

2023 No. 1197

TOWN AND COUNTRY PLANNING, ENGLAND

**The Town and Country Planning (Fees for Applications,
Deemed Applications, Requests and Site Visits) (England)
(Amendment) Regulations 2023**

Made - - - - *8th November 2023*

Coming into force - - *6th December 2023*

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 303(1), (1A), (2), (4), (5) and (6) and 333(2A) of the Town and Country Planning Act 1990(a).

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.

PART 1

Introductory

Citation, commencement, extent, application 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 2023.

(2) These Regulations come into force 28 days after the day on which they are made.

(3) These Regulations extend to England and Wales but apply in relation to England only.

(4) In these Regulations—

“the 2012 Fees Regulations” means the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012(b);

“the commencement date” means the day on which these Regulations come into force.

(a) 1990 c. 8. Section 303 was substituted by section 199 of the Planning Act 2008 (c. 29). Section 303(1ZA) was inserted by paragraph 19(2) of Schedule 4 to the Infrastructure Act 2015 (c. 7). Section 303(1A) was inserted by paragraph 10 of Schedule 1 to the Growth and Infrastructure Act 2013 (c. 27). Section 303(4) was amended by paragraph 36 of Schedule 12 to the Housing and Planning Act 2016 (c. 22). Section 303(8) was amended by paragraph 4(5)(a)(i) and (ii) of Schedule 7 to the Planning (Wales) Act 2015 (anaw 4). See section 303(7) for the meaning of “the appropriate authority”. Section 333(2A) was inserted by paragraph 14(2) of Schedule 6 to the Planning and Compulsory Purchase Act 2004 (c. 5).

(b) S.I. 2012/2920. Relevant amending instruments are S.I. 2013/2153, 2017/1314, 2019/1154, 2020/836, 2021/791

PART 2

Amendment of the 2012 Fees Regulations

Amendment of the 2012 Fees Regulations

2. The 2012 Fees Regulations are amended in accordance with regulations 3 to 17.

Amendment of regulation 3 (fees for planning applications)

3. In regulation 3(1), for “regulations 4 to 9” substitute “regulations 4 to 7”.

Revocation of regulation 8 (exemptions – second application relating to development on same site etc.)

4. Omit regulation 8.

Revocation of regulation 9 (exemptions – application following withdrawal of earlier application or refusal of permission etc.)

5. Omit regulation 9.

Amendment of regulation 9A (refund of fees in relation to planning applications not determined within 26 weeks)

6.—(1) Regulation 9A is amended as follows.

(2) In the heading, for “26 weeks” substitute “the relevant period”.

(3) In paragraph (1), for “26 weeks of the date” to the end substitute “the relevant period”.

(4) After paragraph (1) insert—

“(1A) For the purposes of paragraph (1), the relevant period is—

- (a) in the case of a valid application falling within article 34(2)(b) of the Development Management Procedure Order, 16 weeks beginning with the day immediately following the day on which the application is received by the local planning authority;
- (b) otherwise, the period of 26 weeks beginning with the date on which a valid application is received by the local planning authority or the Secretary of State (as the case may be).”.

Amendment of regulation 11 (fees for applications for certificates of lawful use or development)

7.—(1) Regulation 11 is amended as follows.

(2) In paragraph (1), for “paragraphs (2), (4) and (8)”, substitute “paragraphs (2) and (8)”.

(3) In paragraph (3)—

- (a) in the words before sub-paragraph (a), for “paragraphs (4) to (9)” substitute “paragraphs (6) to (9) and regulation 18A”.
- (b) in sub-paragraph (b), for “£234” substitute “£293”.

(4) Omit paragraphs (4) and (5).

(5) In paragraph (6)—

- (a) in the words before sub-paragraph (a), after “shall” insert “, subject to regulation 18A,”;
- (b) for sub-paragraphs (a) and (b) substitute—

- “(a) where the use so specified is use as fewer than 10 dwellinghouses, £578 for each dwellinghouse;
- (b) where the use so specified is use as at least 10 but no more than 50 dwellinghouses, £624 for each dwellinghouse;
- (c) where the use so specified is use as more than 50 dwellinghouses, £30,860 and an additional £186 for each dwellinghouse in excess of 50, subject to a maximum in total of £405,000.”.

Amendment of regulation 11A (fees payable in respect of applications under section 62A of the 1990 Act)

8.—(1) Regulation 11A is amended as follows.

- (2) In paragraph (2) omit “(excluding regulation 8 or 9)”.
- (3) Omit paragraphs (4) to (8).

Amendment of regulation 13 (fees for applications for consent for advertisements)

9.—(1) Regulation 13 is amended as follows.

- (2) In paragraph (1), for “paragraphs (9) and (11)” substitute “paragraph (11)”.
- (3) After paragraph (3) insert—
 - “(3A) Paragraphs (2) and (3) are subject to regulation 18A.”.
- (4) Omit paragraphs (9) and (10).

Amendment of regulation 14 (fees for certain applications under the General Permitted Development Order)

10.—(1) Regulation 14 is amended as follows.

- (2) In paragraph (1)—
 - (a) in sub-paragraphs (za), (zab), (zac), (a), (aa), for “£96” substitute “£120”.
 - (b) in sub-paragraph (zb), for “£206” substitute “£258”.
 - (c) in sub-paragraph (zc), for “£100” substitute “£125”.
 - (d) in sub-paragraph (b), for “£462” substitute “£578”.
 - (e) omit “and” at the end of sub-paragraph (b);
 - (f) after sub-paragraph (b) insert—
 - “(ba) for an application under Part 19 of that Schedule (development by the Crown or for national security purposes), £120; and”;
 - (g) in sub-paragraph (c), for paragraphs (i) and (ii) substitute—
 - “(i) where the number of new dwellinghouses proposed by the development as specified in the written statement accompanying the application is fewer than 10, £418 for each new dwellinghouse;
 - (ii) where the number of new dwellinghouses proposed by the development as specified in the written statement accompanying the application is at least 10 but no more than 50, £451 for each new dwellinghouse;
 - (iii) where the number of new dwellinghouses proposed by the development as specified in the written statement accompanying the application is more than 50, £22,309, and an additional £135 for each dwellinghouse in excess of 50, subject to a maximum in total of £405,000.”.
- (3) After paragraph (1) insert—
 - “(1ZA) Paragraph (1) is subject to regulation 18A.”.
- (4) Omit paragraphs (1C) to (1E).

Amendment of regulation 15 (fees in respect of the monitoring of mining and landfill sites)

- 11.**—(1) Regulation 15 is amended as follows.
- (2) In paragraph (1) after “and (3)” insert “and regulation 18A”.
 - (3) In paragraph (4), for “£397” substitute “£496”;
 - (4) In paragraph (5), for “£132” substitute “£165”.

Amendment of regulation 16 (fees for confirmation of compliance with condition attached to planning permission)

- 12.**—(1) Regulation 16 is amended as follows.
- (2) In paragraph (1)—
 - (a) in sub-paragraph (a), for “£34” substitute “£43”;
 - (b) in sub-paragraph (b), for “£116” substitute “£145”.
 - (3) After paragraph (1) insert—

“(1A) Paragraph (1) is subject to regulation 18A.”.

Amendment of regulation 17 (fees for applications for non-material changes to planning permission or permission in principle)

- 13.**—(1) Regulation 17 is amended as follows.
- (2) In paragraph (1)—
 - (a) in sub-paragraph (a), for “£34” substitute “£43”;
 - (b) in sub-paragraph (b), for “£234” substitute “£293”.
 - (3) After paragraph (1) insert—

“(1A) Paragraph (1) is subject to regulation 18A.”.

Amendment of regulation 18 (fees for applications for certificates of appropriate alternative development)

- 14.**—(1) Regulation 18 is amended as follows.
- (2) In paragraph (2), for “£234” substitute “£293”.
 - (3) After paragraph (2) insert—

“(2A) Paragraph (2) is subject to regulation 18A.”.

New regulation 18A (annual increase of fees)

- 15.** After regulation 18 insert—

“Fees payable on or after 1st April 2025

18A.—(1) If there is a relevant increase in the consumer prices index, each relevant amount is increased on the fee change date in accordance with paragraph (3).

(2) There is a relevant increase in the consumer prices index if the consumer prices index for the month of September preceding the fee change date is higher than that for the previous September.

- (3) Each relevant amount is increased by the lower of—
- (a) the percentage increase in the consumer prices index, and
 - (b) 10%,

rounded up or down to the nearest £1.

(4) The increase in a relevant amount in accordance with paragraphs (1) to (3) applies only in respect of an application which is, or is deemed to have been, made on or after the fee change date.

(5) In this paragraph—

“consumer prices index” means the all items consumer prices index published by the Statistics Board^(a);

“fee change date” means—

- (a) 1st April 2025, or
- (b) 1st April in any subsequent year;

“relevant amount” means—

- (a) a fee specified in regulation 11(3)(b) or (6)(a), (b) or (c), 14(1)(za) to (c), 15(4) or (5), 16(1)(a) or (b), 17(1)(a) or (b) or 18(2),
- (b) a fee specified in paragraph 3(1), 4(2), 5, 6(b) or 7(1)(a), (b) or (c) of Schedule 1,
- (c) an amount set out in the table in Part 2 of Schedule 1 and expressed in pounds sterling, or
- (d) a fee specified in the table in Schedule 2.”.

Amendment of Schedule 1 (fees in respect of applications and deemed applications for planning permission or for approval of reserved matters)

16.—(1) Schedule 1 is amended as follows.

(2) In Part 1—

- (a) in paragraph 3(1), for “£462” substitute “£578”;
- (b) in paragraph 4(2), for “£462” substitute “£578”;
- (c) in paragraph 5, for “£234” substitute “£293”;
- (d) in paragraph 6(b), for “£234” substitute “£293”.
- (e) in paragraph 7(1)—
 - (i) for “£68” substitute “£85”;
 - (ii) for “£690” substitute “£932”;
 - (iii) for “£234” substitute “£293”;
- (f) in paragraph 12, omit sub-paragraphs (2) and (3);
- (g) in paragraph 14(2), for paragraphs (a) and (b) substitute—
 - “(a) where the site area is less than 0.5 hectares, £578 for each 0.1 hectare (or part thereof) of the site area;
 - (b) where the site area is at least 0.5 hectares but does not exceed 2.5 hectares, £624 for each 0.1 hectare (or part thereof) of the site area;
 - (c) where the site area exceeds 2.5 hectares, £15, 433 and an additional £186 for each 0.1 hectare (or part thereof) in excess of 2.5 hectares, subject to a maximum in total of £202,500.”.

(3) In Part 2 (scale of fees) for the table substitute the table in the Schedule to these Regulations.

Amendment of Schedule 2 (fees for advertisements)

17. In the table in Schedule 2—

- (a) for “£132”, in both places it occurs, substitute “£165”;

^(a) The Statistics Board is a body corporate established by section 1 of the Statistics and Registration Service Act 2007 (c. 18).

(b) for “£462” substitute “£578.

PART 3

Savings

Removal of second application exemptions: savings in respect of applications made before the commencement date

18.—(1) The 2012 Fees Regulations as they had effect immediately before the commencement date continue to apply on and after that date in relation to any existing second application.

(2) In this regulation “existing second application” means an application mentioned in regulation 8(1), 9(1), 11(4), 11A(4), 13(9) or 14(1C) of the 2012 Fees Regulations as they had effect immediately before the commencement date—

- (a) which was made before the commencement date, and
- (b) in respect of which all of the exemption conditions were satisfied before that date.

(3) For the purposes of paragraph (2) “exemption conditions” means the conditions set out in regulation 8(2), 9(2), 11(5), 11A(5), 13(10) or, as the case may be, 14(1D) of the 2012 Fees Regulations as they had effect immediately before the commencement date.

Removal of second application exemptions: savings for cases where the application period had not ended before the commencement date

19.—(1) This regulation applies where a new second application is made on or after the commencement date.

(2) The 2012 Fees Regulations as they had effect immediately before the commencement date apply for the purposes of determining whether a fee is payable in respect of the new second application.

(3) In this regulation “new second application” means an application—

- (a) mentioned in regulation 8(1), 9(1), 11(4), 11(4A), 13(9) or, as the case may be, 14(1C) of the 2012 Fees Regulations as they had effect immediately before the commencement date, and
- (b) in respect of which the application period had begun but had not ended before that date.

(4) For the purposes of paragraph (3), “the application period” means the period mentioned in regulation 8(2)(a), 9(2)(a), 11(5)(a), 11A(5)(a), 13(10)(a) or, as the case may be, 14(1D)(a) of the 2012 Fees Regulations as they had effect immediately before the commencement date.

Refund of fees: savings

20. Regulation 9A of the 2012 Fees Regulations as it had effect immediately before the commencement date continues to apply on and after that date in respect of any application made before that date.

Amounts of fees: savings

21. The amendments made to the 2012 Fees Regulations by regulations 7(3), 10(2), 11, 12, 13, 14, 16 and 17 of these Regulations do not apply to—

- (a) any application—
 - (i) made before the commencement date, or
 - (ii) deemed to have been made, by virtue of section 177(5) of the Town and Country Planning Act 1990, in connection with an enforcement notice issued before the commencement date,

- (b) any request made before the commencement date, or
- (c) any site visit which takes place before the commencement date.

8th November 2023

Rachel Maclean
Minister of State
Department for Levelling Up, Housing and Communities

SCHEDULE

Regulation 16(3)

New table of scale of fees

The following table is the table to be substituted for the table (other than the heading) in Part 2 of Schedule 1 to the 2012 Fees Regulations—

<i>“Category of Development</i>	<i>Fee Payable</i>
<i>I Operations</i>	
1. The erection of dwellinghouses (other than development in category 6)	<p>(1) Where the application is for outline planning permission and—</p> <p>(a) the site area is less than 0.5 hectares, £578 for each 0.1 hectare (or part thereof) of the site area;</p> <p>(b) the site area is at least 0.5 hectares but does not exceed 2.5 hectares, £624 for each 0.1 hectare (or part thereof) of the site area;</p> <p>(c) the site area exceeds 2.5 hectares, £15,433 and an additional £186 for each 0.1 hectare (or part thereof) in excess of 2.5 hectares, subject to a maximum in total of £202,500.</p> <p>(2) Where the application is for permission in principle, £503 for each 0.1 hectare (or part thereof) of the site area.</p> <p>(3) In any other case—</p> <p>(a) where the number of dwellinghouses to be created by the development is fewer than 10, £578 for each dwellinghouse;</p> <p>(b) where the number of dwellinghouses to be created by the development is at least 10 but no more than 50, £624 for each dwellinghouse;</p> <p>(c) where the number of dwellinghouses to be created by the development is more than 50, £30,860 and an additional £186 for each dwellinghouse in excess of 50, subject to a</p>

maximum in total of £405,000.

2. The erection of buildings (other than buildings in categories 1, 3, 4, 5 or 7)

(1) Where the application is for outline planning permission and—

(a) the site area is less than 1 hectare, £578 for each 0.1 hectare (or part thereof) of the site area;

(b) the site area is at least 1 hectare but does not exceed 2.5 hectares, £624 for each 0.1 hectare (or part thereof) of the site area;

(c) the site area exceeds 2.5 hectares, £15,433 and an additional £186 for each 0.1 hectare (or part thereof) in excess of 2.5 hectares, subject to a maximum in total of £202,500.

(2) Where the application is for permission in principle, £503 for each 0.1 hectare (or part thereof) of the site area.

(3) In any other case—

(a) where no floor space is to be created by the development, £293;

(b) where the area of gross floor space to be created by the development does not exceed 40 square metres, £293;

(c) where the area of gross floor space created by the development exceeds 40 square metres but is less than 1000 square metres, £578 for each 75 square metres (or part thereof);

(d) where the area of gross floor space created by the development is at least 1000 square metres but does not exceed 3750 square metres, £624 for each 75 square metres (or part thereof);

(e) where the area of gross floor space created by the development exceeds 3750 square metres, £30,680 and an additional £186 for each 75 square metres (or part thereof) in excess of 3750 square metres, subject to a maximum in total of £405,000.

3. The erection, on land used for the purposes of agriculture, or buildings used for agricultural purposes (other than buildings in category 4)

(1) Where the application is for outline planning permission and—

(a) the site area is less than 1 hectare, £578 for each 0.1 hectare (or part thereof) of the

site area;

(b) the site area is at least 1 hectare but does not exceed 2.5 hectares, £624 for each 0.1 hectare (or part thereof) of the site area;

(c) the site area exceeds 2.5 hectares, £15,433 and an additional £186 for each 0.1 hectare (or part thereof) in excess of 2.5 hectares, subject to a maximum in total of £202,500.

(2) Where the application is for permission in principle, £503 for each 0.1 hectare (or part thereof) of the site area.

(3) In any other case—

(a) where the area of gross floor space to be created by the development does not exceed 465 square metres, £120;

(b) where the area of gross floor space to be created by the development exceeds 465 square metres but does not exceed 540 square metres, £578;

(c) where the area of gross floor space to be created by the development exceeds 540 square metres but is less than 1000 square metres, £578 and an additional £578 for each 75 square metres (or part thereof) in excess of 540 square metres;

(d) where the area of gross floor space to be created by the development is at least 1000 square metres but does not exceed 4215 square metres, £624 and an additional £624 for each 75 square metres (or part thereof) in excess of 1000 square metres;

(e) where the area of gross floor space to be created by the development exceeds 4215 square metres, £30,860 and an additional £186 for each 75 square metres (or part thereof) in excess of 4215 square metres, subject to a maximum in total of £405,000.

4. The erection of glasshouses on land used for the purposes of agriculture

(1) Where the area of gross floor space to be created by the development does not exceed 465 square metres, £120.

(2) Where the area of gross floor space to be created by the development exceeds 465 square metres but is less than 1000 square metres, £3,225.

	(3) Where the area of gross floor space to be created by the development is 1000 square metres or more, £3,483.
5. The erection, alteration or replacement of plant or machinery	<p>(1) Where the site area is less than 1 hectare, £578 for each 0.1 hectare (or part thereof) of the site area.</p> <p>(2) Where the site area is at least 1 hectare but does not exceed 5 hectares, £624 for each 0.1 hectare (or part thereof) of the site area.</p> <p>(3) Where the site area exceeds 5 hectares, £30,860 and an additional £186 for each 0.1 hectare (or part thereof) in excess of 5 hectares, subject to a maximum in total of £405,000.</p>
6. The enlargement, improvement or other alteration of existing dwellinghouses	<p>(1) Where the application relates to a single dwellinghouse, £258.</p> <p>(2) Where the application relates to two or more dwellinghouses, £509.</p>
7. The carrying out of operations (including the erection of a building) within the curtilage of an existing dwellinghouse, for purposes ancillary to the enjoyment of the dwellinghouse as such, or the erection or construction of gates, fences, walls or other means of enclosure along a boundary of the curtilage of an existing dwellinghouse.	£258
8. The construction of car parks, service roads and other means of access on land used for the purposes of a single undertaking, where the development is required for a purpose incidental to the existing use of the land.	£293
9. The carrying out of any operations connected with exploratory drilling for oil or natural gas.	<p>(1) Where the site area does not exceed 7.5 hectares, £686 for each 0.1 hectare (or part thereof) of the site area.</p> <p>(2) Where the site area exceeds 7.5 hectares, £51,395 and an additional £204 for each 0.1 hectare (or part thereof) of the site area in excess of 7.5 hectares, subject to a maximum in total of £405,000.</p>
10. The carrying out of any operations (other than operations coming within category 9) for the winning and working of oil or natural gas.	(1) Where the site area does not exceed 15 hectares, £347 for each 0.1 hectare (or part thereof) of the site area.

(2) Where the site area exceeds 15 hectares, £52,002 and an additional £204 for each 0.1 hectare (or part thereof) in excess of 15 hectares, subject to a maximum in total of £105,300.

11. The carrying out of any operations not coming within any of the above categories.

(1) In the case of operations for the winning and working of minerals—

(a) where the site area does not exceed 15 hectares, £316 for each 0.1 hectare (or part thereof) of the site;

(b) where the site area exceeds 15 hectares, £47,161 and an additional £186 for each 0.1 hectare (or part thereof) in excess of 15 hectares, subject to a maximum in total of £105,300.

(2) In any other case, £293 for each 0.1 hectare (or part thereof) of the site area, subject to a maximum in total of £2,535.

II Uses of land

12. The change of use of a building to use as one or more separate dwellinghouses.

(1) Where the change of use is from a previous use as a single dwellinghouse to use as two or more single dwellinghouses—

(a) where the change of use is to use as fewer than 10 dwellinghouses, £578 for each additional dwellinghouse;

(b) where the change of use is to use as at least 10 but no more than 50 dwellinghouses, £624 for each additional dwellinghouse;

(c) where the change of use is to use as more than 50 dwellinghouses, £30,860 and an additional £186 for each dwellinghouse in excess of 50 dwellinghouses, subject to a maximum in total of £405,000.

(2) In all other cases—

(a) where the change of use is to use as fewer than 10 dwellinghouses, £578 for each dwellinghouse;

(b) where the change of use is to use as at least 10 but no more than 50 dwellinghouses, £624 for each dwellinghouse;

(c) where the change of use is to use as more than 50 dwellinghouses, £30,860 and

an additional £186 for each dwellinghouse in excess of 50 dwellinghouses, subject to a maximum in total of £405,000.

13. The use of land for—

- (a) the disposal of refuse or waste materials,
- (b) the deposit of material remaining after minerals have been extracted from land, or
- (c) the storage of minerals in the open.

(1) Where the site area does not exceed 15 hectares, £316 for each 0.1 hectare (or part thereof) of the site area.

(2) Where the site area exceeds 15 hectares, £47,161 and an additional £186 for each 0.1 hectare (or part thereof) of the site area in excess of 15 hectares, subject to a maximum in total of £105,300.

- 14.** The making of a material change in use of a building or land (other than a material change of use in category 12 or 13(a), (b) or (c)).

£578.”.

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 (S.I. 2012/2920) (“the 2012 Fees Regulations”).

All existing fees payable to local planning authorities under the 2012 Fees Regulations are increased in respect of applications made, or deemed to be made, on or after these Regulations coming into force. Fees to be paid in respect of applications, deemed applications, requests or site visits relating to major development are increased by 35%. All other existing fees are increased by 25%.

A new provision is added to the 2012 Fees Regulations so that, from 1st April 2025, all fees under those Regulations can be increased annually (new regulation 18A). The amount of any increase will be in line with inflation, or if lower, 10%.

Further amendments are made to the 2012 Fees Regulations to remove the exemptions from fees for repeat applications and to introduce a fee for an application under Part 19 of Schedule 2 to the Town and Country Planning (General Development) (England) Order 2015. In addition, provision is made so that where the statutory determination period for a planning application is 8 weeks, a refund of any fee paid may be obtained, under regulation 9A, if the application is not determined within 16 weeks and an extension of time has not been agreed with the applicant.

These Regulations also make related savings provisions, and other minor amendments to the 2012 Fees Regulations.

A full regulatory impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Planning – Development Management Division, Department for Levelling Up, Housing and Communities, Third Floor, Fry Building, 2 Marsham Street, London SW1P 4DF, and is annexed to the Explanatory Memorandum which is available alongside this instrument on www.legislation.gov.uk.

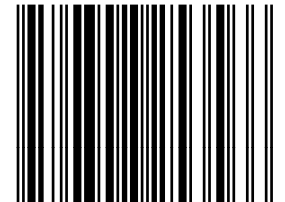
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