
SCOTTISH STATUTORY INSTRUMENTS

2022 No. 50

The Town and Country Planning (Fees for Applications) (Scotland) Regulations 2022

PART 3

Applications where no fee is payable

Means of access etc. for disabled persons

7.—(1) No fee is payable under regulation 3 where the planning authority to which an application is made is satisfied as to the matters specified in paragraphs (2)(a) or (b).

(2) The matters are that the application relates solely to the carrying out of operations for—

(a) the alteration or extension of a dwellinghouse (but not including the erection of a dwellinghouse) or other operations within the curtilage of a dwellinghouse for the purpose of—

(i) providing means of access to or within the dwellinghouse for a disabled person who resides or proposes to reside in that dwellinghouse, or

(ii) providing facilities designed to secure that person's greater safety, health or comfort,

(b) the purpose of providing means of access for disabled persons to or within a building or premises to which members of the public are admitted.

(3) In this regulation, “disabled person” has the meaning given by section 6 of the Equality Act 2010⁽¹⁾.

Restrictions on permitted development rights

8.—(1) No fee is payable under regulation 3 where the planning authority to which an application is made is satisfied as to the matters specified in paragraph (2).

(2) The matters are that—

(a) the application relates solely to development within one or more of the classes specified in schedule 1 of the General Permitted Development Order, and

(b) the permission granted by article 3 of that Order does not apply in respect of that development by reason of—

(i) a direction made under article 4 of that Order which is in force on the date when the application is made, or

(ii) the requirements of a condition imposed on a permission granted under Part III of the 1997 Act otherwise than by that Order.

(3) The reference in paragraph (2)(a) to an application which relates to development which is within one or more of the classes specified in schedule 1 of the General Permitted Development

Order includes an application for planning permission for the continuance of a use of land, or the retention of buildings or works, without compliance with a condition subject to which a previous planning permission has been granted, and which prohibits or limits the carrying out of any development which is within one or more of those classes.

Advertisements - disapplication of deemed consent

9. No fee is payable under regulation 3 for an application for a consent for the display of advertisements under regulation 15 of the 1984 Regulations if the application is occasioned by a direction under regulation 11 (power to exclude the application of regulation 10) of the 1984 Regulations disapplying regulation 10 (advertisements which may be displayed without express consent) in relation to that advertisement.

Use specified in the Town and Country Planning (Use Classes) (Scotland) Order 1997

10. No fee is payable under regulation 3 for an application for planning permission where the planning authority to which an application is made is satisfied that—

- (a) the application relates solely to the use of a building or other land for a purpose of any class specified in the schedule of the Town and Country Planning (Use Classes) (Scotland) Order 1997(2),
- (b) the existing use of that building or other land is for another purpose of the same class, and
- (c) the making of an application for planning permission for the use to which the application relates is necessary because of a condition imposed on a permission granted under Part III of the 1997 Act.

Repeat applications for planning permission

11.—(1) This regulation applies to an application for planning permission made—

- (a) for development of the same character or description as development to which an earlier application for planning permission related and for no other development,
- (b) by the same applicant who made that earlier application for planning permission, and
- (c) following—
 - (i) the withdrawal, before notice of the planning authority's decision on that earlier application for planning permission was given,
 - (ii) the grant of planning permission for the development,
 - (iii) the refusal of planning permission,
 - (iv) the making of an appeal to the Scottish Ministers under section 47(2) of the 1997 Act (appeal in default of planning decision)(3), or
 - (v) a requirement to review the application for planning permission under section 43A(8)(c) of the 1997 Act (review in default of planning decision)(4).

(2) No fee is payable under regulation 3 where all the conditions set out in paragraph (3) are met.

(3) The conditions are—

- (a) that the application is made within 12 months of the date—
 - (i) when the earlier application was made, in the case of a withdrawn application,
 - (ii) of the relevant grant of planning permission,

(2) [S.I. 1997/3061](#) to which there are amendments not relevant to these Regulations.

(3) Section 47 was amended by the Planning etc. (Scotland) Act 2006 ([asp 17](#)), section 19(1).

(4) Section 43A(8)(c) was amended by [S.S.I. 2013/24](#).

- (iii) of the refusal, or
- (iv) in the case of an application which is made following an appeal under section 47(2) of the 1997 Act or a review under section 43A(8)(c) of the 1997 Act, the expiry of the period prescribed by virtue of section 47(2) or section 43A(8)(c) of the 1997 Act as the case may be,
- (b) in the case of an application for planning permission which is not an application for planning permission in principle, that the planning permission which has been granted is not a planning permission in principle or that the earlier application was also not an application for planning permission in principle,
- (c) the application relates 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,
- (d) no application made by the same applicant in relation to the whole or any part of the site has already been exempted from payment of a fee by virtue of this regulation or regulations 7 and 8 of the 2004 Regulations, and
- (e) the fee payable in respect of the earlier application was paid.

Repeat applications for approval, consent or agreement required by a condition imposed on a grant of planning permission in principle

12.—(1) This regulation applies to an application for approval, consent or agreement required by a condition imposed on a grant of planning permission in principle made—

- (a) in respect of the same matters as an earlier application for approval, consent or agreement required by a condition imposed on a grant of that planning permission in principle,
 - (b) by the same applicant, and
 - (c) following—
 - (i) the withdrawal before a notice of decision was issued in respect of the earlier application,
 - (ii) the grant of such earlier application,
 - (iii) the refusal of such earlier application,
 - (iv) the making of an appeal to the Scottish Ministers under section 47(2) of the 1997 Act in relation to such earlier application, or
 - (v) a requirement to review such earlier application under section 43A(8)(c) of the 1997 Act.
- (2) No fee is payable under regulation 3 where all the conditions set out in paragraph (3) are met.
- (3) The conditions are—
- (a) the application is made within 12 months of the date—
 - (i) when the earlier application was made, in the case of a withdrawn application,
 - (ii) of the relevant grant of approval, consent or agreement sought by the earlier application,
 - (iii) of the refusal of the earlier application, or
 - (iv) in the case of an application which is made following an appeal under section 47(2) of the 1997 Act or a review under section 43A(8)(c) of the 1997 Act, the expiry of the period prescribed by virtue of section 47(2) or section 43A(8)(c) of the 1997 Act as the case may be,

- (b) the application relates to the same site as that to which the earlier application related, or to part of that site and to no other land,
- (c) no application made by the same applicant in relation to the whole or any part of the site has already been exempted from payment of a fee by virtue of this regulation or regulations 7 and 8 of the 2004 Regulations, and
- (d) the fee payable in respect of the earlier application was paid.

Repeat applications for certificates of lawful use or development or certificates of proposed use or development

13.—(1) This regulation applies to an application for a certificate of lawful use or development under section 150 or a certificate of proposed use or development under section 151 of the 1997 Act made following—

- (a) the withdrawal (before notice of decision was issued) of an earlier application made by the same applicant, or
 - (b) the refusal of an earlier application made by the same applicant (whether by the planning authority or the Scottish Ministers on appeal).
- (2) No fee is payable under regulation 3 where all the conditions set out in paragraph (3) are met.
- (3) The conditions are that—
- (a) the application is made within 12 months of the date—
 - (i) when the earlier application was made, in the case of a withdrawn application, or
 - (ii) of refusal, in any other case,
 - (b) the application relates to the same site as that to which the earlier application related, or to part of that site and to no other land,
 - (c) the planning authority to which the application is made is satisfied that it relates to a use, operation or other matter of the same description as the use, operation or matter to which the earlier application related and to no other use, operation or matter,
 - (d) the fee payable in respect of the earlier application was paid, and
 - (e) 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 from payment of a fee by virtue of this regulation or regulation 12 of the 2004 Regulations.

Winning and working of minerals

14. No fee is payable under regulation 3 in relation to an application for permission to carry out development consisting of the winning and working of minerals where the application—

- (a) is for a permission which consolidates two or more subsisting permissions, or
- (b) does not seek permission for development which is not authorised by a subsisting permission.