
STATUTORY INSTRUMENTS

2012 No. 2920

The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012

[^{F1}Refund of fees in relation to planning applications not determined within [^{F2}the relevant period]

[^{F2}9A.—(1) Subject to paragraph (2), any fee paid by an applicant in respect of an application for planning permission [^{F3}, or permission in principle] or for the approval of reserved matters shall be refunded to the applicant in the event that the local planning authority fail, or the Secretary of State, in relation to an application made under section 62A of the 1990 Act fails, to determine the application within [^{F4}the relevant period].

[^{F5}(1A) For the purposes of paragraph (1), the relevant period is—

- (a) in the case of a valid application falling within article 34(2)(b) of the Development Management Procedure Order, 16 weeks beginning with the day immediately following the day on which the application is received by the local planning authority;
- (b) otherwise, the period of 26 weeks beginning with the date on which a valid application is received by the local planning authority or the Secretary of State (as the case may be).]

(2) Paragraph (1) does not apply where—

- (a) the applicant and the local planning authority, or, in the case of an application under section 62A of the 1990 Act, the Secretary of State, have agreed in writing that the application is to be determined within an extended period;
- (b) the Secretary of State gives a direction under section 77 of the 1990 Act in relation to the application before the period mentioned in paragraph (1) has expired;
- (c) the applicant has appealed to the Secretary of State under section 78(2) of the 1990 Act before the period mentioned in paragraph (1) has expired; or
- (d) any person who is aggrieved by any decision of the local planning authority or the Secretary of State in relation to the application has made an application to the High Court before the period mentioned in paragraph (1) has expired.

(3) In this regulation [^{F6}“valid application” is—

- (a) where the application is made to a local planning authority, to have the same meaning as in article 34(4) of the Development Management Procedure Order or article 5S(3) of the Town and Country Planning (Permission in Principle) Order 2017, as the case may be;
- (b) where the application is made under section 62A of the 1990 Act, to have the same meaning as in article 8(4) of the Town and Country Planning (Section 62A Applications) (Procedure and Consequential Amendments) Order 2013.]]]

Changes to legislation: *There are currently no known outstanding effects for the The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, Section 9A. (See end of Document for details)*

Textual Amendments

- F1** Reg. 9A inserted (1.10.2013) by [The Town and Country Planning \(Fees for Applications, Deemed Applications, Requests and Site Visits\) \(England\) \(Amendment\) Regulations 2013 \(S.I. 2013/2153\)](#), regs. 1(1), **5(1)**
- F2** Words in reg. 9A heading substituted (6.12.2023) by [The Town and Country Planning \(Fees for Applications, Deemed Applications, Requests and Site Visits\) \(England\) \(Amendment\) Regulations 2023 \(S.I. 2023/1197\)](#), regs. 1(2), **6(2)** (with regs. 18-20)
- F3** Words in reg. 9A(1) inserted (17.1.2018) by [The Town and Country Planning \(Fees for Applications, Deemed Applications, Requests and Site Visits\) \(England\) \(Amendment\) Regulations 2017 \(S.I. 2017/1314\)](#), regs. 1(1), **3(6)**
- F4** Words in reg. 9A(1) substituted (6.12.2023) by [The Town and Country Planning \(Fees for Applications, Deemed Applications, Requests and Site Visits\) \(England\) \(Amendment\) Regulations 2023 \(S.I. 2023/1197\)](#), regs. 1(2), **6(3)** (with regs. 18-20)
- F5** Reg. 9A(1A) inserted (6.12.2023) by [The Town and Country Planning \(Fees for Applications, Deemed Applications, Requests and Site Visits\) \(England\) \(Amendment\) Regulations 2023 \(S.I. 2023/1197\)](#), regs. 1(2), **6(4)** (with regs. 18-20)
- F6** Words in reg. 9A(3) substituted (17.1.2018) by [The Town and Country Planning \(Fees for Applications, Deemed Applications, Requests and Site Visits\) \(England\) \(Amendment\) Regulations 2017 \(S.I. 2017/1314\)](#), regs. 1(1), **6(4)**

Changes to legislation:

There are currently no known outstanding effects for the The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, Section 9A.