

Decision under Delegated Powers

Officer Requesting Decision

Group Leader, Development Management

Officer Making the Decision

Head of Planning & Regeneration

Recommendation

That a refund of the planning application fee be made on application reference P/17/2591/2

Reason

A legitimate request has been received to exercise the provisions of the Fee Regulations and the Planning Practice Guidance for the fee on the relevant planning application to be repaid.

Authority for Decision

Regulation 9A of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, governs the refund of planning application fees in cases of non-determination following the receipt of a valid planning application and the expiry of 26 weeks from validation.

Decision and Date

Background

An outline application for 58 dwellings, with details of access to be considered at this stage, was validated on 12th January 2018.

During the application process there were various issues that were being progressed in liaison with the agent, principally with regard to highways issues. This extended the timescale for determination beyond statutory timescales.

The application was still undetermined on 16th July when a request was received from the agent for the application fee to be refunded in accordance with Regulation 9A of the Planning Fees Regulations.

Having reviewed the Regulations it is clear that the relevant circumstances where the planning refund provisions are not applicable, such as an agreed extension of time for determination, do not apply in this case.

A refund of the planning application fee is therefore due to the applicant.

Financial Implications

A refund of £11,137 which is the planning fee received for the application.

Risk Management

Key Decision: No

Background Papers:
Application papers
Letter from agent dated 16 July 2018