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

DRAFT STATUTORY INSTRUMENTS

2005 No. [ ]

TOWN AND COUNTRY PLANNING, ENGLAND

The Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations 2005

Made - - - -	*[ ]*
Coming into force - -	*1st April 2005*

The Secretary of State, in exercise of the powers conferred by section 303 of the Town and Country Planning Act 1990(**1**), and of all other powers enabling him in that behalf, hereby makes the following Regulations, a draft of which has been laid before and approved by each House of Parliament:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations 2005 and shall come into force on 1st April 2005.

(2) These Regulations apply in relation to England only.

General increase in fees

2.—(1) The Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 1989(**2**) are amended as follows.

(2) In regulation 10A (fees for applications for certificates of lawful use or development)(**3**)—

(a) in paragraph (5)(b), for "£110" substitute "£135"; and

(**1**) 1990 c. 8; section 303 was amended by paragraph 10 of Schedule 13 to the Environmental Protection Act 1990 (c.43), by section 6(6) of the Planning and Compensation Act 1991 (c.34) and by section 53 of the Planning and Compulsory Purchase Act 2004 (c.5). *See* 336(1) of the Town and Country Planning Act 1990 for the definition of "prescribed" The functions of the Secretary of State under section 303 were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672); *see* the entry in Schedule 1 for the Town and Country Planning Act 1990.

(**2**) S.I. 1989/193; amended by S.I., 1990/2473, S.I. 1991/2735, S.I. 1992/1817, S.I. 1992/3052, S.I. 1993/3170, S.I. 1997/37, S.I. 2001/2719 and S.I. 2002/768.

(**3**) Regulation 10A was inserted by regulation 4 of S.I. 1992/1817.

(b) for paragraph (6) substitute–

"(6) Where a use specified in an application under section 191(1)(a) is use as one or more separate dwellinghouses, the fee payable in respect of that use shall be—

(a) where the use so specified is use as 50 or fewer dwellinghouses, £265 for each dwellinghouse;

(b) where the use so specified is use as more than 50 dwellinghouses, £13,250, and an additional £80 for each dwellinghouse in excess of 50, subject to a maximum in total of £50,000.".

(3) In regulation 11A (fees for certain applications under the General Permitted Development Order) (**4**)—

(a) in paragraph (1)(a), for "£40" substitute "£50"; and

(b) in paragraph (1)(b), for "£220" substitute "£265".

(4) In Part I of Schedule 1 (general provisions)—

(a) in paragraphs 4(1) and 6(2), for "£220" substitute "£265"; and

(b) in paragraphs 7, 7A(**5**) and 7B(**6**), for "£110" substitute "£135".

(c) for paragraph 15(2) substitute—

"(2) Where an application is for outline planning permission and relates to development which is within more than one of the categories specified in that table, the fee payable in respect of the application shall be—

(a) where the site area does not exceed 2.5 hectares, £265 for each 0.1 hectare of the site area;

(b) where the site area exceeds 2.5 hectares £6,625, and an additional £80 for each 0.1 hectare in excess of 2.5 hectares, subject to a maximum in total of £25,000.".

(5) For Part II of Schedule 1 (scale of fees), substitute the new Part II set out in Schedule 1 to these Regulations.

(6) For Schedule 2 (scale of fees for advertisement applications), substitute the new Schedule 2 set out in Schedule 2 to these Regulations.

Revocation

3. Regulation 2 of the Town and Country Planning (Fees for Applications and Deemed Applications)(Amendment)(England) Regulations 2002(**7**) is hereby revoked.

(**4**) Regulation 11A was inserted by paragraph 3 of Schedule 3 to S.I. 1991/2735, and substituted by regulation 5 of S.I. 1992/1817 and then by regulation 4 of S.I. of 1992/3052, and paragraph (1) was substituted by regulation 2 of S.I. 2001/2719.
(**5**) Inserted by S.I. 1992/1817.
(**6**) Inserted by S.I. 1992/3052.
(**7**) S.I. 2002/768.

Signed by authority of the First Secretary of State

Minister of State
Date Office of the Deputy Prime Minister

SCHEDULE 1 Regulation 2(5)

PART II OF SCHEDULE 1 TO THE 1989 REGULATIONS

SCALE OF FEES IN RESPECT OF APPLICATIONS MADE OR DEEMED TO BE MADE ON OR AFTER 1ST APRIL 2005

Category of development	*Fee payable*
I. Operations **1.** The erection of dwellinghouses (other than development within category 6 below).	(a) Where the application is for outline planning permission and— (i) the site area does not exceed 2.5 hectares, £265 for each 0.1 hectare of the site area; (ii) the site area exceeds 2.5 hectares, £6,625 and an additional £80 for each 0.1 hectare in excess of 2.5 hectares, subject to a maximum in total of £25,000. (b) in other cases— (i) where the number of dwellinghouses to be created by the development is 50 or fewer, £265 for each dwellinghouse; (ii) where the number of dwellinghouses to be created by the development exceeds 50, £13,250, and an additional £80 for each dwellinghouse in excess of 50 dwellinghouses, subject to a maximum in total of £50,000.
2. The erection of buildings (other than buildings in categories 1,3,4,5 or 7).	(a) Where the application is for outline planning permission and— (i) the site area does not exceed 2.5 hectares, £265 for each 0.1 hectare of the site area; (ii) the site area exceeds 2.5 hectares, £6,625, and an additional £80 for each 0.1 hectare in excess of 2.5 hectares, subject to a maximum in total of £25,000. (b) in other cases— (i) where no floor space is to be created by the development, £135; (ii) where the area of gross floor space to be created by the development does not exceed 40 square metres, £135; (iii) where the area of the gross floor space to be created by the development exceeds 40 square metres, but does not exceed 75 square metres, £265;