

Planning, Housing & Environmental Health

Pre-application Fees

There is an inherent risk that increasing pre-application fees over and above an inflationary increase will deter customers from seeking pre-application advice and resolving issues prior to the submission of an application. Any potential increase also has to be linked to current performance standards to ensure customers are receiving a timely response and to ensure certain application types are not costed excessively. If a timely response is not being provided and discretionary fees are increased excessively, then the impact could be a reduced uptake of the pre-application service and consequent reduction in income.

The current average timescale for determining pre-application enquires is 106 days. This does however include all types of enquiries but is nevertheless a significant timeframe for customers to wait for a response. Whilst it is expected that this will improve as the new Development Management Structure beds in, increasing fees whilst the average timescale for determination enquires remain high brings risks that fee income may fall.

However, having **benchmarked** TMBC pre-application fees across a number of Kent authorities, which show a lower than mean average across most categories, it is considered that a 20% increase for certain minor application types could be accommodated in year with a further increase of 10% in 2023/24.

That said, there are certain application types within the small-scale development category e.g. householder and works to listed buildings which should be capped at current levels as generally these categories of pre-application are carried out on a not for profit basis with a need to provide additional family space or to improve the fabric and external appearance of listed buildings. It should also be noted that there is no fee for a listed building application. An increase of 10% in 2023/24 for such pre-applications would be in line with increasing costs for providing this service.

Pre-application types that fall within the larger scale category can accommodate a 30% in year increase in fees with a further increase in 2023/24 of 10%.

If fees were increased in line with the suggestions above, there would be an estimated increase of £16,000 to £86,000 in 2023/24 based on an estimated fee income of £70,000 for 2022/23.

PPA Fees

A comprehensive review of PPA fees and charges is being undertaken in November and this will review benchmark data against other Kent authorities, cost recovery for the processing of applications covered by a PPA together with the costs of paying for in house staff dedicated to processing applications covered by PPAs. The current budget estimate for PPAs for 2022/23 is £40,000.

Whilst the uptake of PPAs is linked to customer expectation over delivery of timescale set out in the PPA and the current market is particularly challenging, given the number of large scale applications currently being considered, it is expected that an increase of at least 30% in PPA fees will be justified for 2023/24. This would increase estimated PPA income by £12,000 for 2023/24 to £52,000.

Building Control Fees

The overriding objective as set out in The Building (Local Authority Charges) Regulations 2010 is *that the authority must ensure that, taking one financial year with another, the income derived by the authority from performing chargeable functions and chargeable advice (“chargeable income”) as nearly as possible equates to the costs incurred by the authority in performing chargeable functions and providing chargeable advice (“chargeable costs”).*

Having reviewed the costs associated with the running of the Building Control Team which includes staff costs, overheads, professional fees, subscriptions, competent persons schemes and support services (chargeable costs) and applying a 75% split across all categories of fee earning work (chargeable income), whilst there is an overall projected cost to the Council for 2022/23 for the running of the service, applying a 10% increase in fees for 2023/24 would give an on or around breakeven position.

Applying a 10% increase for building control fees would meet the overriding objective of the Local Authority Charges Regulation 2010 where the chargeable income as nearly as possible equates to the chargeable costs incurred by TMBC in carrying out its chargeable functions.

There is always a risk when increasing fees in a service area where the Council is competing for market share that such increases result in loss of custom. However, the Building Control team has good working relationships with many of the key industry clients in the area and will utilise these to explain the position and to continue to foster excellent customer service.

The new chargeable fees for 23/24 are set out below.

Table A	New Dwellings	Application Type with 10% uplift		
Code	Bungalows or Houses < 3 stories	Full Plans	Building Notice	Regularisation
H01	1 Plot	1030	1234	1546
H02	2 Plots	1608	1850	2310
H03	3 Plots	1976	2369	2962
H04	4 Plots	2404	2883	3604
H05	5 Plots	2661	3193	3992
Flats				
F01	1 Flat	672	671	992
F02	2 Flats	827	827	992
F03	3 Flats	1113	1113	1338
F04	4 Flats	1363	1363	1635
F05	5 Flats	1764	1763	2116
Conversion to				
V01	Single Dwelling House	1132	1143	1429
V02	Single Flat	672	712	939

Table B	Extensions	Application Type with 10% uplift		
Code	Extensions, Garages, other buildings	Full Plans	Building Notice	Regularisation
D01	Single storey extension, < 10m2	589	589	735
D02	Single storey extension, 10m2 to 40m2	840	840	1051
D03	Single storey extension, 40m2 to 100m2	1009	1009	1260

D04	Multi storey extension, < 40m2	1009	1009	1260
D05	Multi storey extension, 40m2 to 100m2	1092	1092	1406
D06	Extension, garage carport or store, < 60m2	589	589	724
D07	Detached non-habitable building, <60m2	589	589	735
Conversions				
D08	Loft Conversions < 40m2	1009	1009	1260
D09	Loft Conversions 40m2 to 100m2	1092	1092	1406
D10	Conversion of Garage to habitable use	487	487	595

Table C	Alterations and all other non-domestic work	Application Type with 10% uplift		
Code	Alterations	Full Plans	Building Notice	Regularisation
D11	Renovation of thermal element.	252	252	316
D12	Replacement of windows or doors	252	252	316
D13	Cost of work < £2K	252	252	316
D14	Cost of work between £ 2K and £5K	350	350	426
D15	Cost of work between £5K and £15K	563	561	669
D16	Cost of work between £15K and £25K	708	708	887
D17	Cost of work between £25K and £50K	1143	1143	1429
D18	Cost of work between £50K and £100K	1395	1395	1724
D19	Where comp persons certification unavailable	374	374	374

High Hedges

The mean average across Kent authorities for High Hedge complaints is £492 per application with some authorities applying a significantly higher cost and TMBC applying the lowest cost, currently £290.

Fees for High Hedges have not been reviewed or increased for some time. It is considered that an in-year increase to £440 for 2022/23 and then a further increase in 2023/24 of 10% to £484 can be accommodated to better reflect the level of work involved in the processing of such applications and align more with the Kent mean average.

S106 Monitoring Fees

The National Planning Policy Guidance allows for the charging of monitoring fees where these fees are proportionate and reasonable and reflect the actual cost of monitoring. Fees are currently charged at £300 per obligation and the income derived from the monitoring fees are

used to fund the salary of the Senior Development Obligations Officer. Estimated fees for 2022/23 currently cover the cost of the Obligations Officer and therefore an in-year increase would not be justified. However, a 2023/24 increase of 10% to £330 per obligation would cover the increased costs of the Obligations Officer and cover time spent by the Head of Planning and Policy Manager in delivering a more rigorous approach to S106 monitoring.

Housing

Under section 63 (3) of the Housing Act 2004 the local housing authority may require a HMO licence application fee to be submitted with the application. Following case law in *Hemming v Westminster City Council* it was decided that only costs of processing an application to grant or renew a licence can be charged up front, charges must be reasonable and proportionate to the costs of authorisation and must not exceed those costs. Similarly in *Attfield v Barnet* it was decided that unless it is a tax measure in fiscal statute, Councils cannot set charges to raise more than the costs of the service.

Under the Mobile Homes Act 2013 the local authority can charge a caravan site licence application fee for “relevant protected sites” but before it can introduce and charge fees it must prepare and publish a fees policy, as was taken to members on the 10 November 2014 utilising a licence fee cost calculator based on what it costs to process the licence application. Again the above case law will apply.

There is an agreed formula for working this out that is used to determine those fees and as none of the inputs (staff costs or time spent) have changed in year, a fee increase cannot be justified. However, a general inflationary charge, in line with other fee increases, can be justified for 2023/24. As the figures below demonstrate, the number of these applications per year is very small

We also have a published fee for publishing site rules of permanent residential caravan sites on our website. This is set at £60 and to date has not been utilised. Given the minimal work involved with this and that there has been no take up, it is not proposed to alter this fee.

Environmental Health

Environmental Health fees are regularly benchmarked against other Councils and given the regulatory nature of the services, these fees are also based on cost recovery. Therefore, the same position applies as with Housing fees.

	Fee/charge	Current 22/23 cost	Revised estimated income per year	In year change proposed? Y/N	New 22/23 fee	Proposed 23/24 fee (basing this on 10% on existing fee or uplifted 22/23 fee)	Annual estimated Income
Planning	Householder development fees	written advice only: £257		N	£257	£283	
	Minor development fees	written advice only: £324		Y	£389	£428	
	Works to listed buildings fees	virtual meeting and letter: £436		N	£436	£480	
		meeting on site and letter: £580		N	£580	£638	
	Medium development fees	written advice only: £389		Y	£506	£557	
		virtual meeting and letter: £773		Y	£1005	£1,105	
		meeting on site and letter: £837		Y	£1088	£1,197	
	Larger scale development fees	written advice only: £583		Y	£758	£834	
		virtual meeting and letter: £1,159		Y	£1507	£1658	
		meeting on site and letter: £1,256		Y	£1633	£1846	
	Major development fees	£1,800		Y	£2340	£2575	
	All Pre-Planning Advice		£70,000		£73,000		£86,000
	High Hedges	£290	£870	Y	£440.00	£484.00	£1,452
S106 Monitoring Fees	£300 for each obligation	£35,000	N	£300.00	£330.00	£38,500	
Housing	New HMO licence application fee	£570.00	£1,710.00	N		£627.00	£1,881.00
	Renewal of a HMO licence application	£520.00	£1,560.00	N		£572.00	£1,716.00
	New caravan site licence application fee	£410.00	£410.00	N		£451.00	£ 451.00
	Transfer of a caravan site licence	£200.00	£400.00	N		£220.00	£ 880.00
	Fit and Proper test	£235.00	£0.00	N		£259.00	£ 259.00

Env Health	Condemned Food Certificate	£170.00	£170.00	Y	£185.00	£205.00	205
	Exported Food Certificate	£70.00	£1,400.00	Y	£75.00	£85.00	£1,700.00
	Food Revisit Fees	£175.00	£700.00	Y	£195.00	£215.00	£860.00
	Contaminated Land	£72.00	£1,000.00	Y	£80.00	£90.00	1260
	Sampling (Private Water)	£67.00	£750.00	Y	£75.00	£85.00	950
	PPC Fees (EP part 1)	Various		N- Set by central Govt			