



Civic Centre, Riverside, Stafford

Contact Jim Dean
Direct Dial 01785 619209

Email jdean@staffordbc.gov.uk

Dear Members

Cabinet

A meeting of the Cabinet will be held on **Tuesday 14 July 2026 at 6.30pm** in the **Craddock Room, Civic Centre, Riverside, Stafford** to deal with the business as set out on the agenda.

Please note that this meeting will be recorded.

Members are reminded that contact officers are shown at the top of each report and members are welcome to raise questions etc in advance of the meeting with the appropriate officer.

A handwritten signature in black ink, appearing to read "I. Curran".

Head of Law and Governance

CABINET - 14 JULY 2026

Chair - Councillor A T A Godfrey

AGENDA

- 1 Minutes of 18 June 2026 as circulated and published on 19 June 2026
- 2 Apologies
- 3 Councillors' Question Time (if any)
- 4 Proposals of the Cabinet Members (as follows):-

Page Nos

(a) **ECONOMIC DEVELOPMENT AND PLANNING
PORTFOLIO**

- (i) Proposed New Surcharges for Development
Management Services

3 - 15

Membership

Chair - Councillor A T A Godfrey

- | | |
|---------------|---|
| A T A Godfrey | - Leader |
| R Kenney | - Deputy Leader (Town Centres Regeneration Portfolio) |
| R P Cooke | - Resources Portfolio |
| I D Fordham | - Environment Portfolio |
| J Hood | - Community Portfolio |
| G P K Pardesi | - Leisure Portfolio |
| A N Pearce | - Climate Action and Nature Recovery Portfolio |
| A F Reid | - Economic Development and Planning Portfolio |

Agenda Item 4(a)i

Proposed New Surcharges for Development Management Services

Committee:	Cabinet
Date of Meeting:	14 July 2026
Report of:	Head of Economic Development and Planning
Portfolio:	Economic Development and Planning

1 Purpose of Report

- 1.1 To obtain authority to introduce new administration charges to be applied by Development Management to cover the costs associated with additional activities associated with the processing of planning applications or updating planning records.

2 Recommendations

- 2.1 That Cabinet approve the implementation of a charging regime as set in in Appendices 1 to 5, that propose the introduction of new surcharges that will be applied to invalid applications; amendments to planning application; additional attempts to validate planning applications; processing applications submitted directly to the Council; costs associated with public footpath diversions and; removal of extant (still in existence) enforcement notices.
- 2.2 That Cabinet provide delegated authority to the Head of Economic Development and the Development Manager to waive or reduce the administrative fees in exceptional circumstances.
- 2.3 That Cabinet agree to delegate the date for implementation to the Head of Economic Development and Planning in consultation with the Cabinet Member for Economic Development and Planning

Reasons for Recommendations

- 2.4 The Development Management Service is a statutory service and is providing additional support beyond statutory requirements. Applicants are frequently requesting flexibility in validation processes and repeated resubmission as well as, submitting amendments to planning applications.
- 2.5 The team are also engaged in enforcement activities and processes to facilitate public footpath diversions that are also outside of statutory

responsibilities. Authority is sought to introduce charges to recover the cost incurred by the Planning Service in progressing these types of requests.

3 Key Issues

- 3.1 The Planning Service has been actively seeking to streamline services in line with statutory requirements. At the same time, the service is mindful of its obligation to work proactively with applicants to progress planning applications but this the process has become cumbersome and involves a greater degree of officer input in activities that are above statutory requirements. These additional duties arise from direct submission of planning applications and the receipt of amendments to planning applications following initial submission. There is an additional burden from invalidating applications and involvement in negotiation to secure a satisfactory application. These areas are to be addressed through surcharges to recover the costs of providing the services.
- 3.2 The team also deals with other matters relating to updating the enforcement register and removing extant notices as well as public footpath diversions that are necessary to implement a planning consent. These are not statutory services however, the Planning Service is best placed to facilitate these requests, and charges are set out to recover the costs of providing the necessary assistance in these areas.

4 Relationship to Corporate Priorities

- 4.1 The Development Management service contributes to the delivery of all the Council's corporate priorities.

Priority 1 - Prosperous Economy. Creating the right conditions for economic growth and prosperity.

Priority 2 - Communities and Wellbeing. A safe and secure place to live for local people. A safe and cohesive borough and reduction in health inequalities.

Priority 3 - Climate Change, Nature Recovery and the Environment. Promote nature recovery, climate change resilience, public areas that are clean and tidy as well as improved public open spaces, play areas, parks and landscapes.

Priority 4 - Effective Council. Good customer experience and value for money for taxpayers.

5 Report Detail

- 5.1 The Council has the power to set fee charges under Section 93 of the Local Government Act 2003 for discretionary services. Where the local planning authority is mandated or under a duty to provide a statutory service, the section 93 power can only be relied on if the discretionary service is an "extension" to the statutory service. This extension would apply to an addition or enhancement to the statutory service above the level that the local planning authority has a duty to provide.

- 5.2 The Planning and Compulsory Purchase Act 2004 extended the powers to fee charging for local planning authority activities.

Invalid applications

- 5.3 Currently the validation team spends a significant amount of time supporting customers who haven't adequately prepared applications, which could mean repeated requests for information involving numerous exchanges requesting and clarifying the nature and detail of missing information.
- 5.4 The current approach prevents the continuous streamlining of the process and it also means that customers are receiving extra support they have not paid for which also risks affecting the service levels provided to other customers. The validation of a planning application is part of the process paid for by the applicant and covers the cost for initial validation and the subsequent determination process. It does not however, cover the costs incurred by Officers having to invalidate and negotiate (several times) with the applicant in order to attain an application that is fit for purpose.
- 5.5 Further, some applicants are however using the validation process as a negotiating tool to make their scheme acceptable prior to it being fully registered, as opposed to entering a pre-application process, where the council can provide sound planning advice in which the validation requirements are outlined. The current rate of invalidation is too high (around 31%) and the application of a charge is primarily to seek to secure high quality submissions that can be validated at the first attempt. The following restrictions would be applied to an additional validation submission:
- Applicants would have one attempt to validate.
 - 14 days to resubmit details or invalidated.
 - Time limit to pay fee (to be confirmed but no more than 7 days of request agreed).

Processing applications submitted directly to the Council

- 5.6 Developers and applicants do on occasion, submit a planning application directly to the Council and this may be with the intention to avoid the Planning Portal fee or it is the easiest way for them to submit an application.
- 5.7 A postal or directly submitted application requires officer time to scan and prepare the documents to an appropriate format and forward the information onto the Validation team. The application fee is intended to cover validation but the further checks and administrative tasks to receive and format the submission into an electronic file are additional. Presently, these costs are borne by the Council and it is recommended that these costs are recovered from the applicant as highlighted in **APPENDIX 3**.

Accepting amendments to live planning applications

- 5.8 On occasions, developers or their agents submit a planning application in the knowledge that it will require amendment at a future time. The applicant may initially submit with the intention to negotiate on the detail during the consideration of the application rather than undertaking this discussion as part of a pre-application process.
- 5.9 Often, issues and objections will arise from statutory public consultation that the applicants seeks to address through amendments should the case officer be prepared to accept amendments to the scheme.
- 5.10 The current approach as set out on the Councils website allows for amendments of a minor nature that would improve the scheme but this would be at the case officer's discretion. The amendment should provide a necessary improvement and should not jeopardise a decision within the statutory period for determining the application.
- 5.11 The Council will not generally accept amendments in the following cases:
- Where they trigger the need for a fresh 21-day consultation (assessed on an individual basis)
 - lead to an increase in size of or material change to the red edge site boundary unless requested by the LPA
 - trigger a significant move or relocation of footprint and/or volume and mass of built form
 - introduce materially different uses
 - materially increase the visual impact of the development
 - exacerbate concerns raised by third parties.
(Please note that this is not an exhaustive list).
- 5.12 The Council have historically placed value on the improvement of a development scheme through negotiation as opposed to simply refusing permission or allowing poor quality development. The approach taken has been to seek to improve proposals, which are in principle acceptable, where this does not delay delivery. The Council has therefore generally balanced the need to meet Government performance targets whilst adding value to development through negotiation and allowing/inviting amendments.
- 5.13 It is proposed, subject to approval, that the fees outlined in **APPENDIX 2** will be charged when accepting amendments to valid planning applications. Amendments will only be accepted where an Extension of Time (EoT) is agreed with the applicant or their agent. In practice, agents are usually willing to submit amendments rather than risk a refusal. This is because securing permission through amendments is typically quicker than resubmitting a new application or going through an appeal process. The proposed amendment fee is also significantly lower than the cost of submitting a new application and avoids the application returning to the bottom of the validation queue.

5.14 It is also suggested amendment requests are capped as follows:-

- one amendment per Householder/LDC/Advert/minors and small major applications;
- three amendments for major applications

The above restrictions will not apply if the application is subject to a Planning Performance Agreement (PPA) as such amendments are already covered within the PPA.

5.15 Amendments will only be accepted following a case officer request. No amendments will be accepted where an application is unacceptable in principle and concerns cannot be fully addressed through an amendment or where refusal is likely.

Fees for Public Footpath Diversions

5.16 The public footpath diversion order process is complex and lengthy. It involves extensive consultation and advertisement, and there are many opportunities for individuals and organisations to object to the proposal.

5.17 The Council will assess whether statutory tests are met and considers impact on public use and enjoyment, and the extent of the affected land. The majority of this is carried out by the Councils Legal team however Planning Officers are expected to check and validate an application in conjunction with the applicant. A nominated Planning Officer uploads all relevant information into an electronic file and completes instructions to legal. The Planning Officer must subsequently visit the site and erect site notices at either end of the footpath and any other point deemed necessary to notify the public of the application. Once the Order is accepted the Planning Officer is again required to visit the site and erect site notices that confirm the Order. The Planning Officer is required to check all legal documents once the Order has been accepted and finally visit the site to check all works subject to the Order.

5.18 The Legal Service have published their charges to process footpath diversions however the administrative costs for checking and validating an application, site notice erection and the final checking of the Order and inspection of the works carried out by the Planning Service are not currently recovered. It is proposed that the fees outlined in **APPENDIX 4** will be applied alongside legal in relation to footpath diversions.

Enforcement Notice Requests

5.19 A few requests have been received by the Planning Service requesting the removal of an extant Enforcement Notice. To process a request, the support team will retrieve archived records and upload the information into an appropriate format.

5.20 The Council is not required to remove extant notices and have processed these on a voluntary basis where workloads allow. There is very little disruption to work programmes as very few requests are received, and they are an administrative process that corrects the enforcement record where a

planning breach has been resolved. Property owners are generally concerned to see notices recorded against a property that may affect its sale or marketability and on occasions ask that adverse records are removed if they are no longer relevant. This activity is only undertaken in limited circumstances but could be extended if costs can be recovered. The proposed charges outlined in **APPENDIX 5** will be applied to requests for enforcement notice compliance confirmation or removal of an enforcement notice from the enforcement register.

- 5.21 The proposed surcharges have been profiled against the corresponding categories based on an average of requests from the previous 2 years. This shows that the Council has on average provided these services up to an estimated value of £89,821. This value is not representative of income levels in future years.
- 5.22 The charging schedules referenced above have been benchmarked with other Local Planning Authorities and is set at a comparative level against a cost recovery calculation. The charging schedule enables compensation for discretionary activities that the Council is having to undertake to the detriment of service efficiency and customer experience.

5 Implications

6.1 Financial

As referenced in paragraph 5.21 the cost incurred by the Council over the last 12 months is estimated to be £89,821 based on activity levels dealing with the processing of planning applications and updating planning and enforcement records.

Whilst this figure is no indication of the costs likely to be incurred in 26/27, it is anticipated that the introduction of the proposed charges will mitigate the staff time spent in processing of planning applications or updating planning records.

All proposed charges have been calculated on the basis of staff time input, ensuring that the charge does not exceed the cost of providing the service.

6.2 Legal

Legal implications are set out within the report.

6.3 Human Resources

None

6.4 Risk Assessment

There is a potential for applicants to dispute or challenge the surcharges. The costs identified have been quantified and can be justified. Where costs are not met, the application would proceed based on existing information.

Applicants have taken the opportunity to amend applications either during validation or consideration stage without incurring a charge. The new process would limit the opportunity and deter this activity which impacts on the processing of other applications.

Applicants have taken the opportunity to amend applications in an adhoc manner and have thereafter failed to agree an extension of time. The new process to allow applicants to submit an amendment via a formal process that includes an extension of time would ensure the service continues to meet its performance figure targets

There is a risk that poor quality development will be allowed to ensure Government targets are met.

In terms of extant enforcement notice processing and footpath diversion applications, the risks are deemed to be low as the team undertake these activities.

6.5 Equalities and Diversity

None

6.6 Health

None

6.7 Climate Change

None

6 Appendices

Appendix 1 – Proposed charging schedule for invalid Planning Applications.

Appendix 2 - Proposed charging schedule for amendments to Planning Applications.

Appendix 3 - Proposed charging schedule for Planning Applications submitted directly to the Council.

Appendix 4 - Proposed charging schedule for Footpath Diversion applications.

Appendix 5 - Proposed charges for compliance with/removal of extant Enforcement Notices

7 Background Papers

None

Contact Officer: Sushil Birdi
Telephone Number: 01543 464326
Ward Interest: All
Report Track: Cabinet 14 July 2026 (Only)
Key Decision: No

Appendix 1

Proposed Charging Schedule for Invalid Planning Applications

Charging schedule for invalid fees

<u>Fee Type</u>	<u>Cost</u>
<u>Householder</u>	<u>£50</u>
<u>Minors</u>	<u>£75</u>
<u>Small Majors</u>	<u>£100</u>
<u>Majors</u>	<u>£150</u>

A 10% charge to cover admin costs will be retained for any application returned and refunded.

Appendix 2

Proposed Charging Schedule for amendments to Planning Applications

Proposed Charging schedule:-

Fee Type	Cost
Householder/LDC/Advert	£75.00
Minors (including COU)	£100
Majors	£250 per amendment – up to 3

Appendix 3

Proposed Charging Schedule for Planning Applications submitted directly to the Council

£53.00 Proposed charge for Stafford Borough

Appendix 4

Proposed Charging Schedule for Footpath Diversion Applications

£445.00 Proposed charge for Stafford Borough

Appendix 5

Proposed charges for compliance with/removal of extant Enforcement Notices

Compliance with a Notice

£75 Proposed charge for Stafford Borough

Examples of what other Councils are charging for this service

£200 Lichfield District Council

£75 South Staffs Council

£75 East Staffs Council

£75 Stoke on Trent City Council

Withdrawal of a Notice

£257 proposed charge for Stafford Borough