
STATUTORY INSTRUMENTS

2013 No. 2153

**The Town and Country Planning (Fees for Applications,
Deemed Applications, Requests and Site Visits)
(England) (Amendment) Regulations 2013**

Amendments in relation to applications under section 62A of the 1990 Act

- 3.—(1) In regulation 1(4) of the 2012 Regulations—
- (a) before sub-paragraph (a) insert—
 - “(za) to the giving of advice about applying under section 62A of the 1990 Act for any permission, approval or consent;”
 - (b) after sub-paragraph (b)(ii) insert—
 - “(iia) applications under section 62A (applications made directly to Secretary of State) of the 1990 Act;”
- (2) In regulation 10(7)(a) of the 2012 Regulations after “local planning authority” insert “, or, in the case of an application under section 62A of the 1990 Act, the Secretary of State,”.
- (3) After regulation 11 of the 2012 Regulations insert—

“Fees payable in respect of applications under section 62A of the 1990 Act

- 11A.—(1) When an application is made under section 62A of the 1990 Act a fee is payable to the Secretary of State.
- (2) A fee is only payable under this regulation if a fee would have been payable to a local planning authority under these Regulations (excluding regulation 8 or 9) had the application been made to that authority (“the relevant authority”).
- (3) The amount of the fee payable to the Secretary of State under paragraph (1) shall be the same as the amount of the fee that would have been payable to the relevant authority under these Regulations.
- (4) Where all the conditions set out in paragraph (5) are satisfied, paragraph (1) shall not apply to—
- (a) an application for planning permission, which is made following the granting of planning permission (by the Secretary of State under section 62A of the 1990 Act), for development which the Secretary of State is satisfied is development of the same character or description as the development to which the application relates, on an application for planning permission made by or on behalf of the same applicant; or
 - (b) an application for approval of one or more reserved matters, which is made following the granting of approval (by the Secretary of State under section 62A of the 1990 Act) of details relating to the same reserved matters authorised by the same outline planning permission, on an application made by or on behalf of the same applicant.
- (5) The conditions referred to in paragraph (4) are—

- (a) that the application is made within 12 months of the date of the grant of planning permission or grant of approval of details of reserved matters, as the case may be;
 - (b) that the application relates—
 - (i) in the case of an application for planning permission, to the same site as that to which the grant of planning permission related, or to part of that site, and to no other land except land included solely for the purpose of providing a different means of access to the site; or
 - (ii) in the case of an application for approval of reserved matters, to the same site as that in respect of which the approval was granted, or to part of that site (and no other land);
 - (c) in the case of an application for planning permission which is not made in outline, that the planning permission which has been granted is not an outline planning permission; and
 - (d) that no application made by or on behalf of the same applicant in relation to the whole or any part of the site has already been exempted by paragraph (4).
- (6) Where all the conditions set out in paragraph (7) are satisfied, paragraph (1) shall not apply to—
- (a) an application for planning permission which is made following the withdrawal (before notice of decision was issued) of a valid application for planning permission made to the Secretary of State under section 62A of the 1990 Act by or on behalf of the same applicant;
 - (b) an application for planning permission which is made following the refusal of planning permission (by the Secretary of State under section 62A of the 1990 Act) on a valid application for planning permission made by or on behalf of the same applicant;
 - (c) an application for approval of one or more reserved matters which is made following the withdrawal (before notice of decision was issued) of a valid application made to the Secretary of State under section 62A of the 1990 Act by or on behalf of the same applicant for approval of details relating to the same reserved matters in relation to the same outline planning permission; or
 - (d) an application for approval of one or more reserved matters which is made following the refusal (by the Secretary of State under section 62A of the 1990 Act) to approve details relating to the same reserved matters which were submitted in a valid application made by or on behalf of the same applicant and in relation to the same outline planning permission.
- (7) The conditions referred to in paragraph (6) are—
- (a) that the application is made within 12 months of—
 - (i) in the case of an earlier valid application which was withdrawn, the date when that application was received; or
 - (ii) in any other case, the date of the refusal;
 - (b) that the application relates—
 - (i) in the case of an application for planning permission, to the same site as that to which the earlier application related, or to part of that site, and to no other land except land included solely for the purpose of providing a different means of access to the site; or

- (ii) in the case of an application for approval of reserved matters, to the same site as that to which the earlier application related, or to part of that site (and no other land);
 - (c) in the case of an application for planning permission, that the Secretary of State is satisfied that it relates to development of the same character or description as the development to which the earlier application related (and to no other development);
 - (d) in the case of an application for planning permission which is not made in outline, that the earlier application was also not made in outline;
 - (e) that the fee payable in respect of the earlier application was paid; and
 - (f) that no application made by or on behalf of the applicant in relation to the whole or any part of the site has already been exempted by paragraph (6).
- (8) In this regulation “valid application” has the same meaning as in article 29(3) of the Development Management Procedure Order (but with the references in that definition to articles 5, 6, 8 and 12 of that Order being construed as references to those articles as applied by a development order made pursuant to section 76C of the 1990 Act)(1).
- (9) Any fee paid under this regulation shall be refunded if the application is rejected as invalid.”

(1) Section 76C was inserted into the 1990 Act by section 1 of, and paragraph 5 of Schedule 1 to, the Growth and Infrastructure Act 2013 (c. 27).