SCOTTISH STATUTORY INSTRUMENTS

2026 No. 47

TOWN AND COUNTRY PLANNING

The Town and Country Planning (Fees for Appeals) (Scotland) Amendment Regulations 2026

Made - - - -	*3rd February 2026*
Laid before the Scottish Parliament	*5th February 2026*
Coming into force - -	*1st April 2026*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 252 and 275 of the Town and Country Planning (Scotland) Act 1997(**a**) and all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the Town and Country Planning (Fees for Appeals) (Scotland) Amendment Regulations 2026 and come into force on 1 April 2026.

Amendment of the Town and Country Planning (Fees for Appeals) (Scotland) Regulations 2025

2. Subject to regulation 5, the Town and Country Planning (Fees for Appeals) (Scotland) Regulations 2025(**b**) are amended in accordance with regulations 3 and 4.

Amendment of regulation 3 - payment of fees

3. In regulation 3 (payment of fees), in paragraphs (3) and (4) for "£143" substitute "£149".

Amendment of the schedule - calculation of fees

4. In the schedule (calculation of fees)—

(a) in Part 1 (general provisions)—

(i) in paragraph 7(b) (planning permission in principle granted before 1 April 2022), for "categories 1, 4, 17, or 21" substitute "categories 1, 4, 7, 13 or 17",

(**a**) 1997 c. 8. Section 252 was relevantly amended by section 31 of the Planning etc. (Scotland) Act 2006 (asp 17), section 55 of the Regulatory Reform (Scotland) Act 2014 (asp 3) and section 41 of the Planning (Scotland) Act 2019 (asp 13). Section 275(2A) was inserted by the Planning and Compulsory Purchase Act 2004 (c. 5) Schedule 7 paragraph 20(3) and was renumbered as section 275(2B) by the Regulatory Reform (Scotland) Act 2014 (asp 3) Schedule 3(5) paragraph 32. The functions of the Secretary of State in so far as they are within devolved competence were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

(**b**) S.S.I. 2025/124, as amended by S.S.I. 2025/166.

(ii) in paragraph 8(b) (planning permission in principle granted before 12 December 2024), for "categories 1, 4, 17, or 21" substitute "categories 1, 4, 7, 13 or 17",

(iii) in paragraph 9(b) (planning permission in principle granted before 9 June 2025), for "categories 1, 4, 17, or 21" substitute "categories 1, 4, 7, 13 or 17",

(iv) after paragraph 9 insert—

"Planning permission in principle granted before 1 April 2026

9A. Where the appeal is made in respect of an application for the approval, consent or agreement required by a condition imposed on a grant of permission in principle and—

(a) the planning permission in principle was granted on or after 9 June 2025 and before 1 April 2026, and

(b) the application relates to a development within categories 1, 4, 7, 13 or 17 of table 1,

the fee payable under regulation 3 is subject to a maximum of £71,424.",

(b) in Part 2 (modified fees)—

(i) in paragraph 12(1) (appeals in respect of applications for the provision of facilities for sport or recreation), for "£286" substitute "£297",

(ii) in paragraph 13 (appeals in respect of applications for approval, consent or agreement required by a condition imposed on a grant of planning permission in principle), for "£238" substitute "£247",

(c) for Part 3 (table of fees) substitute—

"PART 3

Tables of Fees

Table 1

Fees for appeals in respect of applications for planning permission and applications for approval, consent or agreement required by a condition imposed on a grant of planning permission in principle

Column 1 **Category of development**	**Column 2** **Fee payable**
RESIDENTIAL DEVELOPMENT	
New dwellings	
1. Construction of buildings, structures or erections for use as residential accommodation (other than development within categories 2 to 6).	(a) Where the number of dwellinghouses to be created by the development does not exceed 10, £297 for each dwellinghouse, (b) Where the number of dwellinghouses to be created by the development is fewer than 50, £297 for each of the first 10 dwellinghouses, and £222 for each dwellinghouse thereafter, (c) Where the number of dwellinghouses to be created by the development is 50 or more, £297 for each of the first

Column 1 Category of development	Column 2 Fee payable
	10 dwellinghouses, £222 for each dwellinghouse in excess of 10 up to 49 dwellinghouses, and £124 for each dwellinghouse in excess of 49, subject to a maximum total of £74,210.
Existing dwellings	
2. The carrying out of operations which will result in the enlargement, improvement or other alteration of an existing dwelling.	Where the application relates to— (a) one dwelling, £149, (b) 2 or more dwellings, £298.
3. (a) 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	£149.
(b) the erection or construction of gates, fences, walls or other means of enclosure along a boundary of the curtilage of an existing dwellinghouse.	£149.
NON-RESIDENTIAL BUILDINGS	
4. The construction of buildings, structures or erections including extensions (other than construction within categories 1, 5, and 6).	(a) Where no floor area is created or the gross floor space created does not exceed 50 square metres, £149, (b) Where the gross floor space created exceeds 50 square metres, £297 in respect of any gross floor space up to 100 square metres, (c) Where the gross floor space exceeds 100 square metres, £297 plus £297 per 100 square metres in respect of any gross floor space exceeding 100 square metres and up to 4,000 square metres, (d) Where the gross floor space exceeds 4,000 square metres, £11,880 plus £149 per 100 square metres in respect of any gross floor space exceeding 4,000 square metres, subject to a maximum of £74,210, (e) Where no buildings are to be created, £297 per 0.1 hectare of site area, subject to a maximum of £74,210.
Agricultural buildings	
5. The erection, on land used for the purposes of agriculture, of buildings to be used for agricultural purposes (other than buildings in category 6).	(a) Where the ground area to be covered by the development does not exceed 500 square metres, £247, (b) Where the ground area to be covered by the development exceeds 500

Column 1 Category of development	Column 2 Fee payable
	square metres, £247 plus £247 for each 100 square metres in excess of 500 square metres, subject to a maximum of £12,368.
Glasshouses and polytunnels	
6. The erection of glasshouses or polytunnels to be used for agricultural purposes.	£50 for each 100 square metres of ground area to be covered by the development subject to a maximum of £2,474.
ENERGY GENERATION	
7. The erection of wind turbines and the carrying out of other operations in connection with the construction of the generating station, including the construction or installation of any means of access to the generating station, pipes or other conduits, and overhead lines.	(a) Where the number of turbines does not exceed 3— (i) where none of the turbines have a ground to hub height exceeding 15 metres, £618, (ii) where one or more of the turbines has a ground to hub height exceeding 15 metres, but not exceeding 50 metres, £1,236, (iii) where one or more of the turbines has a ground to hub height exceeding 50 metres, £2,472. (b) Where the number of turbines does exceed 3, £247 for each 0.1 hectare of site area, subject to a maximum of £74,210.
8. The construction of a hydro-electric generating station and the carrying out of any other operations in connection with the construction of the generating station, including the construction or installation of any means of access to the generating station, pipes or other conduits, and overhead lines.	£247 for each 0.1 hectare of site area, subject to a maximum of £12,368.
9. The construction of a solar electric generating station and the carrying out of any other operations in connection with the construction of the generating station, including the construction or installation of any means of access to the generating station, pipes or other conduits, and overhead lines.	£247 for each 0.1 hectare of site area, subject to a maximum of £12,368.
10. The carrying out of any operations connected with the exploratory drilling for oil or natural gas.	(a) Where the site area does not exceed 0.1 hectares, £495, (b) Where the site area exceeds 0.1 hectares, £495 in respect of the first 0.1 hectares of site area, plus £247 for each 0.1 hectare of site area in

Column 1 Category of development	Column 2 Fee payable
	excess of 0.1 hectares, subject to a maximum of £74,210.
FISH AND SHELLFISH FARMING	
11. The placing or assembly of equipment in any part of any marine waters for the purposes of fish farming.	£99 for each 0.1 hectare of the surface area of the marine waters to be used in relation to the placement or assembly of any equipment for the purposes of fish farming and £37 for each 0.1 hectare of the sea bed to be used in relation to such development, subject to a maximum of £12,368.
12. The placing or assembly of equipment in any part of any marine waters for the purposes of shellfish farming.	£54 for each 0.1 hectare of the surface area of the marine waters to be used in relation to the placement or assembly of any equipment for the purposes of shellfish farming, subject to a maximum of £12,368.
13. The erection, alteration or replacement of plant or machinery.	(a) Where the site area does not exceed 5 hectares, £247 for each 0.1 hectare of site area, (b) Where the site area exceeds 5 hectares, £12,350 plus £124 for each 0.1 hectare of the site area in excess of 5 hectares, subject to a maximum of £74,210.
14. 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.	£247.
15. Operations for the winning and working of minerals (not including peat).	(a) Where the site area does not exceed 0.1 hectare, £495, (b) Where the site area exceeds 0.1 hectare, but does not exceed 15 hectares, £495 plus £247 for each 0.1 hectare of the site area in excess of 0.1 hectare, (c) Where the site area exceeds 15 hectares, £37,298, plus £124 for each 0.1 hectare of site area in excess of 15 hectares, subject to a maximum of £74,210.
16. Operations for the extraction of peat.	£247 for each 0.1 hectare of site area, subject to a maximum of £2,968.
17. The carrying out of any operations not coming within any of the above categories.	(a) Where the site area does not exceed 0.1 hectare, £495, (b) Where the site area exceeds 0.1 hectare, but does not exceed 15 hectares, £495 plus £247 for each 1 hectare of the site area in excess of 0.1 hectare,

Column 1 Category of development	Column 2 Fee payable
	(c) Where the site area exceeds 15 hectares, £4,200 plus £124 for each 0.1 hectare of the site area in excess of 15 hectares, subject to a maximum of £74,210.
USE OF LAND	
18. The use of land for the disposal of refuse or waste materials or for the deposit of material remaining after minerals have been extracted from land.	(a) Where the site area does not exceed 0.1 hectare, £495, (b) Where the site area exceeds 0.1 hectare, but does not exceed 15 hectares, £495 plus £247 for each 0.1 hectare of the site area in excess of 0.1 hectare, (c) Where the site area exceeds 15 hectares, £37,298 plus £124 for each 0.1 hectare of the site area in excess of 15 hectares, subject to a maximum of £74,210.
19. The use of land for the storage of minerals in the open.	(a) Where the site area does not exceed 0.1 hectare, £495, (b) Where the site area exceeds 0.1 hectare, but does not exceed 15 hectares, £495 plus £247 for each 0.1 hectare of the site area in excess of 0.1 hectare, (c) Where the site area exceeds 15 hectares, £37,298 plus £124 for each 0.1 hectare of the site area in excess of 15 hectares, subject to a maximum of £74,210.
CHANGE OF USE OF BUILDINGS OR LAND	
20. The change of use of a building to use as one or more dwellinghouses.	(a) Where the number of dwellinghouses to be created by the development does not exceed 10, £297 for each dwellinghouse, (b) Where the number of dwellinghouses to be created by the development is fewer than 50, £297 for each of the first 10 dwellinghouses, £222 for each dwellinghouse thereafter, (c) Where the number of dwellinghouses to be created by the development is 50 or more, £297 for each of the first 10 dwellinghouses, £222 for each dwellinghouse in excess of 10 up to 49 dwellinghouses, and £124 for each dwellinghouse in excess of 49, subject to a maximum of £74,210.
21. A material change in the use of a building (other than a change of use referred to in category 20).	(a) Where the gross floor space does not exceed 100 square metres, £297,

Column 1 Category of development	Column 2 Fee payable
	(b) Where the gross floor space exceeds 100 square metres, £297 plus £297 per 100 square metres up to 4,000 square metres, (c) Where the gross floor space exceeds 4,000 square metres, £11,880 plus £149 per 100 square metres in respect of any gross floor space exceeding 4,000 square metres, subject to a maximum of £74,210.
22. A material change in the use of land (other than— (a) a change of use within category 21, or (b) a change of use within categories 18 or 19, or (c) a change in the use of equipment placed or assembled in marine waters for the purposes of fish farming or shellfish farming).	£247 per 0.1 hectare of site area subject to a maximum of £2,474.

Table 2

Fees for appeals in respect of applications for planning permission in principle

Column 1 Category of development	Column 2 Fee payable
RESIDENTIAL DEVELOPMENT	
New dwellings	
1. Construction of buildings, structures or erections for use as residential accommodation.	(a) Where only one dwellinghouse is to be created, £297, (b) Where more than one dwellinghouse is to be created and the site area does not exceed 2.5 hectares, £297 for each 0.1 hectare of the site area, (c) Where more than one dwellinghouse is to be created and site area exceeds 2.5 hectares, £297 for each 0.1 hectare up to 2.5 hectares of the site area, and then £149 for each 0.1 hectare in excess of 2.5 hectares, subject to a maximum of £37,105.
NON-RESIDENTIAL BUILDINGS	
2. The construction of buildings, structures or erections including extensions.	£297 for each 0.1 hectare up to 2.5 hectares of the site area, and then £149 for each 0.1 hectare in excess of 2.5 hectares, subject to a maximum of £37,105.

Table 3

Fees for appeals in respect of applications for a certificate of lawful use or development under section 150 or a certificate of proposed use or development under section 151 of the Act

Column 1 Category of development		Column 2 Fee payable
CERTIFICATES OF LAWFULNESS OF EXISTING USE OR DEVELOPMENT		
1.	An appeal in respect of an application under section 150(1)(a) or (b) of the Act (or both as the case may be).	The amount that would be payable in respect of an appeal in respect of an application for planning permission to institute the use or carry out the operations specified in the application (or an application to do both, as the case may be).
2.	An appeal in respect of an application under section 150(1)(c) of the Act.	£149.
CERTIFICATES OF LAWFULNESS FOR PROPOSED USE OR DEVELOPMENT		
3.	An appeal in respect of an application under section 151(1) of the Act (apart from one within category 4).	Half the amount that would be payable in respect of an appeal in respect of an application for planning permission to institute the use or carry out the operations specified in the application (or an application to do both, as the case may be).
4.	An appeal in respect of an application under section 151(1)(a) where the use specified is use as one or more separate dwellinghouses.	£297 for each dwellinghouse, subject to a maximum of £74,210.

Table 4

Fees in relation to applications for approval under the General Permitted Development Order

Column 1 Category of development		Column 2 Fee payable
1.	An appeal in respect of an application made for approval of the planning authority required in relation to development under schedule 1 of the General Permitted Development Order (other than one within categories 2 to 9).	£86.
2.	An appeal in respect of an application made by virtue of paragraph (4A) of Class 18 of Part 6 (agricultural buildings and operations) of schedule 1 of the General Permitted Development Order.	No fee.

Column 1 Category of development		Column 2 Fee payable
3.	An appeal in respect of an application made by virtue of paragraph (4) of Class 18B of Part 6 (agricultural buildings and operations) of schedule 1 of the General Permitted Development Order.	£258.
4.	An appeal in respect of an application made by virtue of paragraph (5) of Class 18C of Part 6 (agricultural buildings and operations) of schedule 1 of the General Permitted Development Order.	£258.
5.	An appeal in respect of an application made by virtue of paragraph (4) of Class 21A of Part 6A (fish farming) of schedule 1 of the General Permitted Development Order.	£322.
6.	An appeal in respect of an application made by virtue of paragraph (4) of Class 22A of Part 7 (forestry buildings and operations) of schedule 1 of the General Permitted Development Order.	£258.
7.	An appeal in respect of an application made by virtue of paragraph (5) of Class 22B of Part 7 (forestry buildings and operations) of schedule 1 of the General Permitted Development Order.	£258.
8.	An appeal in respect of an application made by virtue of paragraph (4) of Class 22 of Part 7 (forestry buildings and operations) of schedule 1 of the General Permitted Development Order.	No fee.
9.	An appeal in respect of an application made by virtue of sub-paragraph (23) of Class 67 of Part 20 (development by electronic communications code operators) of schedule 1 of the General Permitted Development Order.	£322.”.

Saving provision

5.—(1) The amendments made by regulations 2 to 4 apply only to appeals under—

(a) section 47(1) of the Town and Country Planning (Scotland) Act 1997 (appeal against planning decision),

(b) section 47(1) of that Act as applied by regulation 21 of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984(**a**),

(c) section 154(1)(a) of that Act (appeal against refusal of certificate of lawful use or development),

where notice of appeal is given to the Scottish Ministers on or after 1 April 2026.

(2) The Town and Country Planning (Fees for Appeals) (Scotland) Regulations 2025 continue to apply in respect of an appeal where notice of appeal is given to the Scottish Ministers before 1 April 2026 as they did immediately before that date.

Amendment of the Town and Country Planning (Hazardous Substances) (Scotland) Regulations 2015 and saving provision

6.—(1) Subject to paragraph (3), the Town and Country Planning (Hazardous Substances) (Scotland) Regulations 2015(**b**) ("the 2015 Regulations") are amended in accordance with paragraph (2).

(2) In regulation 55A (fees for appeals)—

(a) in paragraph (2)(a) for "£572" substitute "£594",

(b) in paragraph (2)(b) for "£286" substitute "£297".

(3) The amendments made by this regulation apply only to appeals under section 19(1) of the Planning (Hazardous Substances) (Scotland) Act 1997(**c**) where notice of appeal is given to the Scottish Ministers on or after 1 April 2026 and regulation 55A of the 2015 Regulations continues to apply in respect of any appeal where notice of appeal is given to the Scottish Ministers before 1 April 2026 as it did immediately before that date.

IVAN MCKEE
Authorised to sign by the Scottish Ministers

St Andrew's House
Edinburgh
3rd February 2026

(**a**) S.I. 1984/467 as relevantly amended by S.S.I. 2013/154.
(**b**) S.S.I. 2015/181 as relevantly amended by S.S.I. 2025/124.
(**c**) 1997 c. 10.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Town and Country Planning (Fees for Appeals) (Scotland) Regulations 2025 ("the Fees for Appeals Regulations") and the Town and Country Planning (Hazardous Substances) (Scotland) Regulations 2015.

Regulation 3 amends regulation 3 of the Fees for Appeals Regulations to increase the fees for an appeal in respect of the consent for the display for advertisements under regulation 15 of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 and for an application to develop land without complying with previous conditions.

Regulation 4(a)(i)-(iii) changes the respective categories referred to in provisions about maximum fees for appeal in respect of planning permissions in principle granted in different time periods.

Regulation 4(a)(iv) inserts a new paragraph 9A into Part 1 of the schedule of the Fees for Appeals Regulations to set a maximum fee for certain fees for appeal in respect of applications for planning permission granted on or after 9 June 2025 and before 1 April 2026.

Regulation 4(b) amends Part 2 of the schedule to the Fees for Appeals Regulations to increase the fees for appeal in respect of the applications for planning permission for the provision of facilities for sport or recreation and applications for approval, consent or agreement required by a condition imposed on a grant of planning permission in principle.

Regulation 4(c) also makes changes to fees for appeal in relation to planning permission. It substitutes new tables for those in Part 3 of the schedule of the Fees for Appeals Regulations.

Regulation 5 provides that the changes made by these Regulations apply only to appeal made after 1 April 2026.

Regulation 6 amends the Town and Country Planning (Hazardous Substances) (Scotland) Regulations 2015 to increase fees for appeal in relation to applications made under those Regulations.

© Crown Copyright 2026

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Saul Nassé, the King's Printer for Scotland.

ISBN 978-0-11-106551-8

£8.90

http://www.legislation.gov.uk/id/ssi/2026/47