
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. 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 to 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.

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

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published at 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.