



Cornwall Council
Planning and Sustainable Development

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

Revised December 2018

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Scope

This document has been produced to be read in conjunction with Cornwall Council's Planning and Sustainable Development Fees and Charges Document for Planning, Building Control and Land Charges. The latest version of this document can be found in the Planning fees paragraph on the application forms for planning with guidance page of the Council's web-site (here: <http://www.cornwall.gov.uk/environment-and-planning/planning/planning-advice-and-guidance/application-forms-for-planning-with-guidance/>)

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 Cornwall 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). Cornwall 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. car ports 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 useable 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 useable 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.

More information and clarification please see the FAQs section below further information can also be found on our web pages: <http://www.cornwall.gov.uk/environment-and-planning/planning/whats-new-in-planning/>

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. Cornwall Council considers holiday lets to be commercial development and to 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 where Cornwall Council considers the development to be for holiday let purposes (short or long term) even if the proposal had been described as a second home, the fee will be fee category 2 and based on the floor area.

N.B. Where the proposed development is for "the erection of dwellings", which are then subsequently sold as second homes, the fee would be based on category 1 and classified as a 'dwellinghouse'.

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.

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 6).

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 Planning and Sustainable Development Service 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. Cornwall 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 place or there are moving parts. For example silos, where the proposed development is a silo for storage only, the fee would be based on the erection of a building fee category 2(2). However if the proposed development is for a silo which is part of a process and processing takes place within that silo, the fee would be calculated based on fee category 5 erection of plant and machinery.

Alternative use classes

For mixed use developments please refer to flow diagram on page 5.

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.

Change of use of building(s) for short-term holiday lets

Where a change of use of a building(s) to a short-term holiday let for paying guests is sought, provided there are no operational developments, extensions or additional building works included a change of use fee will apply.

Example:

Full application - Change of use of building to three holiday units for short-term paying guests (no extensions or operational or additional building works included)

As these are for short-term paying guests the fee is based on change of use – one fee of £462.

Annexes

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

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

Self-contained outbuildings (bedroom, living room, bathroom, kitchen- facilities of a dwellinghouse) £462 (Should be submitted on a full planning application form and processed by the General Planning Team).

Further information regarding annexes can be found here:

<http://www.cornwall.gov.uk/media/23366462/annexe-guidance-note-december-2016-final.docx>

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

Cornwall 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

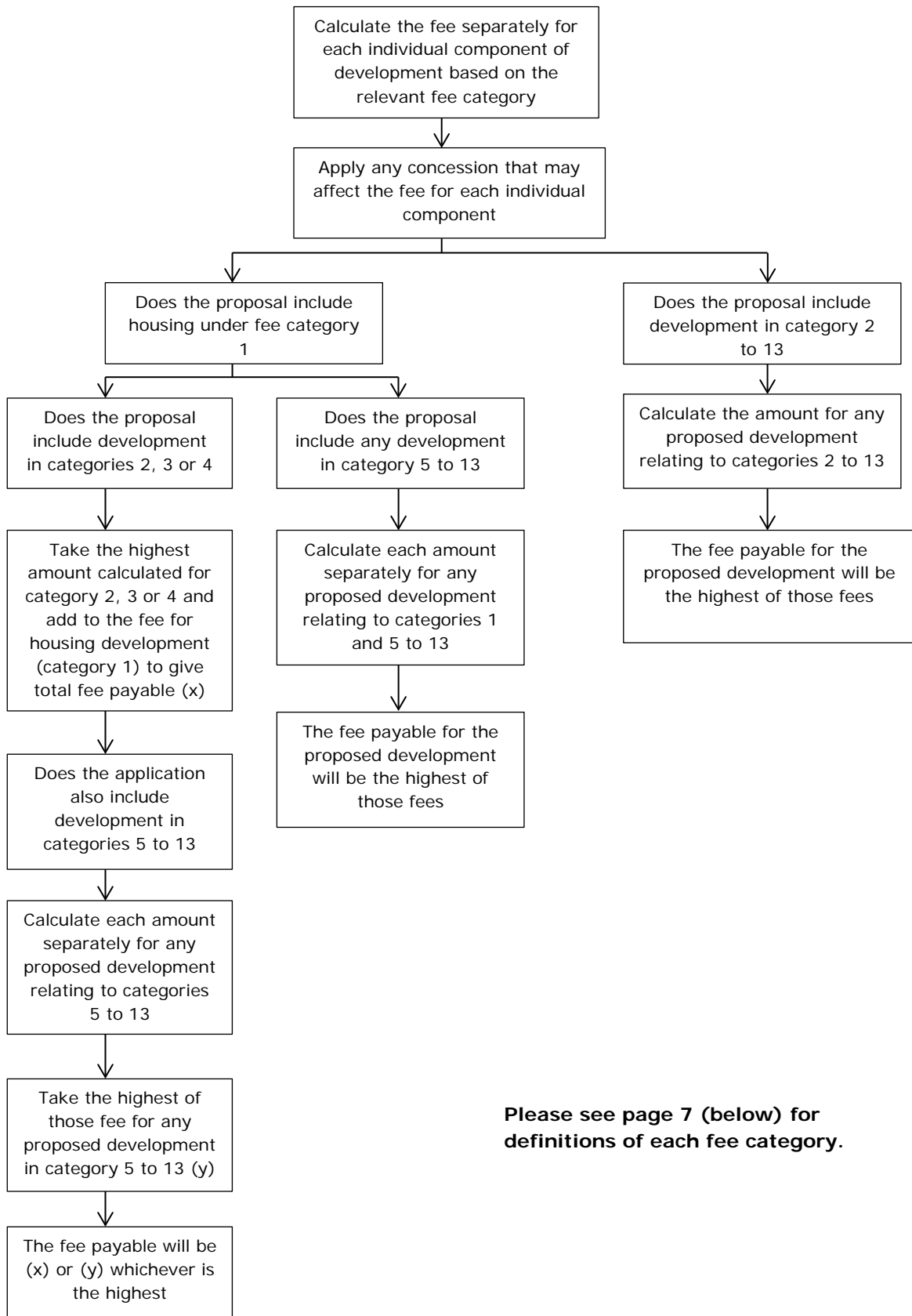
Please note: An application to lift an occupancy condition would not change the original description of the proposed development. Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and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

Cornwall Council recommends that advice is sought from the LPA via a pre-application enquiry on the suitability of applications made under s73 or s73A (for general or strategic development only for householder developments see below). Further information regarding this pre-application and the relevant charges can be found here: <http://www.cornwall.gov.uk/environment-and-planning/planning/planning-advice-and-guidance/pre-application-advice/>

For householder enquiries please contact the case officer for the original application or planninghouseholder@cornwall.gov.uk.

Further information regarding making amendments to planning applications can also be found here: <https://www.gov.uk/guidance/flexible-options-for-planning-permissions#make-minor-material-amendments>

Mixed use developments



Please see page 7 (below) for definitions of each fee category.

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

Development categories and definitions

Category of Development	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, of buildings to be 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 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/uksi/2012/2920/schedule/1/part/2/made>

Cornwall Council's Planning and Sustainable Development Fees and Charges Document for Planning, Building Control and Land Charges. The latest version of this document can be found in the Planning fees paragraph on the application forms for planning with guidance page of the Council's web-site (here: <http://www.cornwall.gov.uk/environment-and-planning/planning/planning-advice-and-guidance/application-forms-for-planning-with-guidance/>)

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 Cornwall Council's Local Validation List: <http://www.cornwall.gov.uk/environment-and-planning/planning/planning-advice-and-guidance/application-forms-for-planning-with-guidance/>

The above states that access to the site from a 'public highway', Cornwall 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).

Road classifications can be checked on Cornwall Council's intranet mapping:

<http://www.cornwall.gov.uk/community-and-living/mapping/>

Where access to the site is included within the blue ownership line access is not required to be shown within the red line as the access is under the ownership of the applicant.

Advertisement Consents

Where an application relates to the display of one advertisement only please refer to page 4 of the Cornwall Council, Planning and Sustainable Development, Fees and Charges Document Planning, Building Control and Land Charges found here: <http://www.cornwall.gov.uk/environment-and-planning/planning/planning-advice-and-guidance/application-forms-for-planning-with-guidance/>

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 Cornwall 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/ukxi/2012/2920/regulation/13/made>

Variation/Modification of Section 106 Agreement

There is currently no charge to vary/modify a S106 Agreement which is more than 5 years old.

Where the S106 agreement seeking to be modified is less than 5 years old charges will apply, please refer to page 10 of the Planning Fees and Charges document.

Please note that the date is determined from the date the S106 Agreement was signed and agreed and not the date the decision was made on the application.

Menage/Sand School

When considering an application for a menage/sand school two fees need to be considered:

1. Change of use fee (currently £462)
2. Category 10 development – The carrying out of operations not coming within any of the above categories.

Please refer to page 3 of the Cornwall Council, Planning and Sustainable Development, Fees and Charges Document Planning, Building Control and Land Charges Document found here: <http://www.cornwall.gov.uk/environment-and-planning/planning/planning-advice-and-guidance/application-forms-for-planning-with-guidance/>

Once calculated the higher of the above two categories will be charged.

e.g. Proposed change of use of part of land to create sand school. (size 0.49 hectares)

1. £462
2. 5 x £234 = £1170

Therefore £1170 the higher of the above two fees would be charged.

If the proposed development also incorporates other development such as stabling (fee category 2 development) again the higher of the fees will be charged.

e.g. Proposed change of use of part of land to create sand school (size 0.49 hectares) and proposed stable

1. £462
2. 5 x £234 = £1170
3. 1 x £234 = £234

Therefore the fee for this application would be £1170 the higher of the fees.

Concessions – Prior Approvals

Further to the information shown on page 7 of the main Cornwall Council, Planning and Sustainable Development, Fees and Charges Document regarding 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>

Discharge of Conditions

The current fee for the discharge of planning condition can be found in the Planning and Sustainable Development Fees and Charges document (<https://www.cornwall.gov.uk/media/32930565/fees-and-charges.pdf>.)

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.

FAQs

Q There have been no changes to the fees regulations or PPG so why has Cornwall 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 the Planning and Sustainable Development Service of Cornwall 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 the Planning and Sustainable Development Service of Cornwall Council reviews its adopted approach in line with any legal rulings and amends its published guidance accordingly. The fees charged for an application will be in accordance with Planning and Sustainable Development Service of Cornwall Council's published adopted approach at the time of submission.

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 Planning and Sustainable Development Service of Cornwall 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 Planning and Sustainable Development Service of Cornwall 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 the Planning and Sustainable Development Service of Cornwall 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".

If the intention is not to move the structure, and the word static implies that this is the case, then for fees purposes our view is to base the fee on floor area.

Contact details

Planning and Sustainable Development, Cornwall Council

Dolcoath Avenue, **Camborne**, TR14 8SX

Pydar House, Pydar Street, **Truro**, TR1 1XU

Chy Trewail, **Bodmin**, PL31 2FR

Email: planning@cornwall.gov.uk

If you would like this information
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