



Fees for the discharge of Planning Conditions (including requests that conditions have been complied with)

The Town and Country Planning (Fees for Applications and Deemed Application) (Amendment) (England) Regulations 2008 (S. 1 2008/958)

The Government has introduced new fees for the discharge of planning conditions from 6th April 2008. Full details can be seen in the Statutory Instrument 958 issued by the Government on 2nd April 2008 (www.opsi.gov.uk/legislation).

A fee is now payable where a written request is made for the discharge of one or more conditions on the same permission. The fee is payable per request and not per condition. The fee chargeable by the authority is £85 per request (or £25 where the related permission was for extending or altering a dwelling house or other development in the curtilage if a dwelling house). The fee must be paid when the request is made, and cannot be received retrospectively. It does not matter when the permission was granted. The request, identifying the permission and the conditions concerned, can be made in any written form which is clear and legible.

A request to discharge conditions may be made by letter.

The Government requires authorities to deal with all requests within 8 weeks but fees are refundable if no response is sent within 12 weeks from the date of receipt. There is no 'free go' if the request for a discharge of a condition relates to revised details seeking to achieve compliance. For larger developments where ongoing discussions and correspondence are necessary the council will take a view as to whether a new fee is applicable dependent upon the amount of additional information required/submitted.

Requests to discharge planning conditions or to confirm they have been complied with that are received without the appropriate fee will not be considered.

Planning & Development Services
Roebuck House
Abbey Road
Torquay
TQ2 5DP
Tel: 01803 208701
Fax: 01803 208858
Email: planning@torbay.gov.uk
www.torbay.gov.uk/planning