



## TOWN AND COUNTRY PLANNING (APPLICATION FEES) ORDER 2013

### Index

Article	Page
1 Title .....	3
2 Commencement .....	3
3 Interpretation.....	3
4 Fees for certain planning applications.....	4
5 Waiver of fee.....	4
6 Exemptions .....	5
7 Revocation .....	5
 <b>SCHEDULE</b>	 <b>7</b>
<b>PLANNING APPLICATION FEES</b>	<b>7</b>
 <b>PART 1</b>	 <b>7</b>
<b>GENERAL PROVISIONS</b>	<b>7</b>
 <b>PART 2</b>	 <b>8</b>
<b>FEES FOR APPLICATIONS MADE ON OR AFTER 1 APRIL 2013</b>	<b>8</b>



Statutory Document No. 0069/2013



*Fees and Duties Act 1989*

## TOWN AND COUNTRY PLANNING (APPLICATION FEES) ORDER 2013

*Approved by Tynwald:* 19 March 2013  
*Coming into Operation:* 1 April 2013

The Department of Infrastructure, with the concurrence of the Treasury, makes the following Order under section 1(1) of the Fees and Duties Act 1989.

### 1 Title

This Order is the Town and Country Planning (Application Fees) Order 2013.

### 2 Commencement

If approved by Tynwald<sup>1</sup> this Order comes into operation on 1 April 2013.

### 3 Interpretation

(1) In this Order —

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

“**Advertisement Regulations**” means the Control of Advertisements Regulations 2005<sup>2</sup>;

“**CLUD Regulations**” means the Town and Country Planning (Certificates of Lawful use or Development) Regulations 2005<sup>3</sup>;

“**Department**” means the Department of Infrastructure;

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

“**dwelling house**” means a building which is used as a single private dwelling and for no other purpose, and does not include a building containing one or more flats or a self-contained flat within such a building;

<sup>1</sup> As required by section 1(4) of the Fees and Duties Act 1989

<sup>2</sup> SD 672/05

<sup>3</sup> SD 253/05

“**Permitted Development Order**” means the Town and Country Planning (Permitted Development) Order 2012<sup>4</sup>;

“**Principal Order**” means the Town and Country Planning (Development Procedure) Order 2005<sup>5</sup>; and

“**Telecommunications Order**” means the Town and Country Planning (Permitted Development) (Telecommunications) Order 2012<sup>6</sup>.

(2) Other expressions in this Order have the same meanings as in the Principal Order.

#### **4 Fees for certain planning applications**

Subject to articles 5 and 6, if an application is made on or after 1 April 2013 for any of the following a fee is payable in accordance with the Schedule —

- (a) a planning approval for the development of land relating to a development specified in category 1,2,3,7 or 8 of the Schedule;
- (b) an express consent under regulation 7 of the Advertisement Regulations specified in category 6 of the Schedule;
- (c) a certificate of lawfulness of use of development under section 24 of the Act and regulation 2 of the CLUD Regulations specified in category 4 of the Schedule;
- (d) a prior approval under paragraph 7, Schedule 1 of the Telecommunications Order specified in category 5 of the Schedule;
- (e) a certification of alternative development value under paragraph 5(1), Part 2 Schedule 1 of the Acquisition of Land Act 1984 specified in category 9 of the Schedule.

#### **5 Waiver of fee**

(1) The Department may waive any fee requirements imposed by this Order if it is satisfied that any of the conditions specified in paragraph (2) are fulfilled in respect of a planning application under article 4(a) (relating to category 1,2,3,7 or 8 of the table in Part 2 of the Schedule).

(2) The conditions referred to in paragraph (1) are —

- (a) that the application 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 on payment or otherwise);

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<sup>4</sup> SD 254/12

<sup>5</sup> SD 251/05

<sup>6</sup> SD 391/12

- (b) that the application 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; and
- (c) that the permission granted by article 4 of the Permitted Development Order does not apply in respect of that development by reason (and by reason only of)—
  - (i) a direction made under article 5 of the Permitted Development Order which is in force on that date when the application is made; or
  - (ii) the requirements of a condition imposed on a permission granted or deemed to be granted by Part 2 of the Act otherwise than by a condition imposed by the Permitted Development Order.

## 6 Exemptions

- (1) No fee is payable under this Order in the case of a planning application under article 4(a) (relating to category 1,2,3,7 or 8 of the table in Part 2 of the Schedule) made by or on behalf of—
  - (a) an institution or body of persons which is registered as a charity on the Island and proof of such registration is submitted with the application; or
  - (b) a disabled person to provide a means of access to or within a dwelling house where that person is resident in or is proposing to take up residence in that dwelling house or to provide facilities designed to secure the person's greater safety, health or comfort.
- (2) Except in the case of category 5 of the table in Part 2 of the Schedule, no fee is payable under this Order in the case of a planning application made by or on behalf of —
  - (a) a Department or Statutory Board or Manx National Heritage; or
  - (b) a local authority.
- (3) No fee is payable under this Order in the case of an application for registered building consent under section 15 of the Act and regulation 6 of the Town and Country Planning (Registered Buildings) Regulations 2005<sup>7</sup>.

## 7 Revocation

The Town and Country Planning (Fees for Applications) Order 2012<sup>8</sup> is revoked.

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<sup>7</sup> SD 252/05

<sup>8</sup> SD 394/12

**MADE: 18<sup>TH</sup> FEBRUARY 2013**

**D C CRETNEY**

*Minister for Infrastructure*



## SCHEDULE

## PLANNING APPLICATION FEES

## PART 1

## GENERAL PROVISIONS

- (1) Subject to paragraphs (2) to (4), the fee payable under article 4 is calculated in accordance with paragraphs (5) and (6) and the table in Part 2.
- (2) If an application is made pursuant to section 9(2) (retrospective applications) of the Act, relating to the retention of buildings or works or to the continuance of a use of land carried out before the date of the application, the fee payable is calculated as if the application were one for planning approval to construct or carry out those buildings or works or to institute that use.
- (3) If the extension of the life of a planning approval is sought under article 13 of the Principal Order which has not expired, the fee payable is £135.
- (4) If a planning application relates to a development falling within more than one of the categories specified in category 2 of the table in Part 2, the application is treated for the purpose of this paragraph as being an application relating to development within the category for which the fee payable is the highest.
- (5) If with respect of any category of development specified in the table in Part 2, the fee is to be calculated by reference to the site area —
  - (a) that area is taken as consisting of land to which the application relates; and
  - (b) if the area referred to in sub-paragraph (a) is not an exact multiple of the unit of measurement specified in respect of the relevant category of development, the fraction of a unit remaining after division of the total area by the unit of measurement is treated as a complete unit.
- (6) In relation to development within the categories specified in the table in Part 2, the area of gross floor space to be created by the development is 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.

## PART 2

## FEES FOR APPLICATIONS MADE ON OR AFTER 1 APRIL 2013

<i>No.</i>	<i>Category of development</i>	<i>Fee</i>
1.	<b>Application for approval in principle</b>	£135 for first 5000m <sup>2</sup> (0.5 ha) of site area plus £135 for each additional 1000m <sup>2</sup> (0.1 ha) (or part thereof) of site area up to a maximum of £7,710.
2.	<b>Application for approval of building, rebuilding, engineering, mining or other operations (other than approval in principle)</b>	
(a)	Estate layout (residential or industrial).	£415 for first 5000m <sup>2</sup> (0.5 ha) of site area plus £135 for each additional 1000m <sup>2</sup> (0.1 ha) (or part thereof) of site area up to a maximum of £7,710.
(b)	The erection of, or conversion of a building to, one or more dwellings.	£240 for each dwelling with a gross floor space up to 300m <sup>2</sup> plus £240 for each additional 300m <sup>2</sup> (or part thereof) of gross floor space for each dwelling created up to a maximum of £7,710.
(c)	<p>The physical alteration of a dwelling house including the erection of –</p> <p>(i) an extension;</p> <p>(ii) a garage (whether attached or detached); or</p> <p>(iii) another building.</p> <p>Other works within the curtilage of a dwelling house including –</p> <p>(i) the erection of fences, walls (or other means of enclosure), or satellite dishes; or</p> <p>(ii) the laying of hard standing or landscaping works not covered by development permitted under the Permitted Development Order</p>	<p>If no floor space is to be created by the development, £75</p> <p>For development creating up to 15m<sup>2</sup> of gross floor space, £135.</p> <p>For development exceeding 15m<sup>2</sup> and up to 300m<sup>2</sup>, of gross floor space, £240 plus £135 for each additional 100 m<sup>2</sup> (or part thereof) of gross floor space up to a maximum of £7,710.</p>



(d)	Agriculture The erection of buildings to be used for agricultural purposes	£135 for development up to 500m <sup>2</sup> plus £135 for each additional 100m <sup>2</sup> (or part thereof) up to a maximum of £7,710.
(e)	Equestrian The erection of buildings to be used for equestrian purposes	£135 for development up to 300m <sup>2</sup> plus £135 for each additional 100m <sup>2</sup> (or part thereof) up to a maximum of £7,710.
(f)	Waste and minerals. The use of land for— (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 minerals in the open; or (iii) operations for the winning and working of minerals.	£240 for every 1000 m <sup>2</sup> (0.1ha) (or part thereof) of site area, up to maximum of £13,000.
(g)	The erection, alteration or replacement of plant or machinery.	If no floor space is to be created by the development, £240. If floor space is to be created by the development, £105 for every 20m <sup>2</sup> (or part thereof ) of gross floor space area up to a maximum of £7,710.
(h)	Any operation not falling within (a) to (g) above.	If no floor space is to be created by the development, £135. If floor space is to be created by the development £240 for up to 300m <sup>2</sup> plus £105 for each additional 20m <sup>2</sup> (or part thereof) of gross floor space up to a maximum of £7,710.
3.	<b>Application for change of use of a building or land (other than a material change of use coming within any of the above categories).</b>	£240 for every 1000m <sup>2</sup> (0.1ha) of site area up to a maximum of £12,960.
4.	<b>Application for a certificate of lawful use or development made under regulation 2 of the CLUD Regulations</b>	

	(i) Existing use or development;  (ii) Proposed use or development.	Fee to reflect the amount payable according to the category of development in the table.  50% of the above fee.
5.	<b>Telecommunications</b>  Application to determine whether the Department's prior approval is required under Schedule 1, paragraph 7 of the Telecommunications Order	£240
6.	<b>Advertisements.</b>  Application made under regulation 7 of the Advertisements Regulations for express consent to display an advertisement	£135 for each site on which an advertisement is displayed.
7	<b>Variation or discharge (removal) of condition.</b>	£240
8	<b>Applications made within 12 months of the granting, refusal or withdrawal of any planning application on the same site as the earlier application or for a development of the same character or description as that for which the previous application was made, where no determination was reached</b>	50% of the fee that would have been due had a first application for planning permission been made.
9	<b>Application for certificate of alternative development value under paragraph 5(1), Part 2, Schedule 1 of the Acquisition of Land Act 1984</b>	£135 for first 5000m <sup>2</sup> (0.5 ha) of site area plus £135 for each additional 1000m <sup>2</sup> (0.1 ha) (or part thereof) of site area up to a maximum of £7,710.
<p>In this table "gross floor space" means the total floor area of all storeys to be created, measured externally.</p> <p><i>Note: This definition equates to the definition "Gross External Area" under the "Code of Measuring Practice: A Guide for Surveyors and Valuers of the Royal Institution of Chartered Surveyors and the Incorporated Society of Valuers and Auctioneers "</i></p> <p>(see <a href="http://www.rics.org/site/scripts/downloads.aspx">http://www.rics.org/site/scripts/downloads.aspx</a>)</p>		



*EXPLANATORY NOTE*

*(This note is not part of the Order)*

This Order is made under the Fees and Duties Act 1989. It revokes the Town and Country Planning (Fees for Applications) Order 2012 (SD 0349/2012).

The Order increases the various fees applicable to planning applications under town and country planning legislation.