

*Draft Regulations laid before Parliament under section 303(8)(a) of the Town and Country Planning Act 1990, for approval by resolution of each House of Parliament.*

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DRAFT STATUTORY INSTRUMENTS

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**2021 No.**

**TOWN AND COUNTRY PLANNING, ENGLAND**

The Town and Country Planning (Fees for Applications,  
Deemed Applications, Requests and Site Visits)  
(England) (Amendment) Regulations 2021

*Made* - - - - \*\*\*  
*Coming into force* - - - - \*\*\*

The Secretary of State, in exercise of the powers conferred by sections 303(1), (5) and (6) and 333(2A) of the Town and Country Planning Act 1990(1), makes the following Regulations.

In accordance with section 303(8)(a) of that Act, a draft of this instrument has been laid before and approved by resolution of each House of Parliament.

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2021 and come into force on the twenty eighth day after the day on which they are made.

(2) In these Regulations “the 2012 Regulations” means the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012(2).

**Amendments in relation to fees for certain applications under the General Permitted Development Order**

2.—(1) Regulation 14 of the 2012 Regulations is amended as follows.

(2) In paragraph (1)—

(a) after sub-paragraph (zab) insert—

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(1) 1990 c.8. Section 303 was substituted by section 199 of the Planning Act 2008 c.29. There are amendments to section 303 which are not relevant to these Regulations. Section 333(2A) was inserted by section 118(1) of and paragraph 14 of Schedule 6 to the Planning and Compulsory Purchase Act 2004 (c.5). See section 303(7) for the definition of “appropriate authority”.

(2) S.I. 2012/2920. Relevant amending instruments are S.I.s 2013/2153, 2014/357, 2014/2026, 2017/1314, 2019/1154 and 2020/836.

- “(zac) for an application under Part 1 of that Schedule relating to development permitted by Class AA of that Part (enlargement of a dwellinghouse by construction of additional storeys), £96;”;
- (b) at the beginning of sub-paragraph (zb) insert “subject to sub-paragraph (zc),”;
- (c) after sub-paragraph (zb) insert—
  - “(zc) for an application under Part 3 of that Schedule relating to development permitted by Class MA of that Part (commercial, business and service uses to dwellinghouses), for each proposed dwellinghouse, £100;”;
- (d) after sub-paragraph (a) insert—
  - “(aa) for an application under Part 7 of that Schedule relating to development permitted by Class M of that Part (extensions etc for schools, colleges, universities, prisons and hospitals), where the application relates to the erection, extension or alteration of a university building, £96;”.
- (3) In paragraph (1A) for “(zab) or (zb)” substitute “(zab), (zac), (zb) or (zc)”.
- (4) In paragraph (1B), after “(zab)” insert “or (zac)”.
- (5) In paragraph (1C), for each occurrence of “paragraph (1)(c)” substitute “paragraph (1)(zc) or (c)”.

### **Transitional provision**

- 3.—**(1) The 2012 Regulations shall continue to apply in relation to applications of the kind mentioned in paragraph (2), as if regulation 2 had not been made.
- (2) This paragraph applies to an application which—
    - (a) falls within the description in regulation 14(1)(zac), 14(1)(zc), or 14(1)(aa) of the 2012 Regulations; and
    - (b) is made before the date on which these Regulations come into force.

Signed by authority of the Secretary of State for Housing, Communities and Local Government

Date

*Name*  
Minister of State  
Ministry for Housing, Communities and Local  
Government

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## EXPLANATORY NOTE

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

These Regulations amend the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (“the 2012 Regulations”).

These Regulations are made in consequence of amendments made to the Town and Country Planning (General Permitted Development) Order 2015 (S.I. 2015/596) (“the General Permitted Development Order”), by the Town and Country Planning (General Permitted Development) (England) (Amendment) (No.2) Order 2020 (S.I. 2020/755) (“the 2020 Order”); and the Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 (S.I. S.I. 2021/428) (“the 2021 Order”).

The 2020 Order introduced a new permitted development right under Class AA of Part 1 of Schedule 2 to the General Permitted Development Order to allow existing houses to be extended to provide more living space by constructing additional storeys. Regulation 2 of these regulations amends regulation 14 of the 2012 Regulations to introduce a fee of £96 for applications for prior approval for this permitted development right. Regulation 2 further amends regulation 14 of the 2012 Regulations to introduce a ‘double charge’ exemption to ensure that, where a full planning application and payment of associated fee has been made which includes a dwellinghouse upward extension subject to prior approval, no prior approval fee is additionally payable, and to provide that the fee exemption for any applications for access and facilities for disabled persons conferred by regulation 4 of the 2012 Regulations is similarly applied to this prior approval fee where relevant.

The 2021 Order introduces a new permitted development right to allow for the change of use from Commercial, Business and Service use (Class E) to residential use (Class C3). Regulation 2 of these regulations introduces a fee for applications for prior approvals for this change of use of £100 per new dwellinghouse. Regulation 2 further amends regulation 14 of the 2012 Regulations to introduce a ‘double charge’ exemption to ensure that, where a full planning application and payment of associated fee has been made which includes a change of use from Commercial, Business and Service use (Class E) to residential use (Class C3) subject to prior approval, no prior approval fee is additionally payable. Regulation 2 of these regulations also amends regulation 14 of the 2012 regulations to introduce a ‘second application’ exemption from the prior approval fee for this change of use permitted development right for a second application made in certain circumstances within 12 months of the first.

The 2021 Order also expands the scope of an existing permitted development right under Class M of Part 7 of the General Permitted Development Order to allow for more development by existing schools, colleges, universities, hospitals and, for the first time, prisons. A prior approval process has been introduced specifically for the development of university buildings under this permitted development right. Regulation 2 of these regulations amends regulation 14 of the 2012 Regulations to introduce a fee of £96 for applications for prior approvals only in relation the development of university buildings under this permitted development right.

Regulation 3 makes transitional provision such that the fee introduced by regulation 2 is not payable in respect of applications made before the coming into force of these regulations.

An Explanatory Memorandum is published alongside this instrument at [www.legislation.gov.uk](http://www.legislation.gov.uk).

A full impact assessment of the effect that the 2021 Order, and the fees introduced by these regulations, will have on the costs of business, the voluntary sector and the public sector is being produced by the Ministry of Housing, Communities and Local Government and will also be

**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2021 No. 791*

published at [www.legislation.gov.uk](http://www.legislation.gov.uk) and copies may be inspected at the Planning Directorate, the Ministry of Housing, Communities and Local Government, 2 Marsham Street London, SW1P 4DF.