



# RTPI

mediation of space · making of place

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23 December 2010

Email response sent to: [julian.wheeler@communities.gsi.gov.uk](mailto:julian.wheeler@communities.gsi.gov.uk)

Dear Mr Wheeler,

## **Response to Proposals for changes to planning application fees in England**

Thank you for the opportunity to respond to the above consultation. The RTPI is a membership organisation representing over 23,000 spatial planners. It exists to advance the science and art of town planning for the benefit of the public.

This response has been put together following consultation with our members through the RTPI's Development Management Network and Independent Consultants' Network, and NAPE (National Association for Planning Enforcement).

Please note that the RTPI represents planning professionals in both the public and private sectors, including many who work for local authorities and many who work as advisors to development companies. It is clear that there is a difference of emphasis between these two sectors of our membership in their response to this consultation.

In the attached response, the RTPI has taken the view that the impact of the Comprehensive Spending Review will mean that local authorities need to ensure that services they provide are self-financing as far as possible, to reduce the reliance on council tax and the revenue support grant. With this in mind, as well as the need to ensure that fees reflect geographic differences in the spirit of localism, the RTPI is generally supportive of increasing local authorities' discretion in this regard.

However, the resulting inconsistencies and potential increases in fees are of great concern to many of our members working in private practice, and it is therefore very important, should local authorities be given greater discretion with regard to fees, to ensure that fee structures are reasonable and transparent, and that safeguards are in place to ensure that unnecessary costs are not passed on to developers. There is also a case for exploring whether there might be alternatives that could help bridge the gap between fees paid and the costs of delivering a development management service.

The RTPI and the expertise of its members working in both local authorities and the private sector are at the disposal of DCLG, should you wish to explore any of these issues further.

Please find the RTPI's responses to the formal consultation questions pertinent to planning below.

If you require any further assistance, please contact Jas Mahil, Planning Policy Officer on 0207 929 9494 or email [policy@rtpi.org.uk](mailto:policy@rtpi.org.uk) .

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Matt Thomson', with a long horizontal flourish extending to the right.

Matt Thomson  
**Head of Policy & Practice**  
Tel: 0207 929 8178

Enc.





## Consultation response form - Proposals for changes to planning application fees in England

We are seeking your views on the following questions on the Government's proposal for changes to planning application fees in England.<sup>1</sup> **If possible, we would be grateful if you could please respond by email.** Alternatively, we would be happy to receive responses by post.

Email responses to: [julian.wheeler@communities.gsi.gov.uk](mailto:julian.wheeler@communities.gsi.gov.uk)

Written responses to:

Julian Wheeler  
Communities and Local Government  
Zone 1/J1  
Eland House  
Bressenden Place  
London  
SW1E 5DU

### **(a) About you**

#### **(i) Your details**

Name:	<b>Matt Thomson</b>
Position:	<b>Head of Policy &amp; Practice</b>
Name of organisation (if applicable):	<b>Royal Town Planning Institute</b>
Address:	<b>41 Botolph Lane, London EC3R 8DL</b>
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Telephone number:	<b>020 7929 8178</b>

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<sup>1</sup> CLG (2010) Proposals for changes to planning application fees in England: Consultation document (see: [www.communities.gov.uk/planningandbuilding/planning/planningpolicyimplementation/planningfeesconsultation](http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyimplementation/planningfeesconsultation))

**(ii) Are the views expressed on this consultation an official response from the organisation you represent or your own personal views?**

Organisational response

Personal views

**(iii) Please tick the *one* box which best describes you or your organisation:**

Private developer or house builder

Housing association or RSL

Land owner

Voluntary sector or charitable organisation

Business

Parish council

Local government (i.e. district, borough, county, unitary, etc.)

Regional government

National Park

Other public body (please state)

Other (please state)

**(iv) What is your main area of expertise (please tick as many boxes that apply)?**

Planning

Legal

Housing

Economic or commercial development

Environment

Transport

Other (please state)

**(v) Do your views or experiences mainly relate to a particular geographical location?**

South West

South East

East of England

East Midlands

West Midlands

North West

Yorkshire and The Humber

North East

London

All of England

✓

Other (please comment)

**(vi) Would you be happy for us to contact you again in relation to this consultation?**

Yes

✓

No

**(b) Consultation questions**

**Question 1:**

- 1. Do you agree that each local planning authority should be able to set its own (non-profit-making) planning application fee charges?**

**Strongly Agree**

**Agree**

✓

**Neither Agree nor Disagree**

**Disagree**

**Strongly Disagree**

Explanation/Comment:

The principle of local fee setting is supported. Each local planning authority should be able to prepare and adopt its own charging scheme and apply local fees. It is important that local authorities secure as far as is practicable full cost recovery based on a non-profit making principle. At present this is not possible under a national fee setting regime which cannot take account of local circumstances and costs.

RTPI members working as consultants to the development industry – particularly to smaller developers – have concerns about practical implications with regard to consistency. In order to address these concerns, it is important to establish some national high-level guidelines for the setting of fees and also to prepare a set methodology which is recommended to local authorities as the basis for them setting local fees. At present challenges to required fees are generally low, given that these are set nationally but this could change with locally set fees unless robustness and transparency are assured for service users. This is important for all users of the planning service not just local residents. Many private consultants have queried if complaints to the Ombudsman will be effective.

It will also be important to make clear whether local authorities can apply fee discounts if they believe this to be justified and also adopt higher fees for a higher/quicker standard of service. Some customers have indicated that they would pay more for a fast track/priority service but this can raise issues of probity and fairness, particularly when viewed by objectors to an application.

**Question 2:**

2. **Do you agree that local planning authorities should be allowed to decide whether to charge for applications that are resubmitted following withdrawal or refusal?**

**Strongly Agree**

√

**Agree**

**Neither Agree nor Disagree**

**Disagree**

**Strongly Disagree**

Explanation/Comment:

It is not necessarily correct that re-submissions involve less work or resource. Charging a fee for a re-submission would increase the focus on both authority and applicant in getting the proposals/application correct and to a high standard in the first instance. Setting a fee for such circumstances would also reduce the approach taken by some applicants of submitting an application as a negotiation ploy knowing that this is likely to be refused, but with the fall-back of being able to submit a further application with no fee.

There are some concerns from users of the system that, whilst the target-driven culture remains, the reported practice of some authorities resulting in late requests to withdraw an application or have a refusal will continue but with no "free go" opportunity for an applicant.

Guidance will be required to establish if such fees would apply to all resubmissions or only to those proposals which are materially different to the original. It has also been suggested that any "free go" should only apply where pre-application advice has been sought following a refusal or withdrawn application.

**Question 3:**

3. **Do you agree that local planning authorities should be able to set higher fees for retrospective planning applications?**

**Strongly Agree**

√

**Agree**

**Neither Agree nor Disagree**  
**Disagree**  
**Strongly Disagree**

Explanation/Comment:

The ability to set a higher fee for retrospective applications is supported. However full regard should be had to the complex scenarios that can apply to planning enforcement. Given the large variance in enforcement cases and differing levels of engagements with potential applicants there are many practical difficulties in adopting a level of fee which would fully recover enforcement costs. It may be advantageous therefore to adopt different categories of standard retrospective fee based on the nature of development thus removing the need for authorities to carry out detailed calculations specific to each enforcement investigation.

One consequence of introducing retrospective fees may be reluctance on the part of the land owner/occupier involved to submit a retrospective application. In those circumstances the local authority would still be faced with the full resource costs of the enforcement investigation/action and the cost of defending any enforcement notice at appeal. Accordingly consideration should be given to setting and increasing the fees that apply to enforcement appeals.

Consideration will also need to be given to circumstances where the breach of control is a genuine mistake and error. There should be flexibility to set fees in a manner which takes full account of the individual case circumstance.

**Question 4:**

4. **Are there any development management services which are not currently charged for but should require a fee?**

Yes      ✓  
No

Explanation/Comment:

It is considered that on the basis of the objective of full cost recovery local authorities should be able to set fees for the following:

- Listed Building Consent applications
- Conservation Area Consent applications
- All tree works applications (TPO and Conservation Area)
- All applications resulting from Article 4 Directions and conditions removing permitted development rights
- Environment Assessment Screening and Scoping requests
- Certificates of Alternative Development
- Advertisements – Local fee setting should apply
- Certificates of Lawfulness – Local fee setting should apply
- Submission of details – Local fee setting should apply
- Confirmation of condition discharge/compliance – local fee setting should apply

**Question 5:**

5. **Are there any development management services which currently require a fee but should be exempt from charging?**

Yes  
No      ✓

Explanation/Comment:

**Question 6:**

- 6. What are the likely effects of any of the changes on you, or the group or business or local authority you represent?**

Comments:

Full cost recovery by local authorities will assist in efficient service provision but without robustness, consistency and transparency in the preparation, adoption and application of local fees the proposed changes are likely to be challenged by those representing the private sector and development interests.

**Question 7:**

- 7. Do you think there will be unintended consequences to these proposals?**

**Yes**

✓

**No**

Comments:

Given the nature of the proposals and the variation in local circumstances it is difficult to predict what the full consequences might be. Therefore some form of review provision should be confirmed so that the situation can be fully assessed after a period of operation. Some of the expectations set out in the risk assessment might not result in the manner suggested.

**Question 8:**

- 8. Do you have any comment on the outcomes predicted in the Impact Assessment, in particular the costs and benefits (See Annex B)?**

**Yes**



**No**

**Comments:**

There is a diverse range of views within the membership of the Institute as to the likely outcomes predicted as set out in our response.

We would ask that all views are carefully considered before any decision is made and in particular due regard given to the practicalities that arise from different local circumstances.

It is vitally important that a national framework, including methodology and guidance, to ensure consistency, robustness and effectiveness is put in place