



OFFICE USE ONLY

REG. NO _____
 DATE OF RECEIPT _____
 FEE DEPOSITED _____
 FEE DUE _____
 FEE EXEMPTION CLAIMED _____

**APPLICATION FOR A CERTIFICATE OF LAWFULNESS
 FOR A PROPOSED USE OR DEVELOPMENT**

Town & Country Planning (Scotland) Act 1997: Section 151,
 Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

Applicants Name and Address	Particulars of Agent (if any) acting on applicant's behalf
Surname _____	Name _____
Other Names _____	Postal Address _____
Postal Address _____	_____
_____	Post Code _____
Post Code _____	Tel.No. _____
Email _____	Email _____
Tel.No. _____	Profession _____

1. (1) Nature of applicant's interest in the land, e.g. owner, lessee, occupier. _____

(2) If you do not have an interest:-

(a) give name(s) and address(es) of anyone you know who has an interest in the land;

(b) state the nature of their interest (if known): _____

(c) state whether they have been informed about this application YES/NO

2. Address or exact location of the land to which this application relates:

Describe here and enclose 4 copies of an OS-based plan showing the boundary of the land edged in red.

3. Has the proposal been started? YES/NO

4. If the proposal consists of, or includes, carrying out building or other operations in terms of Section 51 (1) (b) of the act give a detailed description of all* such operations and attach such plans or drawings as are necessary to show their precise nature. (In the case of a proposed building the plans should indicate its precise siting and exact dimensions.)

* includes the need to describe any proposal to alter or create a new access, lay out any new street, construct any associated hardstandings, means of enclosure or means of draining the land / buildings.



APPLICATIONS FOR CERTIFICATES OF LAWFULNESS FOR A PROPOSED USE OR DEVELOPMENT

NOTES FOR GUIDANCE

1. **In order to avoid delays in processing, applicants are asked to study these notes, and the enclosed application forms, carefully to ensure that all the necessary particulars and plans are provided.**

Application Forms

2. **TWO** copies of the application form in respect of an application for a Certificate of Lawfulness for a proposed use or development shall be submitted.
3. **ALL** questions on the application form shall be answered, and the forms signed and dated where indicated.

Plans

4. **FOUR** sets of plans shall be submitted, and shall be clear, intelligible and numbered. Where sets of more than three sheets are necessary, a **SCHEDULE OF DRAWINGS** shall accompany the application.

(a) Location Plan – This plan shall be drawn to an appropriate scale (e.g. 1:2500) and shall show the land to which the application relates coloured red, any adjoining land in the same ownership coloured blue, and sufficient details to readily identify the site in comparison with the Ordnance Survey Map of the same scale. Corporate Services, (Development Management Section) should be consulted in any cases of doubt as to which scale is appropriate.

(b) Site Plan – Where there are buildings on the land to which an application for a Certificate of Lawfulness for a proposed use or development relates, a site plan to a scale of not less than 1:500 shall be provided. This plan shall show the boundaries and area of the site edged in red, any adjoining land in the same ownership coloured blue; the position and width of adjacent roads, the position and width of existing accesses to the site and the position of any existing buildings on or immediately adjoining the site. The plan shall also show the position of any buildings proposed to be erected, rebuilt or altered, the position and width of any proposed accesses from the buildings or site to existing or proposed roads, the position of any new fences, walls, etc., any existing or proposed off-road parking and areas of hard and soft landscaping.

In the case of the laying out of new streets or the extension, widening or alteration of existing streets, the plan shall show the street proposed to be laid out or altered.

Applicants are advised to consult the document “Guidelines for Development Roads” or the Head of Roads in relation to the matters on roads and parking.

(c) Other Plans

(i) Where there are proposed buildings on the site to which the application relates, a plan of each floor should be provided, to a scale of 1:100 minimum. In the case of proposed buildings, drawings of the main elevation shall be provided.

(ii) In the case of the laying out of new streets or the extension, widening or alteration of existing streets, plans, longitudinal and cross sections shall be submitted to a scale of not less than 1:500 horizontally, and to a scale of 1:100 vertically, showing complete details of construction of streets and drainage accompanied by such specifications as may be required by the Council.

5. Where the application relates to two or more uses, operations or other matters, the plans accompanying the application are to indicate to which part of the land each use, operation or matter relates.

All plans shall include the appropriate scale, and in relation to the Location and site plans, the North Point shall be shown.

Fees for Certificates of Lawfulness for a proposed use or development

Fees payable in respect of the above shall be paid at the time the application is made. Any application without a fee or with less than the required statutory fee but otherwise correctly made (without prejudice to further information required in terms of the Town & Country Planning (Development Management Procedure) (Scotland) Regulations 2008) will not be processed until the appropriate fee has been paid in full.

Scale of fees

Alterations etc. to existing dwellings.	£160 per dwellinghouse. Maximum £319 for two or more dwellings.
Erection of dwellings.	£319 per dwellinghouse created. Maximum £15,950 (50 dwellings).
Erection of buildings other than dwellinghouses, extensions etc. to dwellinghouses and buildings for agricultural purposes.	Works not creating more than 40sq.m. of additional floor space - £160. More than 40sq.m. but not more than 75sq.m. of additional floor space - £319. Each additional 75sq.m. (or part thereof) £319. Maximum £15,950 (=3,750sq.m.).
Erection, alteration or replacement of plant and machinery.	£319 per 0.1ha (or part thereof) of site area. Maximum £15,950 (=5ha).
Agricultural building.	Where the gross floor space is less than 465sq.m., £160. Over 465sq.m. but not exceeding 540sq.m., £319; and £319 for each 75sq.m. in excess of that figure subject to a maximum of £15,950.
Winning, working or storage of minerals etc. (other than peat) and waste disposal.	£160 per 0.1ha (or part thereof) of site area. Maximum £23,925 (=15ha).
Winning and working of peat.	£160 per hectare (or part thereof) of site area.

	Maximum of £23,925 per 15ha or more.
Car parks, service roads or accesses.	£160 (existing uses only).
Exploratory drilling for oil or natural gas.	£160 per 0.1ha (or part thereof) of site area. Maximum of £23,925 (=7.5ha).
Other operations on land.	£160 per 0.1ha (or part thereof) of site area. Maximum £1,595 (=1ha).
Activity in breach of a planning condition.	£160
Other changes of use except waste or minerals.	£319

Concessionary fees and exemptions

Works to improve a disabled person's access to a public building, or to improve his access, safety, health or comfort at his dwellinghouse.	NO FEE.
Applications where a use specified is established. (see note A)	Half the amount otherwise payable.
Applications crossing planning authority boundaries.	Only one fee, paid to the authority having the larger site but several calculated for whole scheme, and subject to special ceiling.
Applications by community councils.	Half the normal fee.
Playing fields (for sports clubs etc.)	£319
Revised or fresh application for a use or operation or other matter of the same description within 12 months of either refusal of the earlier application or the date of making an application subsequently withdrawn.	NO FEE.
Use as one or more separate dwellinghouses.	£319 per dwellinghouse, or £160 per dwellinghouse if the use is established (see note A).

NOTE A

A use shall be treated as established if it was certified as established by an established use certificate granted under Section 90 or 91 of the 1972 Act as originally enacted.

Site Area and Floor Space

Wherever a fee is based on the site area, the site area is defined as the area to which the application relates; that is to say, the land being developed including any which changes its use as part of the development. This will normally be shown edged in red on the plan accompanying the application, while other land in the same ownership but not being developed is normally identified separately.

Wherever a fee is based on floor space, the floor space is taken to be the gross floor space (all storeys) to be created by the development shown in the application. For fee purposes this measurement is an external measurement, and includes the thickness of external and internal walls. Floor space does not include other areas inside a building which are not readily usable by humans or animals, e.g. liftshafts, tanks, loft spaces. Where buildings featuring or comprising canopies are concerned, there can be no simple rule as to whether floor space is being created by the erection of the canopy, but the absence of external walls is not the determining factor.

Where floor space or site area (as the case may be) is not an exact multiple of the unit of measurement provided by the fees scale, the amount remaining is taken to be a whole unit for fees purposes.

The fee is always determined on the basis of the application as made. Even if permission is granted for a development of a different size, or if the application is amended by agreement in the course of discussion with the applicant, no adjustment is made to the fee payable.