



TOWN AND COUNTRY PLANNING (APPLICATION AND APPEAL FEES) (NO. 2) ORDER 2019

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Statutory Document No. 2019/0453



Interpretation Act 2015

TOWN AND COUNTRY PLANNING (APPLICATION AND APPEAL FEES) (NO. 2) ORDER 2019¹

Laid before Tynwald: 19 November 2019
Coming into Operation: in accordance with article 2

The Department of Environment, Food and Agriculture makes the following Order under section 81 of the Interpretation Act 2015.

PART 1 – INTRODUCTORY

1 Title

This Order is the Town and Country Planning (Application and Appeal Fees) (No. 2) Order 2019.

2 Commencement

This Order comes into operation –

- (a) for the purposes of articles 1, 2, 3 and 12(c), on the 31 December 2019; and
- (b) for all other purposes, immediately after the coming into operation of the Town and Country Planning (Development Procedure) Order 2019¹.

3 Interpretation

In this Order –

“**Act**” means the Town and Country Planning Act 1999;

“**Advertisements Regulations**” means the Town and Country Planning (Control of Advertisements) Regulations 2013²;

“**Department**” means the Department of Environment, Food and Agriculture;

¹ SD 2019/0423.

² SD 0434/13.

“Development Procedure Order” means the Town and Country Planning (Development Procedure) Order 2019;

“disabled person” means a person with a physical or mental impairment that has substantial and long term adverse effect on that person’s ability to carry out normal day-to-day activities;

“Fees Table” means the table of fees payable in respect of certain applications in Part 2 of the Schedule;

“Permitted Development Order” means the Town and Country Planning (Permitted Development) Order 2012³;

“Registered Buildings Regulations” means the Town and Country Planning (Registered Buildings) Regulations 2013⁴.

PART 2 – FEES FOR CERTAIN APPLICATIONS AND APPEALS

4 Relevant corresponding column

In this Part, a “relevant corresponding column” means column 3 of the Fees Table for cases prior to 1 April 2020 and column 4 of the Table for cases on or after that date.

5 Fees for certain applications

- (1) Where an application is made to the Department in respect of a matter referred to in column 2 of the Fees Table, the fee specified in the relevant corresponding column of that table (and calculated in accordance with the Schedule) is payable and the Schedule has effect for that purpose.
- (2) The maximum fee payable in respect of a planning application is that set out in the relevant corresponding column for entry No.13 of the Fees Table.
- (3) Save where article 11 applies, a fee is non-refundable.

6 Fees to accompany planning appeals

- (1) This article applies where an appeal to the Department is made under —
 - (a) article 10 of the Development Procedure Order including an appeal under that article by virtue of paragraph 6 of Part 2 of Schedule 1 to the Acquisition of Land Act 1984;
 - (b) regulation 13(1) of the Advertisements Regulations; and
 - (c) regulation 11(1) of the Registered Buildings Regulations.

³ SD 0254/2012.

⁴ SD 0432/13.

- (2) Each appellant lodging an appeal referred to in paragraph (1) must pay the fee specified in the relevant corresponding column for entry No. 11 of the Fees Table.
- (3) Each person making a request for an appeal to be determined by means of an inquiry must pay the fee specified in the relevant corresponding column for entry No. 12 of the Fees Table.

PART 3 – EXEMPTIONS

7 Relevant fee

- (1) In this Part a “relevant fee” means the fee specified in the Fees Table in respect of —
 - (a) an application for approval in principle or relating to reserved matters (entry No.1 in the Fees Table);
 - (b) a full application for approval of building, rebuilding, engineering, mining or other operations (entry No.2 in the Fees Table);
 - (c) an application for change of use of a building or land (entry No.3 in the Fees Table);
 - (d) an application for the variation or removal of a condition in a planning approval (entry No.7 in the Fees Table);
 - (e) a second application for approval made within 12 months of the first application (entry No.8 in the Fees Table);
 - (f) an application for minor changes to a grant of a planning approval under the Development Procedure Order (entry No.10 in the Fees Table).
- (2) A relevant fee is not payable where —
 - (a) the relevant conditions in article 8 are satisfied;
 - (b) the application in question has been made by, or on behalf of, a relevant person referred to in article 9; or
 - (c) article 10 applies.

8 Relevant conditions

The relevant conditions are that the relevant application —

- (a) relates solely to the carrying out of an operation for the purpose of providing means of access for disabled persons to, or within, a building or premises to which members of the public are admitted (whether or not on payment);
- (b) is for a registered building consent under section 15 or 19 of the Act and regulation 7 of the Registered Buildings Regulations;

- (c) is for works to a building or premises in a conservation area designated by an order under section 18 of the Act which would otherwise not have constituted development by virtue of an order under section 6 of the Act;
- (d) is for operations that would be of a class specified in Schedule 1 to the Permitted Development Order but are not because they are on land within an area designated as a conservation area by order under section 18 of the Act;
- (e) is for a development that the approval granted by article 4 of the Permitted Development Order does not apply because of (and for no other reason) —
 - (i) a direction made under article 5 of that Order which is in force on the date when the application is made; or
 - (ii) the requirements of a condition (other than one imposed by that Order) imposed on a permission granted or deemed to have been granted under Part 2 of the Act;
- (f) relates solely to the installation of a single domestic wind turbine.

9 Relevant persons

A relevant person is —

- (a) an institution or a person which is —
 - (i) registered as a charity under the Charities Registration Act 1989; or
 - (ii) exempt from registration under that Act; or
- (b) a disabled person in cases where the application concerns the provision of —
 - (i) a means of access to or within a dwelling house where that person is resident in or is proposing to take up residence; or
 - (ii) facilities designed to secure that person's greater safety, health or comfort;
- (c) a Government Department;
- (d) a Statutory Board;
- (e) Manx National Heritage; or
- (f) a local authority.

10 Advertisements

No fee is payable where an application for express consent under the Advertisements Regulations is made by, or on behalf of, —

- (a) a Government Department;

- (b) a Statutory Board;
- (c) Manx National Heritage; or
- (d) a local authority.

PART 4 – REFUNDS AND REVOCATION

11 Refunds

- (1) Where an appeal succeeds in whole or in part, an appeal fee paid under article 6(2) must be refunded to the person who paid it.
- (2) Where –
 - (a) a person (“P”) has made a request for that appeal to be determined by means of an inquiry and paid the fee referred to in article 6(3);
 - (b) that appeal is withdrawn; and
 - (c) P is not the appellant,that fee paid must be refunded to P.

12 Revocation

The following are revoked –

- (a) the Town and Country Planning (Application and Appeal Fees) (No. 2) Order 2016⁵;
- (b) the Town and Country Planning (Application and Appeal Fees) (Amendment) Order 2019⁶; and
- (c) the Town and Country Planning (Application and Appeal Fees) Order 2019⁷.

MADE 1 NOVEMBER 2019

⁵ SD 2016/0163.

⁶ SD 2019/0036.

⁷ SD 2019/0421.

SCHEDULE

APPLICATION FEES

Article 5

PART 1

GENERAL PROVISIONS

1 General

- (1) Other than in the case of retrospective applications and “full” applications, the fee payable under article 5 is calculated in accordance with this paragraph and the Fees Table in Part 2.
- (2) Where the fee specified in the Fees Table is to be calculated by reference to the site area –
 - (a) that area is to be taken as consisting of land to which the application in question relates; and
 - (b) if the area referred to in (a) is not an exact multiple of the unit of measurement specified in respect of the application in question, the fraction of a unit remaining, after division of the total area by the unit of measurement, is treated as a complete unit.
- (3) The area of gross floor space to be created by a development which is the subject of an application referred to in the Fees Table, is to be ascertained by external measurements of the floor space whether or not it is to be bounded (wholly or partly) by external walls of a building.

2 Retrospective applications

- (1) This paragraph applies where an application is made pursuant to section 9(2) of the Act (retrospective applications), relating to the retention of buildings or works or to the continuance of a use of land carried out before the date of that application.
- (2) The fee payable in a case falling within sub-paragraph (1) is calculated as if the application were one for planning approval to construct or carry out those buildings or works or to institute the use of land in question.

3 “Full” applications

- (1) This paragraph applies to a full application for approval of building, rebuilding engineering, mining or other operations (entry No.2 in the Fees Table) where the type of development which is the subject of that

application falls within more than one of paragraphs (a) to (i) of that entry.

- (2) Where paragraph (1) applies, the application is treated as being an application relating to development referred to in whichever of those paragraphs of that entry requires the highest fee to be paid.

PART 2

FEES TABLE

Col. 1 Entry No.	Col. 2 Matter	Col.3 Fee for the period 1/1/20 to 31/3/20 inclusive	Col.4 Fee from (and including) 1/4/20
1	Application for approval in principle and/or of reserved matters –		
	(a) where the application is for approval in principle and all matters are reserved for later approval;	(a) £165 for first 5,000m ² (0.5 ha) of site area plus £165 for each additional 1,000m ² (0.1 ha) (or part thereof) of site area;	(a) £170 for first 5,000m ² (0.5 ha) of site area plus £170 for each additional 1,000m ² (0.1 ha) (or part thereof) of site area;
	(b) where reserved matters are proposed, either as part of the approval in principle or as a separate application for reserved matters (following the approval of an application for approval in principle) and those reserved matters are matters of –	(b)	
	(i) siting, design, external appearance and layout;	(i) the fee relating to the categories of development 2(a) to 2(i) inclusive in this table;	(i) the fee relating to the categories of development 2(a) to 2(i) inclusive in this table;
	(ii) access only;	(ii) £165 for first 5,000m ² (0.5 ha) of site area plus £165 for each additional 1,000m ² (0.1 ha) (or part thereof) of site area;	(ii) £170 for first 5,000m ² (0.5 ha) of site area plus £170 for each additional 1,000m ² (0.1 ha) (or part thereof) of site area;

Col. 1 Entry No.	Col. 2 Matter	Col.3 Fee for the period 1/1/20 to 31/3/20 inclusive	Col.4 Fee from (and including) 1/4/20
	<p>(iii) landscaping only; or</p> <p>(iv) any combination of reserved matters referred to in (i) to (iii) above.</p>	<p>(iii) £100 for first 5,000m² (0.5 ha) of site area plus £165 for each additional 1,000m² (0.1 ha) (or part thereof) of site area;</p> <p>(iv) the highest fee payable for a single reserved matter specified in that application.</p>	<p>(iii) £105 for first 5,000m² (0.5 ha) of site area plus £170 for each additional 1,000m² (0.1 ha) (or part thereof) of site area;</p> <p>(iv) the highest fee payable for a single reserved matter specified in that application.</p>
2	Full application for approval of building, rebuilding, engineering, mining or other operations for –		
	(a) the erection of, or conversion of a building to, one or more residential units;	(a) £300 for each residential unit with a gross floor space up to 300m ² plus £300 for each additional 300m ² (or part thereof) of gross floor space for each residential unit created;	(a) £310 for each residential unit with a gross floor space up to 300m ² plus £310 for each additional 300m ² (or part thereof) of gross floor space for each residential unit created;

Col. 1 Entry No.	Col. 2 Matter	Col.3 Fee for the period 1/1/20 to 31/3/20 inclusive	Col.4 Fee from (and including) 1/4/20
	<p>(b) a development relating to a residential unit or within the curtilage thereof (including an extension, a garage whether attached or detached, another building, the erection of fences, the erection of walls, the erection of other means of enclosure), the erection of satellite dishes, the laying of hard standing or landscaping works) where –</p> <p>(i) no floor space is to be created by the development; or</p> <p>(ii) up to 15m² of gross floor space is to be created by the development; or</p> <p>(iii) gross floor space exceeding 15m² is to be created by the development;</p>	<p>(b)</p> <p>(i) £100;</p> <p>(ii) £165;</p> <p>(iii) £300 for first 300m² plus £165 for each additional 100m² (or part thereof) of gross floor space;</p>	<p>(b)</p> <p>(i) £105;</p> <p>(iii) £170;</p> <p>(iii) £310 for first 300m² plus £170 for each additional 100m² (or part thereof) of gross floor space;</p>
	<p>(c) the erection of buildings to be used for agricultural purposes;</p>	<p>(c) £165 for development up to 500m² of gross floor space plus £165 for each additional 100m² (or part thereof) of gross floor space;</p>	<p>(c) £170 for development up to 500m² of gross floor space plus £170 for each additional 100m² (or part thereof) of gross floor space;</p>

Col. 1 Entry No.	Col. 2 Matter	Col.3 Fee for the period 1/1/20 to 31/3/20 inclusive	Col.4 Fee from (and including) 1/4/20
	(d) the erection of buildings to be used for equestrian purposes;	(d) £165 for development up to 300m ² of gross floor space plus £165 for each additional 100m ² (or part thereof) of gross floor space;	(d) £170 for development up to 300m ² of gross floor space plus £170 for each additional 100m ² (or part thereof) of gross floor space;
	(e) a development involving – (i) the disposal and / or recycling of refuse or waste materials or for the deposit of materials remaining after minerals have been extracted from land; (ii) the storage of materials in the open; (iii) operations for the winning and working of minerals;	(e) £300 for every 1,000m ³ (0.1 ha) (or part thereof) of gross site area;	(e) £310 for every 1,000m ³ (0.1 ha) (or part thereof) of gross site area;
	(f) the erection, alteration or replacement of plant or machinery other than for use for power generation purposes – (i) if no floor space or site area is to be created by the development; or (ii) for a development creating floor space or site area;	(f) (i) £300; (ii) £130 for every 20m ² (or part thereof) of gross floor space or site area;	(f) (i) £310; (ii) £135 for every 20m ² (or part thereof) of gross floor space or site area;
	(g) the erection, alteration or replacement of plant or machinery used for power generation purposes (excluding wind turbines and wind farms);	(g) £300 for every 1,000m ² (0.1 ha) (or part thereof) of site area;	(g) £310 for every 1,000m ² (0.1 ha) (or part thereof) of site area;

Col. 1 Entry No.	Col. 2 Matter	Col.3 Fee for the period 1/1/20 to 31/3/20 inclusive	Col.4 Fee from (and including) 1/4/20
	<p>(h) the erection, alteration or replacement of plant or machinery used for purposes in connection with wind turbines and wind farms –</p> <p>(i) where the gross site area does not exceed 5 Hectares;</p> <p>(ii) where the gross site area exceeds 5 Hectares;</p>	<p>(h)</p> <p>(i) £300 for each 1,000m² (0.1 ha) (or part thereof) of the gross site area;</p> <p>(ii) £14,125 plus £165 for each additional 1,000m² (0.1 ha) (or part thereof) of gross site area;</p>	<p>(h)</p> <p>(i) £310 for each 1,000m² (0.1 ha) (or part thereof) of the gross site area;</p> <p>(ii) £14,480 plus £170 for each additional 1,000m² (0.1 ha) (or part thereof) of gross site area;</p>
	<p>(i) a development relating to telecommunications;</p>	<p>(i) £450;</p>	<p>(i) £465;</p>
	<p>(j) any operation not falling within (a) to (i) above –</p> <p>(i) where no floor space or site area is to be created by the development;</p>	<p>(j)</p> <p>(i) £165;</p>	<p>(j)</p> <p>(i) £170;</p>
	<p>(ii) where floor space is to be created by the development;</p> <p>(iii) where site area is to be created by the development.</p>	<p>(ii) £300 for the first 300m² of gross floor space plus £130 for each additional 20m² (or part thereof) of gross floor space;</p> <p>(iii) £130 for the first 300m² of gross site area plus £130 for each additional 300m² (or part thereof) of gross site area.</p>	<p>(ii) £310 for the first 300m² of gross floor space plus £135 for each additional 20m² (or part thereof) of gross floor space;</p> <p>(iii) £135 for the first 300m² of gross site area plus £135 for each additional 300m² (or part thereof) of gross site area.</p>
3	Application for change of use of a building or land where –		

Col. 1 Entry No.	Col. 2 Matter	Col.3 Fee for the period 1/1/20 to 31/3/20 inclusive	Col.4 Fee from (and including) 1/4/20
	(a) the application involves a change of use of a building other than a change of use coming within any of the other categories of development in this table;	(a) £300 for every 1,000m ² (or part thereof) of gross floor space;	(a) £310 for every 1,000m ² (or part thereof) of gross floor space;
	(b) the application involves a change of use of land other than under (c) below;	(b) £300;	(b) £310;
	(c) the application is for a change of use of land for the provision of vehicular parking or storage.	(c) £130 for up to 300m ² plus £130 for each additional 300m ² (or part thereof) of gross site area.	(c) £135 for up to 300m ² plus £135 for each additional 300m ² (or part thereof) of gross site area.
4	Application for a certificate of lawful use or development made under regulation 2 of the Town and Country Planning (Certificates of Lawful Use or Development) Regulations 2005⁸ for —		
	(a) existing use or development;	(a) fee to be double the amount payable according to the category of development in this table;	(a) fee to be double the amount payable according to the category of development in this table;
	(b) proposed use or development.	(b) 50% of the above fee.	(b) 50% of the above fee.
5	Telecommunications		
	Application for prior approval under Schedule 4 to the Town and Country Planning (Telecommunications) Development Order 2019 ⁹ .	£300.	£310.
6	Advertisements		

⁸ SD 253/05 as amended by SD 674/05.

⁹ SD 2019/0393.

Col. 1 Entry No.	Col. 2 Matter	Col.3 Fee for the period 1/1/20 to 31/3/20 inclusive	Col.4 Fee from (and including) 1/4/20
	Application for express consent made further to regulation 9 of the Advertisements Regulations 2013 ¹⁰ .	£165 for each site on which an advertisement is displayed.	£170 for each site on which an advertisement is displayed.
7	Variation or removal of condition—		
	(a) other than a condition relating to the time limit for planning approval;	(a) £300;	(a) £310;
	(b) relating to the time limit for planning approval.	(b) fee to be the amount payable according to the relevant category of development in this table.	(b) fee to be the amount payable according to the relevant category of development in this table.
8	Second planning application made within 12 months of the granting, refusal or withdrawal of the first application, provided that the application is for — (i) the same site; and (ii) a development of the same character or description of the first application.	50% of the fee under this Order that would have been due had a first application for planning approval been granted, refused or withdrawn.	50% of the fee under this Order that would have been due had a first application for planning approval been granted, refused or withdrawn.
9	Application for a certificate of alternative development value under paragraph 5(1) of Part 2 to Schedule 1 to the Acquisition of Land Act 1984.	£165 for first 5,000m ² (0.5 ha) of site area plus £165 for each additional 1,000m ² (0.1 ha) (or part thereof) of site area.	£170 for first 5,000m ² (0.5 ha) of site area plus £170 for each additional 1,000m ² (0.1 ha) (or part thereof) of site area.
10	Application for minor changes to a grant of planning approval under the Development Procedure Order.	£100.	£105.
11	Appeal fee in respect of an appeal under Part 2 of the Development Procedure Order.	£276.	£285.
12	Election to have an appeal dealt with by means of an inquiry under Part 2 of the Development Procedure Order.	£100.	£105.
13	Maximum fee.	£95,840.	£95,240.

¹⁰ SD 0434/13.

	Notes
1.	To avoid doubt, square metres (m ²) are calculated as width multiplied by length. For example, an area of 4m by 5m would be 20 square metres.
2.	To avoid doubt, floor space means the total gross floor space (which is the total floor area) of all storeys to be created, measured externally.
3.	Under entry No. 2(h), gross site area means all land within the site area including – (a) any area that could potentially be covered by the rotating blades of a turbine; (b) access tracks, roads or paths; (c) cable trenches; (d) control rooms, substations and transformers; (e) meteorological masts; and (f) any other engineering works, buildings or sub-structures ancillary to the windfarm.

ENDNOTES

Table of Endnote References

¹ The format of this legislation has been changed as provided for under section 75 of, and paragraph 2 of Schedule 1 to, the Legislation Act 2015. The changes have been approved by the Attorney General after consultation with the Clerk of Tynwald as required by section 76 of the Legislation Act 2015.