



Statutory Document No. 99/06

THE FEES AND DUTIES ACT 1989

**THE TOWN AND COUNTRY PLANNING (FEES FOR APPLICATIONS)
ORDER 2006**

Approved by Tynwald 22nd March 2006

Coming into operation 1st April 2006

In exercise of the powers conferred on the Treasury by section 1(1) of the Fees and Duties Act 1989¹, and of all other powers enabling it in that behalf, the following Order is hereby made:-

1. Citation and commencement

This Order may be cited as the Town and Country Planning (Fees for Applications) Order 2006, and, subject to section 1(4) of the Fees and Duties Act 1989, shall come into operation on the 1st April 2006.

2. Interpretation

(1) In this Order —

"the Act" means the Town and Country Planning Act 1999²;

"conservation area" means an area so designated by the Conservation Areas Order 1992³ or by the Town and Country Planning Act 1999;

"the Department" means the Department of Local Government and the Environment;

"the Principal Order" means the Town and Country Planning (Development Procedure) Order 2005⁴;

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

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

¹ 1989 c.12

² 1999 c. 9

³ GC 36/92

⁴ SD 251/05

⁵ SD 671/05

“the Directorate” means the Planning and Building Control Directorate of the Department;

“planning application” means any application for planning permission, any application for express consent to display an advertisement, and any applications for Certificates of Lawful Use or Development. This definition does not include determinations as to whether the prior approval of the Department is required;

“dwellinghouse” means a building or part of a building which is used as a single private dwellinghouse and for no other purpose;

“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.

“Long term” means longer than twelve months

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

3. Fees for planning applications

(1) Subject to Articles 8 and 9, where an application is made to the Department for planning permission for the development of land relating to a category of development in Schedule 1, a fee shall be paid to the Department

(2) The fee payable in respect of the application shall be calculated in accordance with Schedule 1.

(3) Where 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.

(4) Where 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.

4. Fees for certain applications under the permitted development order

(1) Where an application is made to the Department for their determination as to whether the prior approval of the Department will be required in relation to development in Schedule 1 to the Permitted Development Order, a fee shall be paid to the Department of the following amounts-

(a) for an application under Class 12, £50

(2) Any fee pursuant to this Article shall be refunded if the application is rejected as invalidly made.

5. Fees for applications for consent for advertisements

(1) Subject to Articles 8 and 9 where an application is made to the Department under Regulation 7 of the Control of Advertisement Regulations 2005⁶ for express consent to the display of an advertisement, a fee shall be paid to the Department in accordance with this Article.

(2) Where 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) Where 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)
- (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)

(4) Where 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) Where 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) Where 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.

6. Fees for applications for certificates of lawful use or development

(1) Subject to Articles 8 and 9 where an application is made to the Department under section 24 of the Act and Regulation 2 of the Town and Country Planning (Certificates of Lawful use or Development) Regulations 2005⁷, a fee shall be paid to the Department.

(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).

⁶ SD 672/05

⁷ SD 253/05 as amended by SD 674/05

(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) Where 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) Where 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.

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

7. Fees for applications for Registered Building Consent

Where application is made to the Department for Registered Building Consent under Section 15 of the Act and Regulation 6 of the Registered Buildings Regulations 2005⁸, no fee shall be paid to the Department.

8. 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 3, 4, 5 and 6 in relation to that application, and thereupon negate the requirement for any further fee.

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

- (a) that the application is made within 12 months of the grant/refusal or withdrawal of any planning application by the Directorate, as the case may be; that the application relates-
 - (i) to the same site as the earlier application related or to part of that site and to no other land; and
 - (ii) is for approval for a development of the same character or description as that for which the previous application was made, and to no other development; and
 - (iii) is made by or on behalf of the same applicant; and
 - (iv) that 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 3 to 6
- (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 which members of the public are admitted (whether on payment or otherwise)

⁸ SD252/05

- (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.
- (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 Order.

9. Exemptions

- (1) Article 3 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 greater safety, health or comfort;
- (2) Articles 3, 5 and 6 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

10. Revocation

The Town and Country Planning (Fees for Applications) Order (No 2) 2005⁹ is hereby revoked.

⁹ SD 683/05

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 3 shall be calculated in accordance with the table set out in Part II of this Schedule and paragraphs 6 and 7 of Part I of this Schedule.
2. Where 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 £141
3. Where 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 £43.
4. Where 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 £141
5. Where a planning application relates to a development falling within more than one of the categories specified in category 2 of the said table, 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 said table, 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) where 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.

	after minerals have been extracted from land; or (ii) the storage of minerals in the open; or (iii) operations for the winning and working of minerals	
(h)	Installation, alteration or replacement of satellite antennae.	NIL
(i)	The erection, alteration or replacement of plant or machinery	£53
(j)	(i) The carrying out of operations(including erection of a building) 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 required for a purpose incidental to the existing use of the land.	£53
(k)	Any operation not falling within (a) to (j) above.	£53

3.	Application for change of use of a building or land (other than a material change of use coming within any of the above categories).	£53
4.	Application for a certificate of lawful use or development. (i) Existing use and development (ii) Proposed use and development	Fee to reflect the amount that would be payable in respect of an application for planning permission. Half fee to reflect the amount had an application for planning permission been made.
5.	Advertisements. (i) Advertisements displayed on business premises, on the forecourt of business premises or on other land within the curtilage of business premises, wholly with reference to all or any of the following matters a) the nature of the business or other activity carried on the premises;	£80

	<p>b) the goods sold or the services provided on the premises; or</p> <p>c) the name and qualifications of the person carrying on such business or activity or supplying such good or services</p> <p>(ii) Advertisements for the purpose of directing members of the public to or otherwise drawing attention to the existence of business premises which are in the same locality as the site on which the advertisement is to be displayed but which are not visible from that site.</p> <p>(iii) All other advertisements.</p>	<p>£80</p> <p>£131</p>
6	Variation or discharge (removal) of condition.	£141

Made 8th February 2006

A. R. Bell
Minister of the Treasury

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) (No 2) Order 2005.

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