

GUIDANCE NOTES TO ASSIST WITH YOUR APPLICATION FOR A CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE OR DEVELOPMENT

These Guidance Notes have been specifically designed to help you complete the form LDCE. Please read them carefully and refer to them when completing the application form. **Please answer every question on the application form. If information is missing, this may delay the processing of your application.**

Please note that the information you give on this application form will be made public. Copies of the completed application form and accompanying plans and information, are made available for public inspection at the Authority's offices in order that consultees can view them before making any comments. In addition, details of the application will appear on our website; this includes the applicant's name and address, and the name, address and telephone number of any agent.

1. Applicant

Please fill in the applicant's contact details here. Please indicate the preferred means of written correspondence. Please note however that there are certain documents that we are unable to send via email and which you will receive through the post. Please note that if there is an agent acting on behalf of the applicant, all correspondence regarding the application, including the decision notice, will be sent to the agent unless you request otherwise.

2. Agent

If there is an agent acting, please fill in their contact details here. Please indicate the preferred means of written correspondence. Please note however that there are certain documents that we are unable to send via email and which the agent will receive through the post. If there is a reference number or a specific contact name for the application, please state it here. Please note that all correspondence regarding the application, including the decision notice, will be sent to the agent unless you request otherwise.

3. Location of application site and ownership

Please give the full postal address of the site here. If it is the same as the address given in box 1 ('Applicant') then there is no need to repeat the information; instead please write 'as box 1 above'. Please also indicate the status of the applicant; NB. The category 'owner' includes the mortgagee.

4. Application type

We recommend that you discuss your proposals with a planning officer before making an application. Please give their name and any reference number here.

5. Description of use, operations or activity

Please give a detailed description of the existing use, building or other operations or activity in breach of a condition, that relates to your application. If there are several uses, operations or activities, then please describe them all. Please also give the date of when the use, or activity in

breach of condition commenced, or, the date when the operations were substantially completed. Please indicate the location of each use, operation or activity on the plans submitted.

6. Grounds for certification

Please indicate from the list given, on what grounds you are applying for the Lawful Development Certificate. Please only tick one box. Please note that you will be expected to provide documentary evidence to support these grounds.

7. Breaching a condition

Please indicate whether your proposal involves the breach of a condition. If it does, please give details of the condition here. Please also ensure that you have attached a copy of the relevant planning consent to which it refers. Please note that evidence will be required to precisely show that the breach has continued for a continuous period of ten years.

8. Application information summary

Please use the checklist to make sure that all relevant information has been included with your application form.

Fees

As at 1 January 2005 the fees are as follows:

- for an application under S.191 for an *existing* use of land or operation, the same fee as an equivalent planning application
- for an application under S.191 for an *existing* use as one or more separate dwellinghouses, the fee is £270 for each dwellinghouse
- for an application under S.191 relating to an *existing* breach of a planning condition, a fee of £135.
- for an application under S.192 for a *proposed* use of buildings or other land, or any operations *proposed* to be carried out in, on, over or under land – half the fee of an equivalent planning application.

However, there are exceptions, and if you are in any doubt as to the correct or up to date fee, please contact the Development Control Service who will be able to advise you of the correct fee for your application.

OS Map

Please attach six copies of an Ordnance Survey style location map (1:2500 scale). The whole application site should be outlined in red and any nearby properties owned or occupied by the applicant, or under the applicant's control, outlined in blue.

Plans

Please submit detailed drawings to scale, which clearly show the layout of the existing use or development within the whole site and/or building. Drawings of the elevations will also be needed for any buildings/structures that have been erected.

All drawings should be at 1:50 or 1:100 scale with measurements in metric units.

Documentary evidence

It is highly recommended that you include at least three of the suggested types of documentary evidence with your application, as appropriate:

1. Statutory Declaration(s) to be signed by someone with personal knowledge of the continuous use, activity in breach of condition, or operational development, who will not benefit from the application (e.g. a neighbouring resident). Alternatively a

Statutory Declaration by the Applicant may be submitted, although this will not carry as great a weight when making a determination

2. Council Tax records
3. Electoral roll records (residential uses only)
4. Rent Book or copies of Tenancy Agreements
5. Evidence of services (i.e. gas, electricity, water and/or telecom)
6. Photographic evidence that can be dated
7. Invoices for works undertaken
8. Business records (if relevant).

If you do not have an agent acting for you, it is especially advisable to discuss this aspect of your application with the Authority's officers before you submit the application to make sure that you are aware of the information that is needed to determine your application.

Without sufficient clear and precise evidence on which to make a determination, it is likely that the application will be refused on the basis of lack of evidence. It is therefore in your own interest to obtain as much information as possible prior to submission of the application. Please give details of all attached information where indicated in box 8.

Please Note:

We may write to you to ask for further information. If this is not provided by the date given to you, the application will be determined on the evidence we have. If an application is refused because of lack of evidence, this does not prevent a further application being submitted if better evidence subsequently becomes available.

Please remember to sign and date the form.