Draft Regulations laid before Parliament under section 303(8)(a) of the Town and Country Planning Act 1990, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2020 No.

TOWN AND COUNTRY PLANNING, ENGLAND

The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2020

Made - - - - ***

Coming into force in accordance with regulation 1

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

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.

Citation, commencement 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 2020.

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

(3) In these Regulations "the 2012 Regulations" means the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012(**b**).

Amendments in relation to fees for certain applications under the General Permitted Development Order

2.—(1) Regulation 14 of the 2012 Regulations is amended as follows.

(2) In paragraph (1)—

(a) omit "and" at the end of sub-paragraph (a); and

(b) at the end of sub-paragraph (b) insert—

"; and

(c) for an application under Part 20 (construction of new dwellinghouses) of that Schedule—

(**a**) 1990 c.8. See definition of "appropriate authority" in Section 303(7).
(**b**) S.I. 2012/2920. Relevant amending instruments are S.I. 2013/2153, 2014/357, 2014/2026, 2017/1314 and 2019/1154.

(i) where the number of new dwellinghouses proposed by the development as specified in the written statement accompanying the application is 50 or fewer, £334 for each new dwellinghouse;

(ii) where the number of new dwellinghouses proposed by the development as specified in the written statement accompanying the application exceeds 50, £16,525, and an additional £100 for each new dwellinghouse in excess of 50, subject to a maximum in total of £300,000.".

(3) After paragraph (1B), insert—

"(1C) Where all the conditions set out in paragraph (1D) are satisfied, this regulation shall not apply to impose a fee in relation to an application of a type described in paragraph (1)(c) ("the approval application") which is made following the determination or withdrawal of an earlier valid application of a type described in paragraph (1)(c) by or on behalf of the same applicant ("the earlier approval application").

(1D) The conditions referred to in paragraph (1C) are—

(a) that the approval application is made within 12 months of—

(i) in the case of an earlier approval application which was withdrawn, the date when that application was received by the local planning authority; or

(ii) in any other case, the date when the earlier approval application was determined;

(b) that the approval application relates to the same site to which the earlier approval application related, or to part of that site ;

(c) that the local planning authority to whom the approval application is made are satisfied that it relates to development of the same character or description as the development to which the earlier approval application related;

(d) that the fee payable in respect of the earlier approval application was paid; and

(e) that no previous application has at any time been made by or on behalf of the same applicant which—

(i) related to the same site to which the earlier approval application related or to part of that site;

(ii) related to development of the same character or description as the development to which the earlier approval application related; and

(iii) was exempted from the provisions of this regulation by paragraph (1C).

(1E) In this regulation "valid application" means an application which—

(a) complies with paragraphs (a) to (h) of paragraph B(2) of Part 20 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015; and

(b) is made on or after the date on which the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2020 come into force.".

Transitional provision

3.—(1) The 2012 Regulations shall continue to apply in relation to applications of the kind mentioned in paragraph (2), as if regulation 2 had not been made.

(2) This paragraph applies to an application which—

(a) falls within the description in regulation 14(1)(c) of the 2012 Regulations; and

(b) is made before the date on which these Regulations come into force.

Signed by authority of the Secretary of State for Housing, Communities and Local Government

Name
Minister of State
Date Ministry for Housing, Communities and Local Government

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 (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 made on 23rd June 2020 and laid before Parliament on 24th June 2020 with relevant provisions due to come into force on 1st August 2020 ("the 2020 Regulations"). Regulation 22 of the 2020 Regulations inserts new Part 20 into Schedule 2 to the General Permitted Development Order to introduce permitted development rights allowing for the construction of new dwellinghouses without the need for a full planning application. The new permitted development right in Class A of the new Part 20 allows work for the construction of up to 2 storeys to create new flats on the topmost residential storey of a building which is an existing purpose-built, detached block of flats. The new permitted development right contains limitations and conditions on how it will operate, including the requirement for prior approval by way of application (including a written statement as to the number of new dwellinghouses proposed in the development) together with any fee payable.

Regulation 2 of these Regulations amends regulation 14 of the 2012 Regulations to introduce a fee for prior approvals associated with permitted development rights under new Part 20 of the General Permitted Development Order of £334 per new dwellinghouse for development proposals of 50 or fewer new dwellinghouses, or a fixed fee of £16,525 plus £100 per new dwellinghouse for development proposals of more than 50 new dwellinghouses, subject in the latter case to a maximum limit of £300,000. Regulation 2 of these Regulations also amends regulation 14 of the 2012 Regulations to introduce a 'second application' exemption from the newly introduced fee for applications for prior approval under new Part 20 which are made by the same applicant, in respect of the same development on the same site or part of the same site and within 12 months of a determination of an earlier application (where a fee has previously been paid) under new Part 20 or, in the case of an earlier application under new Part 20 which was withdrawn, the date when that application was received by the local planning authority. 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 impact assessment has been produced in respect of the overall impact of the permitted development right, including the fee introduced by these Regulations, for the construction of new dwellinghouses introduced by the 2020 Regulations. A copy of that assessment of impact has been published at legislation.gov.uk: http://www.legislation.gov.uk/id/ukia/2020/43.

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