1985 No. 225

TOWN AND COUNTRY PLANNING

Planning (Fees) (Amendment) Regulations (Northern Ireland) 1985

Made . . . . . 22nd August 1985

Coming into operation . . . 30th September 1985

The Department of the Environment, in exercise of the powers conferred on it by Article 105A(**a**) of the Planning (Northern Ireland) Order 1972(**b**) and of all other powers enabling it in that behalf, makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Planning (Fees) (Amendment) Regulations (Northern Ireland) 1985 and shall come into operation on 30th September 1985.

Amendments

2. The Planning (Fees) Regulations (Northern Ireland) 1983(**c**) are amended as follows:—

(1) the following regulation shall be inserted after regulation 6:—

"**6A.** Regulation 4 shall not apply where the Department is satisfied:—

(*a*) that the application relates to the use of a building or other land for a purpose of a class specified in the Planning (Use Classes) Order (Northern Ireland) 1973 and solely to such use; and

(*b*) that the existing use of that building or other land is for another purpose of the same class; and

(*c*) that the making of an application for planning permission in respect of the use to which the application relates is necessary by reason of (and only by reason of) a condition imposed on a permission granted or having the like effect as a permission granted under Part IV of the 1972 Order.";

(2) in regulation 9 for "£7" there shall be substituted "£8";

(3) in regulation 10 (fees for deemed applications):—

(*a*) the following paragraph shall be substituted for paragraph (4):—

"(4) In the case of a deemed application, paragraph (1) shall not apply where the appellant, before the date when the relevant enforcement notice was issued, made:—

(**a**) As inserted by Article 13 of the Planning (Amendment) (Northern Ireland) Order 1982 (S.I. 1982/1537 (N.I. 20)). *See also* S.R. & O. (N.I.) 1973 No. 504 Art. 7(1), The Northern Ireland Constitution Act c. 36 Sch. 5 para. 8(1) and S.I. 1976/424 (N.I. 6)

(**b**) S.I. 1972/1634 (N.I. 17)

(**c**) S.R. 1983 No. 329 as amended by S.R. 1984 No. 224: *see* regulation 2(*d*)(i)

(*a*) an application to the Department for planning permission for the development to which the relevant enforcement notice relates (and had paid to the Department the amount of the fee payable in respect of that application, in accordance with the requirements of regulation 4); or

(*b*) an appeal to the Commission against the refusal of the Department to grant such permission;

and that application or that appeal (as the case may be) had not been determined on or before the date when the relevant enforcement notice was issued.'';

(*b*) in paragraph (5) for ''and 6'' there shall be substituted '', 6 and 6A'';

(*c*) in paragraph (6) for ''£7'' there shall be substituted ''£8'';

(4) in regulation 12 for ''£7'' there shall be substituted ''£8'';

(5) in regulation 13(1) for ''£7'' there shall be substituted ''£10'';

(6) in regulation 14(2) for ''£7'' there shall be substituted ''£8'';

(7) in Part I of Schedule 1:—

(*a*) in paragraph 1, for ''paragraphs 2'' there shall be substituted ''paragraphs 1A'';

(*b*) the following paragraph shall be inserted after paragraph 1:—

''1A. Where an application or deemed application relates to the retention of buildings or works which were constructed or carried out without planning permission, or to the continuance of a use of land which was instituted without planning permission the amount of the fee payable shall be calculated in accordance with the provisions of Part II of this Schedule as if the application or deemed application were one for planning permission to construct or carry out those buildings or works or to institute that use.'';

(*c*) in paragraph 3(1) for ''£47'' there shall be substituted ''£53'';

(*d*) in paragraph 4 for ''£47'' there shall be substituted ''£53'';

(*e*) in paragraph 5(1) after the words ''the same date'' there shall be inserted the words ''and by or on behalf of the same applicant'';

(8) for Part II of Schedule 1 there shall be substituted the Part II set out in the Schedule to these regulations;

(9) in Schedule 2:—

(*a*) for ''£12'' where it twice occurs there shall be substituted ''£14'';

(*b*) for ''£47'' there shall be substituted ''£53''.

Sealed with the Official Seal of the Department of the Environment on 22nd August 1985.

(L.S.) *R. H. MacKenzie*
Assistant Secretary

SCHEDULE Regulation 2(8)

REPLACEMENT FOR PART II OF SCHEDULE 1

"PART II

Scale of Fees

Category of development	*Fee payable*
1. The erection of dwellinghouses.	(*a*) Where the application is for outline planning permission:— (i) £27 if the development involves only one dwellinghouse; (ii) £53 for each 0.1 hectare of the site area, subject to a maximum of £1,325 if more than one dwellinghouse is to be created; (*b*) In other cases, £53 for each dwellinghouse subject to a maximum of £2,650.
2. The erection of buildings (other than dwellinghouses, buildings coming within category 3, 4 or 7 or buildings in the nature of plant or machinery).	(*a*) Where the application is for outline planning permission, £53 for each 0.1 hectare of the site area, subject to a maximum of £1,325; (*b*) in other cases:— (i) where no floor space is to be created by the development, £27; (ii) where the area of gross floor space to be created by the development does not exceed 40 square metres, £27; (iii) where the area of gross floor space to be created by the development exceeds 40 square metres but does not exceed 75 square metres, £53; and (iv) where the area of gross floor space to be created by the development exceeds 75 square metres, £53 for each 75 square metres subject to a maximum of £2,650.
3. The erection, on land used for the purposes of agriculture, of buildings (other than glasshouses) to be used for agricultural purposes.	(*a*) Where the application is for outline planning permission, £53 for each 0.1 hectare of the site area, subject to a maximum of £1,325; (*b*) in other cases:— (i) where the area of gross floor space to be created by the development does not exceed 300 square metres, £8; (ii) where the area of gross floor space to be created by the development exceeds 300 square metres but does not exceed 375 square metres, £53; (iii) where the area of gross floor space to be created by the development exceeds 375 square metres, £53 for the first 375 square metres and £53 for each 75 square metres in excess of that figure, subject to a maximum of £2,650.