Act 1990 (c. 43), by section 6(6) of the Planning and Compensation Act 1991 (c. 34) and by section 53 of the Planning and Compulsory Purchase Act 2004 (c. 5). See 336(1) of the Town and Country Planning Act 1990 for the definition of “prescribed”. The functions of the Secretary of State under section 303 were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672); see the entry in Schedule 1 for the Town and Country Planning Act 1990.

(2) S.I. 1989/193; amended by S.I., 1990/2473, S.I. 1991/2735, S.I. 1992/1817, S.I. 1992/3052, S.I. 1993/3170, S.I. 1997/37, S.I. 2001/2719 and S.I. 2002/768.

(3) Regulation 10A was inserted by regulation 4 of S.I. 1992/1817.

“(6) Where a use specified in an application under section 191(1)(a) is use as one or more separate dwellinghouses, the fee payable in respect of that use shall be—

- (a) where the use so specified is use as 50 or fewer dwellinghouses, £265 for each dwellinghouse;
- (b) where the use so specified is use as more than 50 dwellinghouses, £13,250, and an additional £80 for each dwellinghouse in excess of 50, subject to a maximum in total of £50,000.”.

(3) In regulation 11A (fees for certain applications under the General Permitted Development Order) (4)—

- (a) in paragraph (1)(a), for “£40” substitute “£50”; and
- (b) in paragraph (1)(b), for “£220” substitute “£265”.

(4) In Part I of Schedule 1 (general provisions)—

- (a) in paragraphs 4(1) and 6(2), for “£220” substitute “£265”; and
- (b) in paragraphs 7, 7A(5) and 7B(6), for “£110” substitute “£135”.
- (c) for paragraph 15(2) substitute—

“(2) Where an application is for outline planning permission and relates to development which is within more than one of the categories specified in that table, the fee payable in respect of the application shall be—

- (a) where the site area does not exceed 2.5 hectares, £265 for each 0.1 hectare of the site area;
- (b) where the site area exceeds 2.5 hectares £6,625, and an additional £80 for each 0.1 hectare in excess of 2.5 hectares, subject to a maximum in total of £25,000.”.

(5) For Part II of Schedule 1 (scale of fees), substitute the new Part II set out in Schedule 1 to these Regulations.

(6) For Schedule 2 (scale of fees for advertisement applications), substitute the new Schedule 2 set out in Schedule 2 to these Regulations.

## **Revocation**

3. Regulation 2 of the Town and Country Planning (Fees for Applications and Deemed Applications)(Amendment)(England) Regulations 2002(7) is hereby revoked.

Signed by authority of the First Secretary of State

*Keith Hill*  
Minister of State Office of the Deputy Prime  
Minister

17th March 2005

---

(4) Regulation 11A was inserted by paragraph 3 of Schedule 3 to S.I. [1991/2735](#), and substituted by regulation 5 of S.I. [1992/1817](#) and then by regulation 4 of S.I. of [1992/3052](#), and paragraph (1) was substituted by regulation 2 of S.I. [2001/2719](#).  
(5) Inserted by S.I. [1992/1817](#).  
(6) Inserted by S.I. [1992/3052](#).  
(7) S.I. [2002/768](#).

## SCHEDULE 1

Regulation 2(5)

PART II OF SCHEDULE 1 TO THE 1989 REGULATIONS  
SCALE OF FEES IN RESPECT OF APPLICATIONS MADE  
OR DEEMED TO BE MADE ON OR AFTER 1ST APRIL 2005

<i>Category of development</i>	<i>Fee payable</i>
<i>I. Operations</i>	(a) (a) Where the application is for outline planning permission and—
1. The erection of dwellinghouses (other than development within category 6 below).	(i) the site area does not exceed 2.5 hectares, £265 for each 0.1 hectare of the site area;
	(ii) the site area exceeds 2.5 hectares, £6,625 and an additional £80 for each 0.1 hectare in excess of 2.5 hectares, subject to a maximum in total of £25,000.
	(b) in other cases—
	(i) where the number of dwellinghouses to be created by the development is 50 or fewer, £265 for each dwellinghouse;
	(ii) where the number of dwellinghouses to be created by the development exceeds 50, £13,250, and an additional £80 for each dwellinghouse in excess of 50 dwellinghouses, subject to a maximum in total of £50,000.
2. The erection of buildings (other than buildings in categories 1,3,4,5 or 7).	(a) (a) Where the application is for outline planning permission and—
	(i) the site area does not exceed 2.5 hectares, £265 for each 0.1 hectare of the site area;
	(ii) the site area exceeds 2.5 hectares, £6,625, and an additional £80 for each 0.1 hectare in excess of 2.5 hectares, subject to a maximum in total of £25,000.
	(b) in other cases—
	(i) where no floor space is to be created by the development, £135;
	(ii) where the area of gross floor space to be created by the

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>Category of development</i>	<i>Fee payable</i>
	development does not exceed 40 square metres, £135;
	(iii) 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, £265;
	(iv) 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, £265 for each 75 square metres of that area;
	(v) where the area of gross floor space to be created by the development exceeds 3750 square metres, £13,250, and an additional £80 for each 75 square metres in excess of 3750 square metres, subject to a maximum in total of £50,000.
3. The erection, on land used for the purposes of agriculture, of buildings to be used for agricultural purposes (other than buildings in category 4).	<p>(a) (a) Where the application is for outline planning permission and—</p> <p>(i) the site area does not exceed 2.5 hectares, £265 for each 0.1 hectare of the site area;</p> <p>(ii) the site area exceeds 2.5 hectares, £6,625, and an additional £80 for each additional 0.1 hectare in excess of 2.5 hectares, subject to a maximum in total of £25,000.</p> <p>(b) in other cases—</p> <p>(i) where the area of gross floor space to be created by the development does not exceed 465 square metres, £50;</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, £265;</p> <p>(iii) where the area of the gross floor space to be created by the development exceeds 540 square metres but does not</p>

<i>Category of development</i>	<i>Fee payable</i>
	<p>exceed 4215 square metres, £265 for the first 540 square metres, and an additional £265 for each 75 square metres in excess of 540 square metres; and</p> <p>(iv) where the area of gross floor space to be created by the development exceeds 4215 square metres, £13,250, and an additional £80 for each 75 square metres in excess of 4215 square metres, subject to a maximum in total of £50,000.</p>
<p>4. The erection of glasshouses on land used for the purposes of agriculture.</p>	<p>(a) (a) Where the gross floor space to be created by the development does not exceed 465 square metres, £50;</p> <p>(b) where the gross floor space to be created by the development exceeds 465 square metres, £1,495.</p>
<p>5. The erection, alteration or replacement of plant or machinery.</p>	<p>(a) (a) Where the site area does not exceed 5 hectares, £265 for each 0.1 hectare of the site area;</p> <p>(b) where the site area exceeds 5 hectares, £13,250, and an additional £80 for each 0.1 hectare in excess of 5 hectares, subject to a maximum in total of £50,000.</p>
<p>6. The enlargement, improvement or other alteration of existing dwellinghouses.</p>	<p>(a) (a) Where the application relates to one dwellinghouse, £135;</p> <p>(b) where the application relates to 2 or more dwellinghouses, £265.</p>
<p>7.</p>	<p>£135.</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, or the erection or construction of gates, fences, walls or other means of enclosure along a boundary of the curtilage of an existing dwellinghouse;</p> <p style="text-align: center;">or</p> <p>(b) the construction of carparks, service roads and other means of access on land used for the purposes of a single</p>	

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

<i>Category of development</i>	<i>Fee payable</i>
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.	<p>(a) (a) Where the site area does not exceed 7.5 hectares, £265 for each 0.1 hectares of the site area;</p> <p>(b) where the site area exceeds 7.5 hectares, £19,875, and an additional £80 for each 0.1 hectare in excess of 7.5 hectares, subject to a maximum in total of £50,000.</p>
<b>9.</b> The carrying out of any operations not coming within any of the above categories.	<p>(a) (a) In the case of operations for the winning and working of minerals—</p> <p>(i) where the site area does not exceed 15 hectares, £135 for each 0.1 hectare of the site area;</p> <p>(ii) where the site area exceeds 15 hectares, £20,250, and an additional £80 for each 0.1 hectare in excess of 15 hectares, subject to a maximum in total of £50,000;</p> <p>(b) in any other case, £135 for each 0.1 hectare of the site area, subject to a maximum of £1,350.</p>
<i>II. Uses of land</i>	
<b>10.</b> The change of use of a building to use as one or more separate dwellinghouses.	<p>(a) (a) Where the change of use is from a previous use as a single dwellinghouse to use as two or more single dwellinghouses—</p> <p>(i) where the change of use is to use as 50 or fewer dwellinghouses, £265 for each additional dwellinghouse;</p> <p>(ii) where the change of use is to use as more than 50 dwellinghouses £13,250, and an additional £80 for each dwellinghouse in excess of 50 dwellinghouses, subject to a maximum in total of £50,000;</p> <p>(b) in all other cases—</p> <p>(i) where the change of use is to use as 50 or fewer dwellinghouses, £265 for each dwellinghouse;</p> <p>(ii) where the change of use is to use as more than 50</p>

<i>Category of development</i>	<i>Fee payable</i>
	dwellinghouses £13,250, and an additional £80 for each dwellinghouse in excess of 50 dwellinghouses, subject to a maximum in total of £50,000.
<b>11.</b>	
(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	(a) Where the site area does not exceed 15 hectares, £135 for each 0.1 hectare of the site area;
(b) for use of land for the storage of minerals in the open.	(b) where the site area exceeds 15 hectares £20,250, and an additional £80 for each 0.1 hectare in excess of 15 hectares, subject to a maximum in total of £50,000.
<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).	£265.

SCHEDULE 2

Regulation 2(6)

SCHEDULE 2 TO THE 1989 REGULATIONS

SCALE OF FEES IN RESPECT OF APPLICATIONS FOR CONSENT TO DISPLAY ADVERTISEMENTS MADE ON OR AFTER 1ST APRIL 2005

<i>Category of development</i>	<i>Fee payable</i>
<b>1.</b> Advertisements displayed on business premises, on the forecourt of business premises or on other land within the curtilage of business premises, wholly with reference to all or any of the following matters—	£75.
(a) the nature of the business or other activity carried on on the premises;	
(b) the goods sold or the services provided on the premises; or	
(c) the name and qualifications of the person carrying on such business or activity or supplying such goods or services.	
<b>2.</b> Advertisements for the purpose of directing members of the public to, or otherwise drawing attention to the existence of, business premises which are in the same locality as the site on which the advertisement is to be displayed but which are not visible from that site.	£75.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>Category of development</i>	<i>Fee payable</i>
<b>3.</b> All other advertisements.	£265.

## EXPLANATORY NOTE

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

These Regulations amend the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 1989 (the 1989 Regulations). The 1989 Regulations make provision for the payment of fees to local planning authorities in respect of applications made under the Town and Country Planning Act 1990 for planning permission for development or for approval of matters reserved by an outline planning permission, in respect of fees for applications for certificates of lawful use or development, in respect of applications for consent for the display of advertisements and in respect of certain applications made under the Town and Country Planning (General Permitted Development) Order 1995; and for the payment of fees to the Secretary of State in respect of applications for planning permission which are deemed to have been made in connection with an appeal against an enforcement notice.

These Regulations amend the 1989 Regulations to increase all fees payable under those Regulations and to alter the basis of the calculation of the fee payable in some cases.

The alterations to the basis of the calculation of the fee are in regulation 10A(6) (fees for applications for certificates of lawful use of development where use is one or more separate dwellinghouses), paragraph 15(2) of Part I of Schedule 1 (application or deemed application for outline planning permission which relates to development which is within more than one of the categories specified in Part II of Schedule 1), and in the categories of development numbered 1-3, 5 and 8-11 in Part II of Schedule 1.

The Regulations increase the level of maximum fee payable by virtue of regulation 10A(6), paragraph 15(2) of Part I of Schedule 1 and the categories of development 1-3, 5 and 8-11 in Part II of that Schedule in the range of 203% to 354%; and in all other cases in the range of 20 to 25%.

Replacement scales of fees (Part II of Schedule 1, and Schedule 2, to the 1989 Regulations) are set out in the Schedules to these Regulations.

These Regulations revoke regulation 2 of the Town and Country Planning (Fees for Applications and Deemed Applications)(Amendment)(England) Regulations 2002 (S.I.2002/768), which made changes to the level of fees in the 1989 Regulations.

A Regulatory Impact Assessment has been prepared in relation to these Regulations. It has been placed in the library of each House of Parliament and copies may be obtained from PDCD Division at Zone 4/J2, Office of the Deputy Prime Minister, Eland House, Bressenden Place, SW1E 5DU, tel: 020 7944 4817.