



## 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. **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:	Aled Richards
Position:	Head of Development Management
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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  X  
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.)  X  
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  X  
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  X

- 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 Local Borough of Enfield welcomes option 1 which would afford the Local Authority to set its own planning fees to ensure that they cover the cost of the service rather than be subsidised by the tax payer.

**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:

Resubmitted application may be very different from the original application whilst still being entitled to a "free go". Resubmitted applications, can represent substantial work, and therefore cost, for an authority. A comprehensive "free go" fails to reflect this cost. The Authority welcomes the proposal to allow authorities to make their own decisions about whether or not to allow a "free go", depending on the local costs they expect to incur for resubmitted applications.

**Question 3:**

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

<b>Strongly Agree</b>	<input checked="" type="checkbox"/>
<b>Agree</b>	<input type="checkbox"/>
<b>Neither agree nor Disagree</b>	<input type="checkbox"/>
<b>Disagree</b>	<input type="checkbox"/>
<b>Strongly Disagree</b>	<input type="checkbox"/>

Explanation/Comment:

Retrospective applications are sometimes made as a result of investigation by a local planning authority enforcement departments. In these instances, they impose a greater cost on authorities than routine applications. The principle behind planning application fees is that they should be set at a level that allows authorities to fully recover the associated costs. The Authority agrees with the Consultation document's proposal that Local Authorities should be able to charge a higher fee for retrospective applications where the application has come about as a consequence of enforcement investigatory work by the authority, in order to recover all of the related costs. In addition applicants utilise this free go to delay enforcement action as a result of planning refusals, which can be very frustrating to local residents. Setting a planning fee for resubmissions would also allow local authorities to deter repeat applications for development which already exists (retrospective planning applications).

**Question 4:**

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

Yes   
No

Explanation/Comment:

Applications for Listed Buildings, Conservation Area consent and for works to trees that are the subject of a tree preservation order (TPO consent) do not currently incur a fee. The Authority has sympathy with the government's opinion on the unfairness of charging for such applications as these designations were effectively forced on local land owners.. It is recognised that the designation of Conservation Areas, Article 4 Directives and Tree Preservation Orders were imposed on property owners by the Authority and therefore it would appear unfair to set a planning fee for works on a TPO, or developments which would normally be permitted development for it not for an Article 4 Direction. However designations of listed buildings are not the decision of Local Authorities and whilst they have been predominantly imposed on house owners there has also been an additional burden placed on Local Authorities to determine Listed Building Consent applications. Such LBC applications generate significant work for planning departments and at the very least an administrative charge should be set. It also needs to be recognised that in most cases the designation of listed buildings have actually had the effect of increasing the property's value to the owner.

**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:

The likely effects would be to enable the Authority to recoup the costs associated with determining planning applications and reduce the financial burden on the Authority which ultimately would not affect the tax burden on local residents.

**Question 7:**

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

**Yes**   
**No**

Comments:

Private developers may argue that as the current planning fees are set down it affords them certainty and these can be included within the viability assessments of schemes. Taking away these preset fees to be replaced by each individual Authority setting their own fees, developers might argue will impact their business cases.

Applicants may argue that Local Authorities will seek to refuse applications without negotiation in order to take advantage of the new planning fees any new resubmission may command.

**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:

It is unclear what underpins the Government's assumption that the majority of local planning authorities will use their decentralised powers to increase fees and that the average increase will be between 10% and 15% above current fee levels.

