

Housing and Planning Scrutiny Select Committee

02 December 2025

Part 1 - Public

Matters for Cabinet - Key Decision



Cabinet Member/s	Cllr Mike Taylor, Cabinet Member for Planning Cllr Adem Mehmet – Cabinet Member for Infrastructure
Responsible Officer	Eleanor Hoyle, Director of Planning, Housing & Environmental Health
Report Author	James Bailey, Head of Planning

Review of Fees and Charges for Discretionary Planning Services 2026/27

1 Summary and Purpose of Report

- 1.1 This report updates the discretionary fees across the planning service for 2026/27 which would become effective on the 1st April 2026. Fees have generally been increased by 4% for Development Management and between 4-10% for Building Control. Some new fee categories have been introduced based on customer feedback and good practise. Further explanation of these increases can be found in the body of the report.

2 Corporate Strategy Priority Area

- 2.1 Efficient services for all our residents, maintaining an effective council.
- 2.2 Ensuring that discretionary fees are reviewed regularly and are benchmarked against other Kent authorities ensures TMBC's fees are set to cover costs and provide an efficient service for our customers.

3 Recommendations

- 3.1 It is **RECOMMENDED TO CABINET** to **APPROVE** the following with effect from 1st April 2026.
 - i. Adopt the updated Pre-application Charging Fee Schedule for Development Management 2026/27 as attached at Annex 1.

- ii. Adopt the updated Building Control Fee Schedule for 2026/27 attached at Annex 2.
- iii. Adopt the updated charging fees for Enforcement as set out in paragraph 5.4 below.
- iv. Adopt the updated charging fees for S106 monitoring and compliance as set out in paragraph 5.18 and 5.20 and the new fee set out in paragraph 5.21 below.
- v. Adopt the updated High Hedge fee as set out in paragraph 5.13 below.
- vi. Adopt the updated PPA charging schedule as attached at Annex 3.

4 Introduction and Background

- 4.1 In bringing forward the charging proposals for 2026/27 consideration has been given to a range of factors, including the Council's overall financial position, market position, trading patterns, the current rate of inflation and customer feedback.
- 4.2 The proposed charges for 2026/27 have also taken into account a set of guiding principles for the setting of fees and charges reproduced below for the benefit of this Committee:
- Fees and charges should reflect the Council's strategic priorities and other corporate aims recognising there may be trade-offs as these are not mutually exclusive;
 - Fees and charges should have due regard to the Council's Medium Term Financial Strategy;
 - If there is to be a subsidy from the Council tax payer to the service user this should be a conscious choice;
 - The Council should look to maximise income subject to market conditions, opportunities and comparable charges elsewhere, in the context of its strategic priorities and other corporate aims.
 - Fees and charges should normally be reviewed at least annually (unless fixed by statute or some other body);
- 4.3 Fees and charges should not be used to provide a subsidy from the Council taxpayer to commercial operators;
- There should be consistency between charges for similar services;

- Concessions for services should follow a logical pattern so as not to preclude, where appropriate, access to Council services on the grounds of ability to pay.
- 4.4 It is essential in light of the Council's overall financial position that opportunities are taken to maximise income, as it is becoming increasingly difficult to achieve further expenditure savings to meet the targets in the Savings and Transformation Strategy. Attention has been given to the fees and charges applied by neighbouring Council's, and averages across the County, and these are included in relevant sections of the report for Member consideration.
- 4.5 The current pre-application advice and charging regime for Development Management was introduced on 1st April 2016 and has been updated annually following ongoing periods of monitoring and review. A comprehensive review of the service was undertaken and reported to the Planning and Transportation Advisory Board in November 2021 – <https://democracy.tmbc.gov.uk/ieListDocuments.aspx?Cld=159&Mld+4655> and changes were recommended and made at that time to the pre-application advice service. These changes remain in place with increases to the fees on a yearly basis.
- 4.6 Building Control Fees, High Hedges and S106 Monitoring Fees have also been increased yearly to ensure that the cost of delivering these services is fully met.
- 4.7 New fee categories were introduced last year in Development Management, S106 monitoring & compliance and Building Control, with a new fee category introduced in late October 2025 for early Member engagement on pre-application submissions. A further review has been undertaken which includes market research and discussions with developers to determine whether we should be introducing new fees for the 26/27 period. New fees have been introduced which are set out in this report.

5 **Proposal**

Development Management Charges

- 5.1 No changes are proposed to the pre-application categories as part of this report as operationally these are working well and meeting the needs of customers. However, a recommendation as part of a separate review undertaken by the PAS team during the summer includes Recommendation 5 (part of a separate report to this committee) which suggests a review of the Pre-application and Planning Performance Agreement (PPA) service using the [PAS guidance](#) as a benchmark. The Action Plan accompanying this report sets out a timescale for the review to be undertaken by March 26 and an update report on these actions will be provided to this committee at that time. If recommendations are made for changes to the Fee categories, then this will be set out as part of the Action Plan.

- 5.2 A new Member pre-application category was introduced in late October of this year, as set out above, to enable early Member engagement and place shaping on evolving schemes. As this has only recently been introduced following Full Council agreeing to the fee schedule in October, an update on the uptake of this from developers cannot be given at this time, but it is expected that this will be well utilised by applicants seeking to engage with Members on evolving schemes. A new category is also proposed as part of the fee schedule update to enable those larger current site allocations in the Local Plan (Regulation 18(2) and looking beyond to Regulation 19) to engage with both policy and Development Management Officers to ensure key matters are considered at an early stage and sites can come forward to meet the Council's housing land supply requirements. A full list of reviewed and updated fees is included as **Annex 1**.
- 5.3 Fees for providing householder, listed buildings, small (minor), medium and larger developments, Majors and Strategic developments have been raised by 4% to cover inflation as there has been only a limited increase in the time spent to provide this advice.

Enforcement

- 5.4 New fees were introduced last year that enabled applicants to receive confirmation in writing to confirm whether the Council agreed that an enforcement notice has been complied with. Similarly, a fee was also proposed that enabled applicants to request that an enforcement notice is withdrawn.
- 5.5 The uptake of these new services was very limited and it is intended that greater prominence will be given to these on the enforcement pages of the website for 26/27. The updated fees propose a **4%** uplift to address inflation.

Fee Schedule

Service	Response Type	Fee -25/26	Fee - 26/27
Request to confirm compliance with an enforcement related notice	Written response only	£468	£487
Request to confirm compliance with an enforcement related notice	one meeting and written response	£720	£749
Request to withdraw an enforcement notice	Written response only	£816	£849

Request to withdraw an enforcement notice	one meeting and written response	£1,014	£1,055
---	----------------------------------	--------	--------

Building Control

- 5.6 Building Control fees can only be levied on a cost recovery basis and for fee earning work. Following a thorough assessment of the service with the finance team who examined the costs of providing the Building Control function, the hourly rate, currently charged at £63.67 should be increased to **£68.00 plus VAT**, an increase of 6.8% to cover the additional work that is required to provide the Building Regulation function.
- 5.7 A review has been undertaken for Building Control Fees, which has also included a benchmarking exercise against other Building Control fees across Kent, especially Sevenoaks and Tunbridge Wells who are our nearest authorities.
- 5.8 The review has included an assessment of the work undertaken, the number of hours required to carry out the work and the hourly charge to undertake the work. The outcome of the review demonstrates that our current fee levels are set appropriately and based on cost recovery for fee earning work. **Annex 2** sets out the standard charges across Tables A – C and includes increases of between 4-10%.
- 5.9 Table A has been increased by 10% to reflect the additional work involved for new dwellings. This brings us more in line with our neighbouring authorities Sevenoaks and Tunbridge Wells for this category of work. Table B has been uplifted by 4% and Table C by 4% as the fees currently cover the hours spent on these applications and has been uplifted to cover inflation. Work that is included in our Code E category has been uplifted in line with our hourly rate increase.
- 5.10 As set out above and as charges can only be levied on a cost recovery basis and having been benchmarked against other Kent based Building Control teams, it is not recommended that fees be increased further than the suggested increase.
- 5.11 It is worth noting that we are also considering removing tabled fees for work based on estimated cost (Table C items D14-D19) from April 2027. These fees would be replaced with a bespoke fee based on anticipated work involved at XX hourly rate which is more accurate and would bring us more in line with Sevenoaks District Council and Tunbridge Wells Borough Council. This has not been introduced at this stage as further work is required to facilitate this and update our customers.

Additional discretionary Fees - High Hedges and S106 Monitoring.

- 5.12 A benchmarking exercise was carried out for the 25/26 review of fees for High Hedge complaints against other Kent authorities and the average time taken to process these by the relevant officer. This established the current fees of £540.
- 5.13 A further review has been undertaken against other Kent authorities with seven raising their fees and five keeping their fees unchanged. TMBC's current fee is slightly higher than the mean average for Kent and the current median (which is Tonbridge and Malling at £540). It is proposed to raise the current fee by 4.6% which would be just above the median council (Tonbridge and Malling) and would still represent good value for money for the complainant who wishes to utilise this service. The fees are currently considered to cover the actual officer time for processing the complaint, although it should be recognised that cases vary significantly in terms of officer time and therefore the slightly larger increase in fee allows for these variations.
- 5.14 It is recommended that High Hedges Fees be increased to **£565**.

S106 Monitoring

- 5.15 A review and benchmarking exercise has been undertaken to assess the contributions charged for S106 monitoring. This varies significantly across Kent and only gives a snapshot of the charges but not the size of the teams involved in S106/CIL monitoring. Due to some local authorities being CIL charging, they also have expensive back-office monitoring systems and additional staff to manage the complexities of the CIL regime. Therefore, the benchmarking exercise does not fully assist in evaluating the cost for providing the service but does provide some useful information on fee levels.
- 5.16 The Council currently charges £460 per obligation for the monitoring fee and employs a Senior Obligations Officer who primarily manages the S106 monitoring and most (80%) of the role's time is devoted to S106 monitoring. The salary is partly funded but not all through the monitoring fees and this does not cover all the salary costs.
- 5.17 Fees were increased for the last financial year by 15% in order to recover the costs for S106 monitoring and to provide sufficient funding to cover the costs of the monitoring officer's post. It is recommended that a 10% increase in fees is proposed due to the increased complexities in monitoring agreements from the current chargeable rate of £460 to £506.
- 5.18 It is recommended that S106 Monitoring Fees be increased to **£506** for each obligation contained in the agreement.
- 5.19 Last year we introduced a new fee category for S106 monitoring which related to charging for checking compliance with S106 obligations. An additional fee was

charged should a site visit be required. Uptake on this new fee has been low, but it offers a service to the customer.

- 5.20 It is recommended that fees for S106 compliance requests which are currently charged at £175 with an additional fee of £145 should a site visit be required be increased by 4% to **£182** and **£151** respectfully with effect from the 1st April 2026
- 5.21 Following market research, some Council's see [S106 Monitoring Fees - Wealden District Council](#) charge a fee for registration of the S106 agreement which is required to be paid on completion of the agreement. This usually involves work across a number of teams within the Council and is currently not separately charged for within the S106 agreement. As this is a new fee and the market has not been tested at this time, it is recommended that an introductory fee of **£250** is introduced which will be closely monitored and a review undertaken for the next financial year 27/28.

Area	Fee	Note	Current fee
Tonbridge and Malling Borough Council	£250	Covers registration of S106 agreements and Deeds of Variation.	New Fee

Planning Performance Agreement and Charging Schedule

- 5.22 A comprehensive review of the Planning Performance Agreement (PPA) Protocol was undertaken in 2023/24 with an updated Protocol and increased fee schedule. Fees were increased at that time by various percentages for small (65%), medium (61%), large (49%) and strategic (32%) applications to reflect the time spent of negotiating and delivering on the PPA timescale on a cost recovery basis.
- 5.23 It is not proposed to review the Protocol for the 26/27 financial year at this time as this forms a recommendation as part of a separate review undertaken by the PAS team during the summer. One of these recommendations is Recommendation 5 which suggests a review of the Pre-application and Planning Performance Agreement (PPA) service using the [PAS guidance](#) as a benchmark. The Action Plan set out a timescale for the review to be undertaken by March 26 and an update report on these actions will be provided to this committee.
- 5.24 If changes are suggested to the Protocol and, as result the structure, content and fees, then this will be subject to a separate report to Housing and Planning Scrutiny Select Committee.
- 5.25 Based on current evidence it is recommended that a 4% increase to all Development type fees are proposed to account for the officer time in providing the project plan and liaising with applicants to keep the PPA on target. This set out in **Annex 3**.

6 Other Options

- 6.1 A review has also been undertaken to assess whether any additional services could be offered to customers on a chargeable basis.
- 6.2 A number of new fees were introduced for the 25/26 financial year and have subsequently been increased in line with inflation for this year. A new fee has been introduced for strategic sites which are part of the Regulation 18(2) Local Plan proposed site allocations. This will include a Policy Officer and a Development Management Officer to help progress information required for the next stage of the Local Plan. A new fee has also been proposed for registering S106 agreements.

7 Financial and Value for Money Considerations

- 7.1 It is appropriate to review the charging schedule every year, to ensure the Council continues to effectively recover costs. This will ensure that the Council is responsive to the needs of the customer and that the charging schedule is fairly applied and reflects the costs of delivering the service.
- 7.2 Based on the current level of uptake, the proposed increases to the fees discussed within this report will generate additional income of £77k in 2026/27 onwards, compared to the 25/26 budget. Which can be split out as follows:
 - Development Management - £46k
 - PPA's - £1k
 - Building Control - £24k
 - S106 Monitoring - £6k

8 Risk Assessment

- 8.1 Robust monitoring should be carried out on a yearly basis to ensure that our protocols are up to date and reflect best practice and that the charging schedule reflects the costs of delivering the service and is based on up-to-date evidence.

9 Legal Implications

- 9.1 The Local Government Act 2003 provides the power for local authorities to charge for discretionary services (as defined in the Local Government Act 1999). Discretionary services are those services that an authority has the power but not a duty to provide. An authority may charge where the person who receives the service has agreed to its provision. The power to charge under this provision does not apply where the power to provide the service in question already benefits from a charging power or is subject to an express prohibition from charging.

- 9.2 The Local Government Act 2003 places a duty on authorities to ensure that, taken one year with another, the income from charges for each kind of discretionary service does not exceed the costs of provision. An authority may set charges as it thinks fit, and may charge only certain people for a service or charge different people different amounts.
- 9.3 Local authorities are required to have regard for any guidance that may be issued by the Secretary of State in terms of carrying out their functions under the 2003 Act. Section 93(7) of the Act provides that certain prohibitions in other legislation preventing authorities from raising money are specifically dis-applied in relation to the exercise of the charging power.
- 9.4 Local Planning Authorities therefore have powers to recover the costs of preapplication advice in recognition of the time officers have to spend researching information in order to provide answers to prospective developers or applicants.

10 Consultation and Communications

- 10.1 The fee tables will be published on-line on the Council's website at least four weeks prior to start of the new financial year when the new fees will become live. Old fee tables will be removed at the start of the new financial year.

11 Implementation

- 11.1 New fees will be applied from 1st April 2026.

12 Cross Cutting Issues

12.1 Climate Change and Biodiversity

12.1.1 Limited or low impact on emissions and environment.

12.1.2 Climate change advice has not been sought in the preparation of the options and recommendations in this report.

12.1.3 There are no impacts on Climate change arising from this report.

12.2 Equalities and Diversity

12.2.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

12.3 Other If Relevant

- None

Background Papers	None
Annexes	Annex 1 – Development Management Fees Annex 2 – Building Control Fees Annex 3 – Planning Performance Fees