

Case Name: *Provectus Remediation Ltd v Derbyshire County Council* 2018 EWHC 1412 (Admin) (08 June 2018)

Full case: [Click Here](#)

Commentary: Proper interpretation of Regulation 9 A of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012.

The 26 week period mentioned in reg. 9A (1) is not the statutory period within which planning applications must be determined in accordance with the statutory provisions governing the time limits for making decisions upon applications. Thus, the 26 weeks specified in reg. 9A(1) is a period specifically chosen by Parliament and relates to a point in time after which a fee refund may be due.

In specifying that period Parliament has deliberately chosen to limit the circumstances in which a fee is to be refunded to those mentioned expressly in the 2012 Regulations.

A refund of a fee paid at the time of a planning application should be made only if a period of 26 weeks has elapsed from the receipt of a valid application and that application has not been determined by the local planning authority.

If the applicant and the local planning authority agree in writing that the 26 week period should be extended, the planning fee paid by the applicant does not fall to be refunded; even if the local planning authority fails to determine the application within the extended period.

Case summary prepared by Town Legal LLP