
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”).

Regulation 19 of the 2012 Regulations required the Secretary of State to carry out a review of the Regulations and publish a report within five years after the 2012 Regulations came into force. That review was published in December 2017 and it concluded that the objectives of the 2012 Regulations (as amended) remained appropriate and that the objectives were best met within a framework of a national fee regime. The published review can be found at http://www.legislation.gov.uk/uksi/2012/2920/pdfs/uksiod_20122920_en.pdf. Following the review, the Secretary of State was required to consider whether the 2012 Regulations should be allowed to expire (as regulation 1(3) of the 2012 Regulations provides for them to cease to have effect at the end of the period of seven years beginning with the day on which they came into force). In light of the review findings, the Secretary of State considers that the removal of the provision at regulation 1(3) of the 2012 Regulations is appropriate. Regulation 2 of these Regulations omits regulation 1(3) of the 2012 Regulations accordingly.

These Regulations are also 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 (Permitted Development, Advertisement, and Compensation Amendments) (England) Regulations 2019 (S.I. 2019/907) (“the 2019 Regulations”), which came into force on 25 May 2019. The 2019 Regulations made, amongst other provisions, provision for the time-limited permitted development right which enables home owners to benefit from larger extensions without the need for a full planning application under Class A of Part 1 of Schedule 2 to the General Permitted Development Order to be made permanent. Regulation 3 of these Regulations amends regulation 14 of the 2012 Regulations to introduce a £96 fee for prior approvals associated with this now permanent permitted development right. Regulation 3 further amends regulation 14 of the 2012 Regulations to ensure that where a full planning application and payment of associated fee has been made which includes the ‘dwellinghouse larger extension’ subject to prior approval, no prior approval fee is additionally payable, and finally to provide that the exception for access and facilities for disabled persons conferred by Regulation 4 of the 2012 Regulations is similarly applied to the prior approval fee.

Regulation 4 makes transitional provision such that the fee introduced by regulation 3 is not payable in respect of applications made before the coming into force of regulation 3.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen. A separate assessment of impact was completed in respect to the overall impact of the permitted development right for larger rear extensions being made permanent as part of the 2019 Regulations. A copy of that assessment of impact can be inspected at the Planning Directorate, the Ministry of Housing, Communities and Local Government, 2 Marsham Street, London, SW1P 4DF.