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| REPORT OF: | THE STRATEGIC DIRECTOR OF GROWTH & DEVELOPMENT |
| TO: | PLANNING AND HIGHWAYS COMMITTEE |
| ON: | 15th DECEMBER 2022 |
| ORIGINATING SECTION: | PLANNING (DEVELOPMENT MANAGEMENT) SERVICE |
| WARDS AFFECTED: | ALL |
| COUNCILLORS: | ALL |

TITLE OF REPORT:

Letter to Secretary of State for Levelling Up, Housing and Communities regarding fees relating to retrospective planning applications

1. PURPOSE OF THE REPORT

- 1.1 This report seeks approval from the Members for the letter which is attached to the report to be sent to the Secretary of State welcoming the proposal through the Levelling Up and Regeneration Bill to introduce new fees relating to retrospective planning applications reiterating comments previously made to the Secretary of State, in that additional fees for retrospective planning applications are believed to be justified because it allows the Council to recoup a proportion of the enforcement costs accrued when facilitating the submission of retrospective applications, as well as the determination costs.

2. BACKGROUND

- 2.1 Blackburn with Darwen Borough Council (BwDBC) previously wrote to the then Secretary of State of Housing, Communities and Local Government on the 17th April 2015 and 19th February 2018, regarding the concerns of the Council's Planning & Highways Committee over the quantity of retrospective planning applications being received. It was agreed and minuted at the Committee meeting on the 17th November 2022, following the determination of a major retrospective planning application, that a further letter is sent to the current Secretary of State relating to the issue of retrospective planning application and fees.
- 2.2 The national planning application fees were last increased on the 17th January 2018, and BwDBC received a formal response from the Secretary of State on the 9th March 2018 (ref: 3679132), welcoming the views set out in the letters, and advising that "*a higher fee is not charged for retrospective planning applications*

as the cost to process these applications is not considered to significantly differ to justify a higher charge”.

2.3 BwDBC welcomes the proposal through the Levelling Up and Regeneration Bill to introduce new fees relating to retrospective planning applications, which will double the normal fee. It is recognised that there are further stages to complete before the Bill receives Royal Assent, however BwDBC would like to reiterate comments previously made to the Secretary of State, in that additional fees for retrospective planning applications are believed to be justified because it allows the Council to recoup a proportion of the enforcement costs accrued when facilitating the submission of retrospective applications, as well as the determination costs.

2.4 During the next stages of the Bill, BWDBC would like the Government when considering introducing higher fees for retrospective planning applications to include helpful clarifications to assist local planning authorities, together with the applicants/agents.

3. RATIONALE

3.1 Please see attached draft version of letter to be sent to the Secretary of State.

4. POLICY IMPLICATIONS

4.1 None

5. FINANCIAL IMPLICATIONS

5.1 None

6. LEGAL IMPLICATIONS

6.1 None

7. RESOURCE IMPLICATIONS

7.1 None

8. EQUALITY IMPLICATIONS

8.1 An Equality Impact Assessment is not required.

9. CONSULTATIONS

9.1. The draft letter has been presented to the Executive Member for Growth and Development on the 2nd December 2022, and the Planning Working Cross Party Members Group at their meeting on the 13th December 2022.

10. RECOMMENDATION

- 10.1 (i) That the Committee note and approve the content of the letter
(ii) The Committee agree for the letter to be sent to the Secretary of State for Levelling Up, Housing and Communities with immediate effect.

Contact Officer: Gavin Prescott, Planning Manager (Development Management)

Date: 30th November 2022

Background Papers: Letter to Secretary of State for Communities & Local Government dated 17th April 2015;

Letter to Secretary of State for Housing, Communities & Local Government dated 19th February 2018;