

Development Advice and Information 15th January 2016

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Introduction

This advice note explains the development advice services and information that we can offer to prospective applicants. These services include:

- Advice on whether permission is required for works or change of use to a house or a property;
- Advice on whether planning permission is likely to be granted;
- Specialist advice in relation to trees, hedges, listed buildings and buildings in the Conservation Area;
- Advice post decision in relation to variation to planning conditions, nonmaterial alterations, minor material alterations and discharge of planning conditions:
- Advice on whether permission was required for works or change of use to a house or a property;
- Confirmation of compliance with conditions;
- Confirmation of compliance with s106 agreements signed by Gedling Borough Council;
- · Copies of representations received

Payment for Services

We are only able to provide these Services once an upfront payment has been received. This enables us to recover the costs of providing advice to you and to ensure that it can be provided to a consistently high standard.

A schedule of fees is provided at Appendix A

Do I need permission?

You can make certain changes to houses and properties without requiring planning or building regulation approval. However, we are finding that when people come to sell on properties and they have carried out changes to properties that solicitors are requiring proof that permission was not required. To prevent delays in relation to the sale of property in the future, it is best if you obtain the correct documentation before you carry out any changes.

There are two ways of obtaining proof that planning permission was not required for changes these are the;

- Submission of a certificate of lawfulness application;
- Submission of a householder or development questionnaire form;

The only way of obtaining proof that building regulation approval is not required for changes is through the submission of a householder or development questionnaire form.

The most legally binding way of obtaining proof that planning permission was not required for changes is through a certificate of ownership application. The cost for such a certificate would be the half the fee that it would be if you were putting in an application for that development (providing that works have not commenced). It can take up to 8 weeks to provide you with a decision.

Through the submission of a householder or development questionnaire form, we will provide you with written confirmation of whether you do or do not require planning and/or building regulation approval. The cost of this service is £48.00 including VAT. We will provide a written response within 15 working days from the day after we have received a valid request and payment.

A householder or development questionnaire form can be down loaded from our website www.gedling.gov.uk

You can return your form to us by:

Post

Send your completed form, together with the required documentation to Development Management, Gedling Borough Council, Civic Centre, Arnot Hill Park, Arnold, Nottingham NG5 6LU

E-mail

E-mail your completed form to p&eservicesupport@gedling.gov.uk you will need to write in the subject box of the e-mail Questionnaire Form and give the site address for which you are making the request for.

You can make payment in the following ways:

Cheque

Cheques should be made payable to Gedling Borough Council and should be sent at the same time as you post your completed form to us.

If you have already submitted your form to us you should send your cheque with a covering letter that gives the first line of the site address that you are making the enquiry for.

At our offices

There is a Paying in Machine at the Civic Centre that is available during our normal office opening hours. You can pay for questionnaires using this machine.

Over the phone

To pay for a planning application please telephone 0115 901 3949, you will need to advise that you wish to make a payment to Fund Code 108 and you will need to give the first line of the application site as the reference.

Pre-application Advice

At Gedling we are able to offer pre-application advice in relation to planning and building regulations.

We do not charge for the advice provided in relation to building regulations because the fees governing building regulations stipulate that the first hour of advice should be given free of charge if an application is to be submitted to the Council.

We do charge for providing pre-application advice in relation to planning applications. We have introduced these charges to ensure that we can offer advice to a consistently high standard.

The process of delivering development should be a collaborative and engaging process designed to solve problems associated with development and to achieve positive and sustainable development outcomes for all those engaging in the process.

The National Planning Policy Framework actively encourages pre-application engagement. It advises that early engagement has significant potential to improve the efficiency and effectiveness of the planning application process for all. Pre-application discussion in relation to planning applications can also assist us to help you by issuing timely decisions.

At Gedling we welcome the opportunity to assist you with your development in relation to both building regulations and planning. There are a number of benefits of using one of Services:

- Early identification of any "show stopping" issues;
- Avoiding the submission of an incomplete application;
- High level of certainty;
- Earlier decisions;
- Cost savings to you;
- Reduced confrontation;

At Gedling we offer three types of Pre-application Advice:

Pre-application Advice Correspondence

Pre-application Advice Meeting and Correspondence

Pre-application Advice Major

We also offer specialist advice in relation to:

Major Complex Planning Proposals

Trees with a Tree Preservation Order or within a Conservation Area or in relation to hedgerows

Listed Buildings and Buildings in a Conservation Area

You can choose the Service that you think best meets your requirements. Set out below is more detailed advice on each Service that we offer.

Once you have selected the Service that you think best suits your requirements, you need to complete the appropriate form, provide us with the required documentation and submit the appropriate fee to us.

As a consequence of introducing pre-application charging in relation to planning applications Gedling will no longer be operating a Duty Planner service.

General advice in relation to planning can be found on the Planning Portal www.planningportal.gov.uk

The appropriate form for requesting each Service form can be down loaded from our website www.gedling.gov.uk

Our web pages also provide further guidance on the information that we can provide and how to access this.

You can return your request form to us by:

Post

Send your completed form, together with the required documentation to Development Management, Gedling Borough Council, Civic Centre, Arnot Hill Park, Arnold, Nottingham NG5 6LU

E-mail

E-mail your completed form to p&eservicesupport@gedling.gov.uk you will need to write in the subject box of the e-mail Pre-application Request Form and give the site address for which you are making the request for.

You can make payment in the following ways:

Cheque

Cheques should be made payable to Gedling Borough Council and should be sent at the same time as you post your completed form to us.

If you have already submitted your form to us you should send your cheque with a covering letter that gives the first line of the site address that you are making the enquiry for.

At our offices

There is a Paying in Machine at the Civic Centre that is available during our normal office opening hours. You can pay for Pre-application request using this machine.

Over the phone

To pay for pre-application advice please telephone 0115 901 3949, you will need to advise that you wish to make a payment to Fund Code 109 and you will need to give the first line of the application site as the reference.

Pre-application Correspondence Advice

The simplest and quickest pre-application advice service we offer is the Pre-application correspondence advice service. Your request will be dealt with by correspondence only. We will advise of the issues raised by your proposal and will give an opinion of whether your proposal would be viewed favourably. This Service does not allow you to make amendments to your proposal.

This service is aimed at:

- Those proposing an extension to a house
- Those proposing extensions to commercial properties within designated areas
- Those proposing adverts
- Those wanting to submit non-material amendment applications, minor material applications, applications to vary conditions or to discharge planning conditions
- Those seeking advice on the information required to validate applications if they have not sought other pre-application advice

To use this Service you need to complete a Pre-application Correspondence Advice Form and return it to us together with the required supporting information and appropriate fee.

The supporting information we require to validate a request for Pre-application Correspondence Advice is:

- A site location plan with the enquiry site edged in red
- Photographs of the existing site
- Sketch plans of your proposal

If you are seeking advice on the information required to validate an application you will need to provide us with copies of the documents that you propose to submit with your application.

Once we receive a valid request, we will send out an acknowledgement letter that will advise you of your Case Officer.

The Case Officer will assess the application and carry out any necessary consultations.

A letter of advice will be sent to you within at least 30 working days. This letter of advice will set out:

- The issues raised by the proposal
- Whether your proposal will be viewed favourably

We will not be able to accept amendments to proposals. If you find that you do want to alter your scheme you will need to submit a fresh enquiry to us and pay a new fee.

Pre-application Meeting and Correspondence

Advice

The pre-application meeting and correspondence advice service allows you to discuss your proposal with our officers. We will assess your proposal and offer advice on how the scheme can be amended. We will also consider a change to the proposal before we issue a letter of advice to you.

This Service is aimed at:

- Those proposing an extension to a house in the Green Belt or other building work within the Green Belt;
- Those proposing extensions or works to commercial properties that are not in designated areas and that are less than 1000 square metres;
- Those proposing changes of use to premises that are less than 1000 square metres;
- Those who are proposing to build between 1 and 9 houses;
- Those wanting to submit a minor material application, an application to vary conditions or an application to discharge planning conditions.

To use this Service you need to complete a Pre-application Meeting and Correspondence Advice Request Form and return it to us together with the required supporting information and the appropriate fee.

The supporting information we require to validate a request for Pre-application Meeting and Correspondence Advice is:

- A site location plan with the enquiry site edged in red
- Photographs of the existing site
- Sketch plans of your proposal

Once we receive a valid request, we will send out an acknowledgement letter that will advise you of your Case Officer.

The Case Officer will assess the application and carry out any necessary consultations.

When we have assessed your proposal and received consultation responses we will provide written advice to you in relation to the issues that your proposal raises. You can either decide to arrange a meeting with your case officer or to make amendments to your proposal.

If you make amendments to the proposal you will need to submit the details to us. Once we receive the amendments we will reassess the proposal and carry out consultations. We will need at least 25 working days to consider any amendments.

Once we have assessed the amendments we will write to advice of the issues raised by the scheme. We will also contact you to arrange a meeting to discuss the proposal.

At the meeting we will set out the issues that the scheme raises and the amendments that could be made. After the meeting we will send out our final letter of advice to you.

If you do not make an amendment to your proposal and there are no delays in setting up the meeting then we will provide send out a written letter of advice within at least 45 working days.

Once you have received our letter of advice we will be unable to provide any further advice on your proposal. If you wish to make changes you will need to submit a fresh enquiry to us together with the appropriate fee.

Pre-application Major Advice

The pre-application major advice service allows you to discuss larger proposals with our officers. We will assess your proposal and offer advice on how the scheme can be amended. We will also consider up to two changes to the proposal before we issue a letter of advice to you. The Service allows you to meet with us up to two times.

The Service is aimed at:

- Those proposing 10 or more houses
- Those proposing extensions or works to commercial properties that would be more than 1000 square metres
- Those proposing changes of use to premises of more than 1000 square metres
- Those who are proposing to build on sites of more than 1 ha

To use this Service you need to complete a Pre-application Major Advice Request Form and return it to us together with the required supporting information and the appropriate fee.

The supporting information we require to validate a request for Pre-application Major Advice is:

- A site location plan with the enquiry site edged in red
- · Photographs of the existing site
- Sketch plans of your proposal
- A draft design and access statement setting out how your scheme will respond to the physical and socio-economic context of the site and how your scheme will improve the way the area functions and enhance its character and appearance
- 2 CDs with electronic copies of the information you are submitting to us

Once we receive a valid request, we will send out an acknowledgement letter that will advise you of your Case Officer.

The Case Officer will assess the application and carry out any necessary consultations.

When we have assessed your proposal and received consultation responses we will provide written advice to you in relation to the issues that your proposal raises. You can either decide to arrange a meeting with your case officer or to make amendments to your proposal.

If you make amendments to the proposal you will need to submit the details to us. Once we receive the amendments we will reassess the proposal and carry out

consultations. We will need at least 25 working days to consider any amendments. Once we have assessed the amendments we will write to advice of the issues raised by the scheme. We will also contact you to arrange a meeting to discuss the proposal.

At the meeting we will set out the issues that the scheme raises and the amendments that could be made. After the meeting we write to advise you of the issues raised by the proposal. If you would like to set up another meeting to discuss any issues then you can contact the case officer.

You can decide to make further amendments to the scheme. If you do then we will need at least 25 working days to consider any amendments. Once we have assessed the amendments we will write to advice of the issues raised by the scheme. We will also contact you to arrange a meeting to discuss the proposal.

At the second meeting we will discuss the issues raised by the scheme. After the meeting we will send out our final letter of advice to you.

If you do not make any amendments to your proposal and there are no delays in setting up meetings then we will provide send out a written letter of advice within at least 60 working days.

Once you have received our letter of advice we will be unable to provide any further advice on your proposal. If you wish to make changes you will need to submit a fresh enquiry to us together with the appropriate fee.

Pre-application Advice Major Complex

The major complex advice service allows us to discuss larger and more complex proposals with you and allows us to tailor pre-application discussions for you.

The Service is aimed at:

- Those proposing 200 or more houses
- Those proposing extensions or works to commercial properties that would be more than 10,000 square metres
- Those who are proposing to build on sites of more than 4ha

To use this Service you need to complete a Pre-application Major Advice Request Form and return it to us together with the required supporting information and the appropriate fee.

The supporting information we require to validate a request for Pre-application Major Advice is:

- A site location plan with the enquiry site edged in red
- Photographs of the existing site
- Sketch plans of your proposal
- A draft design and access statement setting out how your scheme will respond to the physical and socio-economic context of the site and how your scheme will improve the way the area functions and enhance its character and appearance
- 2 CDs with electronic copies of the information you are submitting to us

Once we receive a valid request, we will send out an acknowledgement letter that will advise you of your case officer.

The case officer will then review the application if they think that the scheme is a major complex one they will contact you. If you agree that we do need to tailor our pre-application discussions to meet your needs we will arrange an initial meeting with you

The purpose of the initial meeting will be to discuss the nature of the application, to consider the issues that need to be explored further and the additional specialist advice that will be required and the timescales within which work needs to be completed.

After the initial meeting has taken place we will provide you with written details of the additional fee and the timescales that will be required to provide pre-application advice to you. You will have 10 working days within which to agree with our additional charge and the proposed timescales. We will provide pre-application

advice in accordance with the agreed timescales and fee. Pre-application advice will start once we have received the agreed payment.

If you do not agree to pay the additional fee we will deal with the enquiry in the same way as a pre-application major enquiry. We will assess your scheme and carry out any necessary consultations. We will then we will write to advice of the issues raised by the scheme. We will also contact you to arrange a meeting to discuss the proposal. The enquiry will then follow the same route as a major pre-application enquiry.

Pre-application Advice Trees and Hedges

The pre-application advice service in relation to trees and hedges offers specialist advice in relation to works to trees that have tree preservation orders that are within conservation areas or for hedges that may be of importance as defined by the Hedgerow Regulations 1999.

To use this Service you need to complete a Pre-application Tree Advice Request Form and return it to us the appropriate fee.

Once we receive a valid request, we will arrange with you to carry out a site visit.

Post Planning Decision Advice

Planning permission is usually granted subject to planning conditions that may require the submission of further details in order to comply with conditions. As an applicant you may decide that you want to make changes to your approved scheme.

You can use either our Pre-application Correspondence Advice Service or our Preapplication Meeting and Correspondence Advice Service if you want further guidance on:

- What information needs to be submitted to comply with planning conditions;
- Whether approval is likely to be granted for alterations to schemes and which type of application process would be more appropriate for you.

Using one of our pre-application services to assist with satisfying conditions and to make changes to your proposal is likely to bring you additional benefits:

- Avoiding the submission of an incomplete application;
- High level of certainty;
- Earlier decisions;
- Cost savings to you;
- Reduced confrontation;

Refusal of Permission

If you have been refused planning permission following pre-application advice which was favourable and you followed our advice then we will offer you the ability to either take up our Pre-application Correspondence Advice Service or Pre-application Meeting and Correspondence Advice service free of charge.

If you do take up either Service, we will advise you of possible amendments that could be made to your scheme to overcome the reasons for refusal.

This free follow up Service will not apply where pre-application advice has not been sought from us or where our pre-application advice was not followed.

Other Advice and Information

At Gedling we can also provide the following advice and information:

- Whether planning permission was required for development or a change of use that has already been carried out;
- Confirmation of whether planning conditions have been complied with
- Confirmation of compliance with s106 agreements signed by Gedling Borough Council;
- Copies of representations received as part of the planning application process

A charge will be made for the provision of such advice which is detailed in the following pages.

Did I need permission?

You can make certain changes to houses and properties without requiring planning or building regulation approval. However, we are finding that when people come to sell on properties and they have carried out changes to properties that solicitors are requiring proof that permission was not required. To prevent delays in relation to the sale of property, it is best if you obtain the correct documentation before you carry out any changes, but if this is not possible we do offer a Did I need permission Service.

There are two ways of obtaining proof that planning permission was not required for changes these are the;

- Submission of a certificate of lawfulness application;
- Submission of a Retrospective householder or development questionnaire form;

The only way of obtaining proof that building regulation approval is not required for changes is through the submission of a householder or development questionnaire form.

The most legally binding way of obtaining proof that planning permission was not required for changes is through a certificate of ownership application. The cost for such a certificate would be the same as the fee as if you were putting in an application for that development. It can take up to 8 weeks to provide you with a decision.

Through the submission of a householder or development questionnaire form, we will provide you with written confirmation of whether you did or did not require planning and/or building regulation approval. The cost of this service is £72.00 including VAT. We will provide a written response within 3 working days from the day after we have received a valid request and payment.

A retrospective householder or development questionnaire form can be down loaded from our website www.gedling.gov.uk

You can return your form to us by:

Post

Send your completed form, together with the required documentation to Development Management, Gedling Borough Council, Civic Centre, Arnot Hill Park, Arnold, Nottingham NG5 6LU

E-mail

E-mail your completed form to p&eservicesupport@gedling.gov.uk you will need to write in the subject box of the e-mail Questionnaire Form and give the site address for which you are making the request for.

You can make payment in the following ways:

Cheque

Cheques should be made payable to Gedling Borough Council and should be sent at the same time as you post your completed form to us.

If you have already submitted your form to us you should send your cheque with a covering letter that gives the first line of the site address that you are making the enquiry for.

At our offices

There is a Paying in Machine at the Civic Centre that is available during our normal office opening hours. You can pay for questionnaires using this machine.

Over the phone

To pay for a questionnaire please telephone 0115 901 3949, you will need to advise that you wish to make a payment to Fund Code 24 and you will need to give the first line of the address of the property that you are making the enquiry for.

Confirmation of Compliance with Conditions and s106 agreements

Solicitors are now requesting written confirmation of compliance with conditions attached to planning permissions or s106 agreements.

We are able to confirm compliance with conditions and with s106 agreements that have been signed by the Council. For those s106 agreements signed with the County Council you will need to contact them separately.

If you need to obtain such information you will need to complete a Confirmation of Compliance with Conditions Request or a Confirmation of Compliance with a s106 Form.

The completed form should be returned to us together with the appropriate fee.

It may take us 7 weeks to respond to such a request, as we may need to consult other parties.

If there are number of permissions that you are seeking confirmation of compliance with conditions or s106 agreements to, you will need to send in a separate request for every permission and agreement that you are requesting information for.

The appropriate forms can be down loaded from our website www.gedling.gov.uk

You can return your form to us by:

Post

Send your completed form, together with the required documentation to Development Management, Gedling Borough Council, Civic Centre, Arnot Hill Park, Arnold, Nottingham NG5 6LU

E-mail

E-mail your completed form to <u>p&eservicesupport@gedling.gov.uk</u> you will need to write in the subject box of the e-mail Confirmation of Compliance Form and give the site address for which you are making the request for.

You can make payment in the following ways:

Cheque

Cheques should be made payable to Gedling Borough Council and should be sent at the same time as you post your completed form to us.

If you have already submitted your form to us you should send your cheque with a covering letter that gives the first line of the site address that you are making the enquiry for.

At our offices

There is a Paying in Machine at the Civic Centre that is available during our normal office opening hours. You can pay for Confirmation of Compliances using this machine.

Over the phone

To pay for a confirmation of compliance please telephone 0115 901 3949, you will need to advise that you wish to make a payment to Fund Code 109 and you will need to give the first line of the address of the property that you are making the enquiry for.

Copies of Representations Received

It can sometimes be useful to be given copies of the representations that we have received as part of the planning application process. For data protection reasons we do not make these publically available on our website and they do not form either part 1 or 2 of the Planning Register.

If you would like copies of representations received in relation to an application you will need to fill in a Representations Request Form and return it to us with the appropriate fee.

Once we have received a valid request we will collate the information and will remove any personal data or any references that would identify the identity of the writer.

In some circumstances we may advise that we are unable to provide you with the information. Unfortunately we would be unable to return the fee.

The appropriate forms can be down loaded from our website www.gedling.gov.uk

You can return your form to us by:

Post

Send your completed form, together with the required documentation to Development Management, Gedling Borough Council, Civic Centre, Arnot Hill Park, Arnold, Nottingham NG5 6LU

E-mail

E-mail your completed form to p&eservicesupport@gedling.gov.uk you will need to write in the subject box of the e-mail Representation Request Form and give the site address for which you are making the request for.

You can make payment in the following ways:

Cheque

Cheques should be made payable to Gedling Borough Council and should be sent at the same time as you post your completed form to us.

If you have already submitted your form to us you should send your cheque with a covering letter that gives the first line of the site address that you are making the enquiry for.

At our offices

There is a Paying in Machine at the Civic Centre that is available during our normal office opening hours. You can pay for Copies of Representations using this machine.

Over the phone

To pay for a planning application please telephone 0115 901 3949, you will need to advise that you wish to make a payment to Fund Code 109 and you will need to give the first line of the address of the property that you are making the enquiry for.

Help and Assistance in accessing Development Advice and Information

If you need help in filling out forms then you contact us on 0115 901 3971. You can also contact us on this number if you need help understanding and accessing the different services that we provide, if English is not your first language or if you have a disability.

Confidentiality

Gedling Borough Council is governed by the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 in relation to the information that we may be required to release.

If we are requested to provide information that would be covered by either of these two pieces of legislation there is a presumption that the Council should disclose the information to the public, unless its disclosure would adversely affect the interests of that person.

If you wish us to treat pre-application material as confidential, then you will need to set out your reasons for this. However you do need to be aware that if the Council does receive a request for information that we do have a duty to consider why the information should not be disclosed. We will contact you if we consider that we have a duty to disclose the information.

Complaints

We hope that you will not have to make a complaint to us in relation to any of the above Services, but if you feel that you have not received the level of service that you were expecting then we do have a complaints procedure that you can use.

In the first instance we would ask you to contact the Team Leader for the Case Officer. He/she will listen to your concerns and seek to resolve your issues. If you feel that you need to make a formal complaint then you will need to use our standard complaints service.

Details of our complaints procedure is set out on our website at www.gedling.gov.uk

The process requires you to formally write into the Council setting out your concerns. These concerns will then be investigated by the appropriate Team Leader, who will write to advise you of their findings. If you are not satisfied with the response then you will need to formal write to the Service Manager for Planning. If you are still not satisfied with the response you can make an official complaint to the ombudsman.

Answers to General Questions

Set out below are answers to questions that we anticipate that you may wish to ask us in relation to the introduction of charges for Development Advice and Information.

Why are charges being introduced?

Gedling Borough Council has decided to bring in charges for a range of advice and information so that it can recover the costs of providing these Services. It also will enable us to provide high quality consistent advice to our customers.

Why are some charges more than the cost of submitting a planning application?

Planning application fees are set nationally by the government and do not take into the account the actual time and cost of determining the planning application. All of the fees that have been set by Gedling Borough Council in relation to Development Advice and Information have been calculated on the basis of total cost recovery or recovery of staff costs associated with providing that Service.

I do not want to pay for advice, what should I do?

If you do not wish to pay for pre-application advice the planning portal does contain a large amount of general information. You can also decide to submit an application without having requested pre-application advice. However, this can cause unnecessary delays and could be more costly for you in the long run.

Why are the timescales so long in relation to dealing with pre-application requests?

The timescales have been calculated taking into account the time that it would take us to check a request, carry out consultations and to assess the enquiry. The process of carrying out consultations with other bodies such as the Highway Authority can take up to 3 weeks.

When will the time period commence for dealing with an enquiry?

We will start the time period for dealing with an enquiry from the day after we receive a valid request. The time frames are set in relation to working days so will not cover Saturday, Sundays or Bank Holidays.

Any other questions?

If you have any other questions that are not covered above please contact us on 0115 901 3971 or e-mail your query to us at developmentcontrol@gedling.gov.uk

Summary of Charges

Service Request Type	Fee to be charged	Price with VAT
Enquiry Questionnaires	£40.00	£48.00
Does development require planning permission?		
Retrospective Questionnaires	£60.00	n/a
Did the development require planning permission?		
(A) Pre-application Advice no meeting	£125	£150.00
(B) Pre-application Advice with meeting	£175	£210.00
(C) & (D) Pre-application Major / Major	£400	£480.00
Complex		
(D) Pre-application tree advice	£140	£168
Confirmation Compliance S106 agreements Gedling	£100	£120
Only		
Retrieval of Information Representations	£8.40	n/a
Householder Application		
Retrieval of Information Representations	£25.20	n/a
Minor Application		
Retrieval of Information Representations	£26.40	n/a
Major Application		
Confirmation of compliance with conditions	£28.00	n/a
Householder		
Confirmation of compliance with conditions-Other	£97.00	n/a
types of application		