



Planning Application Fees Supplementary Guidance

With effect - 6th December 2023

Introduction

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.

Planning Application fees are set nationally by the government and are detailed in the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012.

Legislative changes have been confirmed setting out increased application fees with effect from 6th December 2023. The application fee guidance is available [on the planning portal](#), and full details of the legislative amendments along with the schedule of fees is available [here](#).

The following information sets out the council's interpretation of the fee regulations and should be used as guidance. Please note that information and guidance in relation to locally set fees such as Pre-application Advice, Monitoring and other Administrative categories, can be found on the respective areas of the council's [website](#).

Ways to Pay

The quickest and most efficient way to submit an application, is to use the Planning Portal's comprehensive online application service. Using this service requires payments to be made directly to the Planning Portal, before the application is released.

For submissions made directly to Boston Borough Council, you can pay;

By Debit or Credit Card –

- Over the phone – call; 01205 314305 (lines open 8.45am – 5.15pm Mon – Thurs, 8.45am – 4.45pm Fri)
- Using 'Chip and Pin' over the counter at Main Reception, Boston Borough Council, Municipal Buildings, West Street, Boston, PE21 8QR; or
- Online at [Pay - Boston Borough Council](#)

By BACS –

Account Name: Boston Borough Council General Account

Sort Code: 40-12-30

Account Number: 91644726

If paying by this method, please email planning@boston.gov.uk to inform us, so that we can ensure our Finance Team allocate the payment correctly.

Cheques –

We do not encourage payment by cheque, however, if this payment method is used please make payable to Boston Borough Council and ensure clear reference to the application site address is written on the back. Charges for this payment method will be introduced from April 2024 (proposed administrative charge of £25.00).

Cash payments are no longer accepted.

Guidance and Interpretation of how to apply fees

Please note that the following information gives this council's interpretation of how the fee charges are to be applied and calculated. If you are unsure what fee applies or need any other assistance you can contact us. Without the correct fee the Council will be unable to process your application.

Floor Space

When measuring floor space for fee calculation purposes gross floor space to be created by the development shall be ascertained by the external measurement.

This measurement should include all useable floor space, including;

- Balconies, terraces, verandas
- Enclosed external areas
- Open sided covered areas such as canopies and car ports
- Stores/bin stores
- Stairwells and ramps
- Mezzanines
- Plant and machinery rooms and stores

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. The council considers holiday let accommodation 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.

Therefore, developments for new holiday accommodation shall be calculated based on floor space created - [category 2](#).

Caravans

This section addresses how fees should be calculated for caravans, dependent on the characteristics and nature of the proposal.

Please note this interpretation relates purely to Planning Application Fee charges, and has no bearing on requirements for Caravan Licensing, or other relevant legislation which may be applicable to caravans.

When considering fee calculations for caravans including park homes, or any other structure designed or adapted for human habitation, it is necessary to determine whether the unit is considered as a 'caravan' – i.e. 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), or whether the unit should be treated as a 'building'.

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 it appears to us that development is likely to remain in situ for more than 10 months per year. In these circumstances the fee charged will be based on the erection of a building.

Where the proposed use of the unit is as **permanent residency**, the fee will be [category 1](#) (£578 per dwelling).

Where the unit is commercial i.e. **holiday use** the fee shall be calculated based on floor space created - [category 2](#) (refer to guidance in 'Floor Space' and 'Holiday Lets' sections above).

For accommodation that is genuinely temporary or easily moveable and no operational development or groundworks are involved a change of use fee will be charged - [category 14](#).

Caravan Sites

For accommodation that is genuinely temporary or easily moveable such as touring caravans on an existing caravan site (i.e. not a building or permanent structure) and no operational development/groundworks is involved a change of use fee will be charged - [category 14](#).

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 ([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](#)).

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. The 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. The 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.
- Solar Photo-voltaic Panels

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

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 or it may be accessed via a completely separate external entrance. If it forms additional accommodation for the main house, it will be viewed as an annexe.

Applications for Annexe accommodation – by way of extension, conversion of outbuildings or a new building within the curtilage of a residential dwelling, will be accepted as a Householder Planning Application, with the respective fee - [category 6](#) - £258

If the intention is for the building to be let out or occupied independently to the host property, this would not be considered as Annexe accommodation and the relevant application type and fee for a new dwellings, or holiday let should be applied.

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

Sometimes new issues may arise after planning permission has been granted which may require modification of the approved proposals. The type of application required to deal with amendments may vary depending on the circumstances around the development and nature of the amendments.

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 £293; or
- to submit a 'Non Material Amendment' under s96A of the Town and Country Planning Act 1990 incurring a fee of £43 for householder or £145 in respect of all other development.

Guidance in relation to amendment types is available through the Na [National Planning Practice Guidance](#) and the [summary comparison table](#) within it.

Mixed Use Development

[The National Planning Practice Guidance](#) provides helpful guidance and a [flowchart](#).

Alternative Proposals

If the application is an alternative proposal being submitted on the same site by the same applicant on the same day, where this application is of lesser cost then the fee is 50%.

If two or more applications are submitted for different proposals on the same day and relating to the same site then you must pay the fee for the highest fee plus half sum of the others.

Discharge of Conditions and applications for Confirmation of compliance

Some conditions attached to planning approvals require details to be approved or discharged prior to, or at certain stages of development. These are applications for 'Approval of Detail Reserved by Condition'

Some conditions are self-regulatory, and do not require details to be submitted to the Local Planning Authority for approval.

Submissions can also be made to request 'Confirmation of Compliance' with conditions. Where a formal decision is required to confirm conditions have been complied with.

The charge is per application, not per condition. Therefore, applications can be made in relation to multiple conditions at once.

Applications for 'Approval of Details Reserved by Condition' and 'Confirmation of Compliance' are charged as follows;

- Householder permissions - £43
- All other permissions - £145

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.

Concessions and exemptions

Certain application types do not require an application fee;

- Listed building consents
- Applications for works to trees covered by a Tree Preservation Order or in a Conservation Area
- Planning Permission for relevant demolition in a Conservation Area
- Discharge of conditions imposed on a Listed Building Consent
- If the application is for a Certificate of Lawfulness of Proposed Works to a listed building
- Hedgerow Removal Notice

Exemptions from payment

There are various circumstances and application types in which exemptions and reductions apply. These are set out in the guidance on pages 9-10 of the [planning portal guidance](#).

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](#).

'Free-go' – Planning Applications and Advertisement Consent only

The provision of a 'free-go' for a resubmitted applications will be removed as part of the legislative changes set out in [Town and Country Planning \(Fees for Applications, Deemed Applications, Requests and Site Visits\) \(England\) \(Amendment\) Regulations 2023](#) coming into effect. Individual applications that were already eligible for a free resubmission prior to the change (i.e. before 6th December 2023) will remain so. Therefore, any application which meets the [appropriate criteria](#) up to 5th December 2023, will remain eligible for a free resubmission up to 5th December 2024.

Advertisement Consent - An application that is the first and only revision of a previous application, for display advertisement(s) of the same description, on the same site(s) or part(s) of the site(s), by the same applicant, where it will be received by the Local Authority within 12 months of:

- the Local Authority receiving the previous application if it was withdrawn; or
- the previous application being refused;

and, in all cases, where that relevant 12-month period started no later than 5th December 2023.

Appendix 1

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, on land used for the purposes of agriculture, or buildings used for agricultural purposes (other than buildings in category 4).
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 (other than operations coming within category 9) for the winning and working of oil or natural gas.
11	The carrying out of any operations not coming within any of the above categories.
12	The change of use of a building to use as one or more separate dwellinghouses.
13	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
14	The making of a material change in the use of a building or land (other than a material change of use in category 12 or 13(a),(b) or (c)).

The schedule of fees and the above definition can be viewed here: [legislation.gov.uk](https://www.legislation.gov.uk)

Frequently Asked Questions

- Q.** There have been no changes to the National Planning Practice Guidance so why has the council adopted this approach to calculating the planning fee for caravans on holiday/commercial caravan sites as floor area?
- A.** The Government have 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 the council's adopted approach to calculate fees for applications of this nature by floor area.
- 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 the council has reviewed its adopted approach in line with any legal rulings and provides guidance accordingly.
- It is timely, with the increases to application fees being introduced from 6th December 2023, for the council to review their approach and provide their interpretation in a Supplementary Guidance document to provide clarity to our service users.
- Q.** I have applied for static caravans on a commercial holiday site. The definition of a caravan hasn't changed, so why is the 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".
- 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 the 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 the council periodically reviews its adopted approach to take into account any legal rulings and amends its published guidance accordingly.