



FEES AND DUTIES ACT 1989

**TOWN AND COUNTRY PLANNING (FEES FOR
APPLICATIONS) ORDER 2011**

INDEX

1	Title
2	Commencement
3	Interpretation
4	Fees for planning applications
5	Fees for certain applications under permitted development order
6	Fees for applications for consent for advertisements
7	Fees for applications for certificates of lawful use or development
8	Fees for applications for Registered Building Consent
9	Waiver of fee
10	Exemptions
11	Revocation

Schedule – Fees in respect of applications for planning permission



FEES AND DUTIES ACT 1989

**TOWN AND COUNTRY PLANNING (FEES FOR
APPLICATIONS) ORDER 2011**

Approved by Tynwald 15 March 2011
Coming into operation 1 April 2011

The Department of Infrastructure, with the concurrence of Treasury, makes this Order under section 1(1) of the Fees and Duties Act 1989¹.

1 Title

The title of this Order is the Town and Country Planning (Fees for Applications) Order 2011.

2 Commencement

If approved by Tynwald², this Order will come into operation on 1 April 2011.

3 Interpretation

(1) In this Order —

"the Act" means the Town and Country Planning Act 1999³;

"conservation area" means an area so designated by the Conservation Areas Order 1992⁴ or by the Town and Country Planning Act 1999;

"the Department" means the Department of Infrastructure;

"the Directorate" means the Planning and Building Control Directorate of the Department;

"a disabled person" means a person who has a disability if he or she has a physical or mental impairment, which has a substantial and long term adverse effect on his or her ability to carry out normal day-to-day activities;

¹ 1989 c.12

² As required by section 1(4) of the Act

³ 1999 c. 9

⁴ GC 36/92

“dwellinghouse” 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;”

“long term” means longer than twelve months;

"the Principal Order" means the Town and Country Planning (Development Procedure) Order 2005⁵;

“the Permitted Development Order” means the Town and Country Planning (Permitted Development Order) 2005⁶;

"registered building" means a building for the time being entered in the Protected Buildings Register;

“planning application” means any application made to the Department for planning permission (article 4), any application for express consent to display an advertisement (article 6), and any applications for certificates of lawful use or development(article 7). This definition does not include determinations as to whether the prior approval of the Department is required.

- (2) Other expressions in this Order have the same meanings as in the Principal Order.
- (3) All applications referred to in articles 4 to 8 shall be made to the Department.
- (4) All fees payable under this Order shall be paid to the Department.

4 Fees for planning applications

- (1) Subject to articles 9 and 10, if an application is made for planning permission for the development of land relating to a category of development in the Schedule, a fee is payable.
- (2) The fee payable in respect of the application shall be calculated in accordance with the Schedule.
- (3) If the fee payable under this article in respect of a planning application is not paid in full, the Directorate may refuse to consider the application until such time as the fee has been paid in full.

⁵ SD 251/05

⁶ SD 671/05

- (4) If the fee payable under this article in respect of a planning application has not been paid in full at the expiration of 4 weeks from the making of the application, the applicant shall be deemed to have withdrawn the application.
- (5) Any fee pursuant to this article shall be refunded if the application is rejected as invalidly made.

5 Fees for certain applications under the permitted development order

- (1) If an application is made for determination as to whether the Department's prior approval will be required in relation to an application under Class 12 (telecommunications) of Schedule 1 to the Permitted Development Order, a fee of £58.00 is payable.
- (2) Any fee pursuant to this article shall be refunded if the application is rejected as invalidly made.

6 Fees for applications for consent for advertisements

- (1) Subject to articles 9 and 10, if an application is made under regulation 7 of the Control of Advertisement Regulations 2005⁷ for express consent to the display of an advertisement, a fee is payable.
- (2) If the application relates to the display of one advertisement on the same site, the fee payable in respect of the application shall be the amount specified in the table in the Schedule for category 5.
- (3) If the application relates to the display of more than one advertisement on the same site a single fee shall be payable in respect of all of the advertisements to be displayed on that site and listed in the application and –
 - (a) if all of the advertisements are within the same category the fee payable shall be the amount specified for that category;
 - (b) if all of the advertisements are within categories 5(i) and 5(ii) the fee payable shall be the amount specified for category 5(i); and
 - (c) if one or more of the advertisements is within category 5(iii) the fee payable shall be the amount specified for category 5(iii).

⁷ SD 672/05

- (4) If the fee relates to the display of advertisements on more than one site, the fee payable in respect of the application shall be the aggregate of the sums payable in respect of the display of advertisements on each such site.
- (5) If the fee payable under this article in respect of an application is not paid in full, the Directorate may refuse to consider the application until such time as the fee has been paid in full.
- (6) If the fee payable under this article in respect of an application has not been paid in full at the expiration of 4 weeks from the making of the application, the applicant shall be deemed to have withdrawn the application.
- (7) Any fee pursuant to this article shall be refunded if the application is rejected as invalidly made.

7 Fees for applications for certificates of lawful use or development

- (1) Subject to articles 9 and 10, if an application is made under section 24 of the Act and regulation 2 of the Town and Country Planning (Certificates of Lawful use or Development) Regulations 2005⁸, a fee is payable.
- (2) The fee payable for applications relating to an existing use or development shall be an amount that would be payable 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).
- (3) The fee payable for applications relating to a proposed use or development shall be half the amount that would be payable 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) If the fee payable under this article in respect of an application is not paid in full, the Directorate may refuse to consider the application until such time as the fee has been paid in full.
- (5) If the fee payable under this article in respect of an application has not been paid in full at the expiration of 4 weeks from the

⁸ SD 253/05 as amended by SD 674/05

making of the application, the applicant shall be deemed to have withdrawn the application.

- (6) Any fee pursuant to this article shall be refunded if the application is rejected as invalidly made.

8 Fees for applications for Registered Building Consent

If an application is made for Registered Building Consent under section 15 of the Act and regulation 6 of the Registered Buildings Regulations 2005⁹, no fee is payable.

9 Waiver of fee

- (1) The Directorate may, if it is satisfied that one of the conditions specified in paragraph (2) are fulfilled in respect of any planning application, waive the requirements of articles 4, 5, 6 and 7 in relation to that application, and thereupon negate the requirement for any further fee.

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

- (a) where the application is made within 12 months of the grant/refusal or withdrawal of any planning application (as the case may be) and the application —

(i) relates to the same site as the earlier application related or to part of that site and to no other land;

(ii) is for approval for a development of the same character or description as that for which the previous application was made, where no determination was reached and to no other development;

(iii) is made by or on behalf of the same applicant; and

(iv) no application made by or on behalf of the same applicant in relation to the whole or any part of the site has already been exempted from articles 4 to 7.

(b) that the application is a minor amendment to a valid approval and is submitted prior to the expiration of the original determination;

(c) that the application relates solely to the carrying out of operation for the purpose of providing means of access for disabled persons to or within a building or premises to

⁹ SD252/05

which members of the public are admitted (whether on payment or otherwise);

- (d) that the application is for works to a building or premises in a conservation area which would otherwise not have constituted development by virtue of an order under section 6 of the Act; and
- (e) that the permission granted by article 2 of the Permitted Development Order does not apply in respect of that development by reason (and only by reason of)—
 - (i) a direction made under article 3 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 that by the Permitted Development Order.

10 Exemptions

- (1) Article 4 does not apply to a planning application made by or on behalf of—
 - (a) an institution or body of persons which is established and conducted otherwise than for private gain and wholly or mainly for charitable purposes or for purposes consisting of participation in athletic sports or games or cultural activities;
 - (b) a disabled person to provide a means of access to or within a dwellinghouse where that person is resident in or is proposing take up residence in that dwellinghouse or of providing facilities designed to secure his or her greater safety, health or comfort; or
 - (c) a person proposing to install only, within the curtilage of a dwellinghouse, solar panels, solar photovoltaic cells or a single wind turbine.
- (2) Articles 4, 6 and 7 do not apply to a planning application made by or on behalf of —
 - (a) a Department or Statutory Board or Manx National Heritage; or
 - (b) a local authority.

11 Revocation

The Town and Country Planning (Fees for Applications) Order 2009¹⁰ is revoked.

MADE 12 February 2011

P A Gawne
Minister for Infrastructure

¹⁰ SD 45/09

SCHEDULE

FEES IN RESPECT OF APPLICATIONS FOR PLANNING PERMISSION

PART 1

General Provisions

1. Subject to paragraphs 2 to 5, the fee payable under article 4 shall be calculated in accordance with paragraphs 6 and 7 of Part 1 and the table set out in Part 2 of this Schedule.
2. If an application is made pursuant to section 9(2) of the Act:
 - (a) in the case of an application 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 shall be calculated as if the application were one for planning permission to construct or carry out those buildings or works or to institute that use; or
 - (b) in the case of an application relating to the retention of buildings or works or to the continuance of a use of land without complying with some condition subject to which planning approval was granted, the fee payable in respect of the application shall be £163.
3. If an application is made for the renewal of planning permission and -
 - (a) planning permission has previously been granted; and
 - (b) a limit as to the time by which the development must be begun was imposed under Article 13 of the Principal Order which has not expired,
the fee payable in respect of the application shall be £50.
4. If an application is made for the variation or discharge (removal) of condition in pursuant to section 10(3) of the Act, the fee payable in respect of the application shall be £163.
5. 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 shall be 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.
6. Where in, 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 shall be taken as consisting of land to which the application relates; and
- (b) if the area referred to in sub-paragraph (a) above 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 shall be treated as a complete unit.
7. In relation to development within any of the category 2(e) specified in the table in Part 2, the area of gross floor space to be created by the development shall 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.

PART 2

Scale of fees in respect of applications made on or after 1st April 2011

<i>No.</i>	<i>Category of development</i>	<i>Fee</i>
1.	Application for approval in principle	£122
2.	Application for approval of building, rebuilding, engineering, mining or other operations (other than approval in principle)	
(a)	Estate layout (residential or industrial).	£369
(b)	(i) The erection of, or conversion of a building to, one or more dwellings. (ii) The conversion of a dwellinghouse into one or more separate dwellings.	£199 per dwelling. £199 for each additional dwelling to be created by the development.
(c)	Installation of replacement windows/doors	NIL
(d)	The enlargement, improvement or other alteration of an existing dwellinghouse. (Including the erection of a private garage, whether attached or detached)	Where no floorspace is to be created by the development, or up to 15 square metres of floorspace is created £61 Where the floorspace exceeds

		15 square metres, £158
(e)	Alterations and erection of buildings other than buildings in categories 2(b) , 2(d), 2(f), 2(i) and 2(j). <i>(See paragraph 7)</i>	Where no floorspace is to be created by the development, £158 For every 20 square metres or part thereof of floor area £54 up to a maximum of £4,493
(f)	(1)The erection, on land used for the purposes of agriculture, of buildings to be used for agriculture purposes. (2) Erection of stables.	£116 £67
(g)	The use of land for; (i) the disposal 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.	£278 for every 0.2ha of site area, up to maximum £7,781
(h)	Installation, alteration or replacement of satellite antennae.	NIL
(i)	The erection, alteration or replacement of plant or machinery.	£61
(j)	(i) The carrying out of operations (including erection of a building – excluding garages see (d)) within the curtilage of an existing dwellinghouse for the enjoyment of the dwellinghouse as such, or the erection of fences, walls, or other means of enclosure along a boundary of the curtilage of an existing dwellinghouse; or (ii) 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	£61

	are in the same locality as the site on which the advertisement is to be displayed but which are not visible from that site. (iii) All other advertisements.	£152
6	Variation or discharge (removal) of condition.	£163
7	Extensions of time (under paragraph 3(b) of Part 1 of the Schedule).	£50

EXPLANATORY NOTE

(This note is not part of the Order)

The Order is made under the Fees and Duties Act 1989. It revokes the Town and Country Planning (Fees for Applications) Order 2009.

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