



Northumberland County Council

Planning Fees and Charges Supplementary Guidance Document (further clarification on how planning fees are calculated)

July 2020

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Scope

This document has been produced to be read in conjunction with Northumberland's Planning Fees and Charges. The latest version of this document can be found in the Planning fees section on our website

https://ecab.planningportal.co.uk/uploads/english_application_fees.pdf

It is commonly acknowledged that planning-related fees were introduced so that users of the planning system, rather than taxpayers in general, meet the costs incurred by local planning authorities in deciding planning applications. The Planning Practice Guide states that the local planning authority must decide the fee which will apply to the application based on the category, or categories of development if the application is for more than one type of development and we usually find that our customers are happy to pay the identified planning application fees that allow the Local Planning Authority (LPA) to consider and determine their applications. The following information is provided for guidance and clarification with regards to how Northumberland County Council interprets the fee regulations.

Floor Space

When measuring floor space for fee calculation purposes gross floor space to be created by the development shall be ascertained by external measurement of the floor space, whether or not it is to be bounded (wholly or partly) by external walls of a building as explained in the Town and Country Planning (Fee for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, Schedule 1, Part 1, Chapter 3, Paragraph 12(1). Northumberland County Council takes this to include:

- Terraces;
- balconies;
- mezzanines;
- stores/bin stores;
- enclosed external areas e.g. compounds and external sales areas (this also includes areas where the proposed development creates an enclosed area as a result of building works and this area becomes usable space e.g. quadrants within schools and office buildings);
- perimeter wall thickness and projections (party walls are to be measured to their centre line);
- areas occupied by internal walls and partitions;
- columns;
- piers;
- chimney breasts;
- stairwells and the like;
- lift rooms;

- plant rooms;
- tank rooms;
- fuel stores;
- open sided covered areas e.g. carports and enclosed car parking areas.

In addition to the above any areas set aside for storing equipment/vehicles/objects that can be moved in and out can be classed as usable floor area and therefore included in any floor space calculation for fee calculation purposes.

An area surrounding an immovable fixture (for example effluent processing/storage tanks) that is fenced off for public/employee safety and can't be used for any other purpose will not be considered usable floor space and therefore not included in floor space calculation for fee purposes.

If the application is for a new building to replace a building, which is to be demolished, there is no discount for the size of the existing building. The fee would be based on the floor space of the proposed building.

Holiday Lets

Although a holiday unit and a dwelling both fall within the same use class this is not the case in terms of planning fees. Northumberland County Council considers holiday lets to be commercial development and when calculating the fee, fall outside the definition of a 'dwellinghouse'.

The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 define a 'dwellinghouse' as a building which is to be used as a single private dwellinghouse and no other purpose.

Buildings and Caravans

The term "building" in section 336(1) of the 1990 Act has a wide definition which includes "any structure or erection". When considering whether structures or erections are buildings you have to consider their size, permanence and physical attachment to the ground. The sheer size, weight and bulk of a structure are good indicators to determine whether something is a building. Permanence has to be construed in terms of significance in the planning context.

For fee purposes a static caravan or park home will be treated as a 'building' if the proposed development remains in situ for more than 10 months per year. In these circumstances the fee charged will be based on the erection of a building (and whether that building is commercial i.e. holiday use or permanent residency (see information on holiday lets above)).

If the proposed development does not remain in situ for more than 10 months a year but involves hard standings, connections to services, lighting etc. please see our advice under the heading Caravan Sites. The description of the development should make reference to the seasonal use of the land for the stationing of caravans. Please note the onus is on the applicant/agent to prove that the proposed structure is not a building based on the information provided above. The above also applies to gypsy and traveler sites.

Please see the FAQs section below for further clarification.

Floorspace of a static caravan

Where flexibility is required and the make and model of the static caravan is not known at the time the planning application is submitted, for fee purposes the Local Planning Authority consider that the average size of a static caravan or park home is 40m². The average floor space of a balcony/decking associated with a static caravan or park home that is used for commercial or holiday purposes is assumed to be 6.7m².

Caravan Sites

If the proposed development is within an existing caravan site, and the units are touring caravans (i.e. not a building or permanent structure) and no operational development/groundworks is involved a change of use fee will be charged.

Where operational development/groundworks are proposed e.g. access, footpaths, lighting, communal facilities, roads, connection to services etc. the fee will be based on the site area (fee category 10 (2)) the site area should include the whole of the site for which permission is sought.

If the proposal also includes development falling within other fee categories each individual element of the proposal will be calculated and the higher of the fees charged (see mixed use development diagram on page 8).

Storage Containers

Where an application for storage containers is received the size, permanency and attachment to ground is considered. Containers will generally be considered as operational development and fee based on the floor area of the proposed development (fee category 2(2)). Where the change of use of land is also required as part of the development the higher of the two fees (change of use of land fee category 12 or the erection of a building fee category 2(2)) will be charged.

Wind Turbines

Wind turbines are charged as Category 5 of the fee regulations “erection, alteration or replacement of plant or machinery” for fees purposes (unless of the small domestic type, where installation should be treated as an alteration or curtilage operation in Category 6 or 7a in the Fee Regulations if not allowed as permitted development). To calculate the fee for a new windfarm, add all the land over which the blades of each turbine can rotate (area of sweep will be approximately 3.1416 times the square of the radius) to the area of the footprint of any ancillary structures and engineering works. On an application to put up wind turbines it is not necessary to include within the red line(s) any land between the turbines if no development is proposed there.

Solar Photo-voltaic Panels

There is no national guidance on the fee category for solar photo-voltaic (PV) installations. Northumberland County Council considers that such applications fall within “erection, alteration or replacement of plant or machinery” for fees purposes (Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations 2012).

Plant and Machinery

There is currently no statutory guidance with regards to what is considered plant and machinery. Northumberland County Council have therefore taken the following position in relation to planning application fees: A development will be considered plant and machinery where:

- a process takes places;
- there are moving parts;
- machinery/equipment/apparatus used in industrial companies.

Alternative use classes

For mixed use developments please refer to flow diagram on page 8. Example: Full application - Erection of buildings for Class B1, B2 and B8 uses The applicant would like the option for different uses within the building being: • One use class (B1) for a 4,000sqm building (the whole building); • Two uses classes (B1 and B2) on 2,000sqm of the building; and • Three use classes (B1, B2 and B8) on the other 2,000sqm of that building Fee calculation as follows: Whole fee for area of site option 1 (use class B1), plus half fee for area of the site to be used for use class B2, plus half fee for area of site to be used for use class B8. When using the Portal Fee Calculator each option has to be entered separately: The first option has no concession/reduction; the second and third entries need to indicate a concession. Then you have to add each of the three calculations together to get the total fee.

Live/Work Units (L/W)

Any plans and supporting information must clearly indicate/define areas for live, work and/or any common/shared areas.

No common/shared areas

Where there are no common/shared areas the two component fee categories will be calculated e.g. category 1 for the live element and category 2(2) for the work element. The above two fees will be added together to make the total fee payable.

Common/shared areas

Where common/shared areas are included in the development the proportion of the building which is non-residential is calculated. This same proportion of the common/shared area is considered to be non-residential and included in the fee.

For example if 60% of the building is non-residential, 60% of the common/shared area is considered to be non-residential. This total non-residential floor space is used to calculate the fee as indicated above i.e. by adding the two fees (category 1 development and Category 2(2) development together).

For relevant regulations please see [The Town and Country Planning \(Fees for Applications, Deemed Applications, Requests and Site Visits\) \(England\) Regulations 2012 Schedule 1, Paragraph 13, subparagraph \(3\)\(a\).](#)

Annexes

The definition of an annexe is: -

Accommodation which is ancillary to the main residential dwelling and used for this purpose. It may be interconnecting within the property as a whole (for instance via doorways) or it may be accessed via a completely separate external entrance, but if it forms separate and additional accommodation for the main house, it will be viewed as an annexe.

Incidental outbuildings in the curtilage (shed/summerhouse/office/gym etc.) £206 (should be submitted on a householder application form).

Ancillary outbuildings in the curtilage (bedroom/living room etc. but NOT fully self-contained) £206 (should be submitted on a full planning application form).

Self-contained outbuildings/annexe (bedroom, living room, bathroom, kitchen-facilities of a dwellinghouse) £462 (Should be submitted on a full planning application form).

Extensions to flats

These are charged under category 2 - The erection of buildings (other than building in categories 1,3,4,5 and 7) and fee calculated based on the floor space.

Amendment to applications following the grant of planning permission

Northumberland County Council recognises that new issues may arise after planning permission has been granted which may require modification of the approved proposals.

Where these modifications are fundamental or substantial, a new planning application under section 70 of the Town and Country Planning Act 1990 will need to be submitted and incur the relevant fee for that type of development based on the fee categories in the fees and charges document.

However, where less substantial changes are proposed, there are options as follows:

- to submit a 'Minor Material Amendment' application to vary or remove conditions under s73 of the Town and Country Planning Act 1990 (where the permission has not been implemented but the permission is extant) or s73A of the act (where the permission has been implemented) incurring a fee of £234; or
- to submit a 'Non Material Amendment' under s96A of the Town and Country Planning Act 1990 incurring a fee of £34 for householder or £234 in respect of all other development.

Circumstances where the Council would not accept a s73 or s73A application may include the following:

- Alterations to the red line of a previously permitted scheme;
- The scheme is proposed to be altered to comply with adopted Policies in a Neighbourhood Plan, or the Local Plan;
- The proposed change cannot be reasonably conceived with the terms of the original planning application;
- The effect of the proposed change would not be minor in nature or proposed effect. For example; if the intention is to use a residential annex as a separate and independent dwelling then a section 73 application to lift a restrictive occupancy condition would not be the way to achieve the desired outcome if the original development was described as an 'annex'.
- To extend the time limit within which a development must be started or an application for approval of reserved matters must be made
- If there is no relevant condition in the permission listing the originally approved plans

Please note: An application to lift an occupancy condition would not change the original description of the proposed development. Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and un-amended.

Holiday/Occupancy Restrictions

If the original description of the proposed development included the words 'holiday' it would still be a holiday development if an occupancy condition were to be lifted. We have been advised of instances where banks/building societies will not lend against a development with 'holiday' in the description. Therefore, if the intention is to remove reference to holiday in the description and to remove the condition, the s73 application would not achieve this.

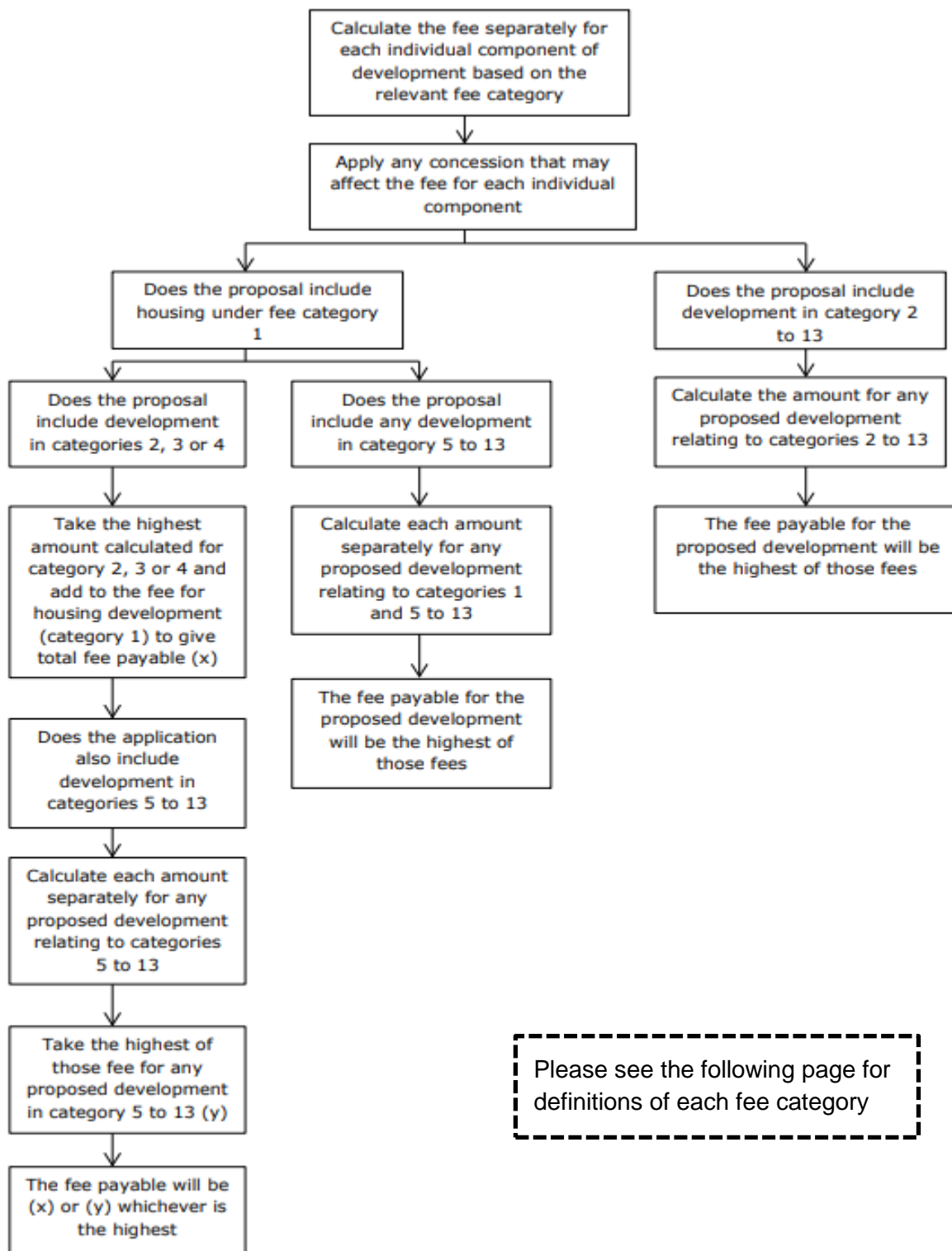
This can only be achieved by submitting a full application or submitting a S73 application to remove the condition and a Certificate of Lawfulness for the use of a building as a dwelling.

If the original description of the proposed development was for residential use but a holiday occupancy condition was imposed then depending on timing it could be appropriate to use section 73 or section 73a of the 1990 Act to lift the occupancy condition if the intention is to use the property as a residence.

Annexes

Annexes fall into a different use class to a dwelling house therefore if the original description of the proposed development included the word 'annexe' a full application must be submitted to use as a dwelling.

Mixed Use Developments



Source: <https://www.gov.uk/guidance/fees-for-planning-applications#mixed-development-calculated>

Development categories and definitions	
Category	Definition
1	The erection of dwellinghouses (other than development in category 6)
2	The erection of buildings (other than buildings in categories 1,3, 4, 5 or 7).
3	The erection of buildings (other than buildings in categories 1,3, 4, 5 or 7).
4	The erection of glasshouses on land for the purpose of agriculture.
5	The erection, alteration or replacement of plant or machinery
6	The enlargement, improvement or other alteration of existing dwellinghouses.
7	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 the erection or construction of gates, fences, walls or other means of enclosure along a boundary of the curtilage of an existing dwellinghouse.
8	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
9	The carrying out of any operations connected with exploratory drilling for oil or natural gas.
10	The carrying out of any operations not coming within any of the above categories.
11	The change of use of a building to use as one or more separate dwellinghouses.
12	The use of land for— (a) the disposal of refuse or waste materials; (b) the deposit of material remaining after minerals have been extracted from land; or (c) the storage of minerals in the open
13	The making of a material change in the use of a building or land (other than a material change of use in category 11 or 12(a), (b) or (c))

The schedule of fees and the above definition can be viewed here:
<http://www.legislation.gov.uk/ukxi/2012/2920/schedule/1/part/2/made>

Access/ Highway

When submitting an application a Location Plan and Site Plan should be provided indicating the application site clearly edged with a red line. It should include all land necessary to carry out the proposed development (e.g. land required for access to the site from a public highway, visibility splays, landscaping, car parking and open areas around buildings) A blue line should be drawn around any other land owned by the applicant, close to or adjoining the application site.

<https://www.gov.uk/guidance/making-an-application#Plans-and-drawings> Paragraph: 024 Reference ID: 14-024-20140306

For further information regarding validation requirements can be found in Northumberland County Council's Local Validation List:

<https://www.northumberland.gov.uk/NorthumberlandCountyCouncil/media/Planning-and-Building/Validation-Checklist-August-2017-22-6.pdf>

The above states that access to the site from a 'public highway', Northumberland County Council considers this to mean the following: Unclassified Roads, Class A,B,C Roads, Trunk roads and byways (considered a public highway under the Highways Act over which the public has the right to pass and repass by vehicle).

Advertisements Consents

Where an application relates to the display of one advertisement only please refer to page 7 of the Planning Portals guide to Planning fees

https://ecab.planningportal.co.uk/uploads/english_application_fees.pdf

Where an application relates to the display of more than one advertisement on the same site the highest of the fees will be payable. In these circumstances Northumberland County Council considers 'the same site' to be a specified area which can be clearly indicated on one plan of an appropriate scale at A4 or A3 size.

Where the application relates to the display of advertisements on parking meters, litter bins, public seating, benches, bus shelters or charging points for electric vehicles within a specified area, the whole area to which the application relates shall be treated as one site and the relevant fee payable as above.

Where the application relates to the display of advertisements on more than one site the fee payable shall be the sum payable in respect of each site combined.

The full regulations regarding the above can be found here:

<http://www.legislation.gov.uk/uksi/2012/2920/regulation/13/made>

Variation/ Modification of Section 106 Agreement

Planning obligations can be renegotiated at any point where the Local Planning Authority and developer wish to do so. If there is no agreement to renegotiate voluntarily and the planning obligation predates April 2010 or is over 5 years old, an application may be made to the Local Planning Authority to change the obligation where it: 'no longer serves a useful purpose' or would continue to serve a useful purpose in a modified way:

Requests to vary agreements, regardless of age or if the Council are in agreement, should be made to NCC using the application form available on the website.

The fee for this type of application is £234 (plus normal legal fees)

Material Starts/Commencement of Development

Material starts can only be confirmed by submitting a Certificate of Lawfulness however Northumberland County Council can also provide an informal response from a Planning Case Officer on what constitutes a material start i.e. how much work needs to be carried out before submitting a certificate.

Fees regarding this service can be found at https://ecab.planningportal.co.uk/uploads/english_application_fees.pdf

When seeking formal confirmation the submission of a certificate of lawfulness application is required of which there are two types:

Certificate of Lawfulness - Existing

This certificate can be used to establish the lawfulness of an existing land-use, or of development carried out.

If using this route to confirm a material start the red line indicated on the location plan submitted must only encompass works already carried out. This route will only confirm works completed are lawful and not any future works granted by the permission.

The fee is the same as a full application for the works carried out.

Certificate of Lawfulness – Proposed

This certificate is used to confirm a proposed use would be lawful i.e. that permitted works yet to be carried out are lawful.

If using this route to confirm a material start the red line indicated on the location plan must be the same as the previously approved location plan.

The fee would be based on half the normal planning fee if submitting a new application for that use or operation.

Concessions

The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2017 set out an applicant's entitlement to a 'free go'. Information regarding this can be found on page 6 of the Planning and Sustainable Development Fees and Charges document. In addition to this please note the following information:

- The applicant must be the same as the previous application
- The site area indicated in the redline must not encompass any new land unless to include means of access.
- The redline can be smaller than the previous application however there is no

refund for the difference in fee.

- The application type must be the same as previous
- Following a withdrawn application a request for a 'free go' must be submitted within 12 months from the validation date and not the date the application was withdrawn.

This and further information is set out in this [table](#).

Concessions - Prior Approvals

Free Go applications - please note that Free Go requests do not apply to prior notification applications.

'A fee for a prior approval application is payable in relation to certain types of development authorised by the 1995 Order. The amounts are payable every time an application for prior approval is made.'

The above information can be found by following the below link, under the heading How are fees calculated for prior approval applications?

<https://www.gov.uk/guidance/fees-for-planning-applications>

Concessions – For alterations, extensions, etc. to a dwelling house for the benefit of a registered disabled person

This concession will only be applied where the development is to:

- Alter or extend an existing dwelling; or
- Undertake works in the curtilage of an existing dwelling in order create an access and/or provide for improved safety, health or comfort

To any a dwelling a disabled person is living or intending to live.

Proof of disability will be required and should take the form of an official document e.g. letter from the Department of Work and Pensions, GP etc.

Further information can be found in [Paragraph 036 - Development providing for people with disabilities](#) of Planning Practice Guidance and [Regulation 4 of the 2012 Fees Regulations](#).

Concessions - Permitted Development

The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 under Regulation 5 offered a concession where permission was only being sought due to the removal of permitted development rights.

The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2017 removed this concession. As a result if permission is being sought due to permitted development rights being removed (i.e. normally permission would not be required as the

development is considered permitted development) then a fee is payable.

The fee payable will be based on the relevant category as set out in the Fee Guidance.

Refunds

Once a planning fee has been paid and accepted (i.e. the application is made valid) planning application fees cannot be refunded unless:

- In relation to the Planning Guarantee
- When a request for a written confirmation of compliance is not completed within 12 weeks
- In some circumstances for deemed planning applications.

Further information can be found in the Refunds and adjustments section of Planning Practice Guidance Please note that refunds can take up to 3 weeks to process as they need to be approved and if you pay the Planning Portal directly, the refund will be processed via the Planning Portal.

All refunds will be by the same method of payment as the original transaction e.g. if an applicant pays by card, the refund will be direct to the original payment card.

Discharge of Conditions

The charge is per request not per condition and therefore more than one condition can be discharged per request.

There is no fee if the request relates to a condition or conditions on an application for Listed Building Consent or planning permission for the relevant demolition in a conservation area.

Where a partial discharge of condition is issued e.g. further information is required to be submitted and approved by the LPA the submission will be treated as a new request and another discharge of condition fee (as set out above) is required.

Where a condition specifies the information is required to be submitted in stages and/or periodically, the fee will only apply to the first request and no charge applied to any subsequent requests for that condition.

Frequently Asked Questions

Q There have been no changes to the fees regulations or PPG so why has Northumberland County Council adopted this approach to calculating the planning fee for caravans on holiday/commercial caravan sites as floor area?

A Whilst there have been no changes to the fees regulations or PPG, the Government has tasked Local Planning Authorities with interpreting planning fees. Courts have found that cranes, marquees and poultry sheds on skids have all been buildings and an object may be a building in planning law without being incorporated into the land. The Courts have determined that the ability to move poultry sheds around a field did not remove the significance of their presence in planning terms. The sheer size, weight and bulk of a structure are good indicators to determine whether something is a building. The above ruling supports Northumberland County Council's adopted approach to calculate fees for applications of this nature by floor area.

Q What would be the implications if I apply just for the bases?

A If the application was for bases only it would be considered as a site for touring caravans, and conditioned accordingly.

Q Why has the fee been calculated differently to an application I made in 2015 for a similar proposal?

A It is commonly acknowledged that planning-related fees were introduced so that users of the planning system, rather than taxpayers in general, meet the costs incurred by local planning authorities in deciding planning applications. The Government has tasked Local Planning Authorities with interpreting planning fees, so Northumberland County reviews its adopted approach in line with any legal rulings and amends its published guidance accordingly.

Q I submit lots of applications to other local authorities around the Country, and my adopted approach has always been accepted. The other authorities seem quite happy with the amount I've paid, so why doesn't Northumberland County Council accept how I've worked out the fee?

A The Government has tasked each Planning Authority with interpreting planning fees so that users of the planning system, rather than taxpayers in general, meet the costs incurred by them in deciding planning applications. It is for this reason that Northumberland County Council periodically reviews its adopted approach to take into account any legal rulings and amends its published guidance accordingly.

Q I have applied for static caravans on a commercial holiday site. The definition of a caravan hasn't changed, so why is Northumberland County Council basing planning fees on floor area?

A A caravan means any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted, and the General Permitted Development Order 2015 states that "a building includes any structure or erection".