

REQUEST FOR CONFIRMATION OF COMPLIANCE WITH PLANNING CONDITIONS - NEW FEE CHARGES AS FROM 1 MAY 2008

As from the 6th April 2008, Local Planning Authorities are now entitled to charge developers for confirmation that conditions on a planning or related permission have been dealt with.

The fee for a single request which can cover all or just one of the conditions is £85 for non householder development and £25 for a householder development.

The legislation relating to this requires that Local Planning Authorities deal with such requests within 8 weeks of their receipt. If the request is not dealt with in that timescale the applicant has a right of appeal to the Secretary of State (unless a longer period has been agreed). If the request is not dealt with in 12 weeks the applicant is entitled to a full refund of the fee submitted.

It is therefore in the applicant's interest to submit all details (including samples of materials and all necessary plans) which relate to all conditions on a planning or related permission in one go. Otherwise a separate fee has to be charged for each request made.

All such request will require the relevant fee to be paid before they can be dealt with. Requests which are not accompanied by the fee will be returned.

Given the time needed to deal with such requests, which have to be balanced with dealing with planning applications etc, the Council strongly suggests that requests are made in plenty of time before a start on site is made or anticipated. If conditions are to be agreed before work commences the developer runs the risk of invalidating the planning permission should work start before all the conditions have been dealt with.

The Government, through their 1APP initiative, have provided a standard application form for this process. Applicants are advised to use this form.

The relevant form can be found using this link

http://www.eastdevon.gov.uk/plg_1app27.pdf

For further advice on this matter together with the fee schedule applicants are invited to use the following links

Dept for Communities and Local Government Circular 04/2008

<http://www.communities.gov.uk/planningandbuilding/>

Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations 2008 – Statutory Instrument No. 958

<http://www.opsi.gov.uk/si/si200809>