

Application for Certificate of Lawfulness for proposed use or development

Official Use	
Application No.:	_____
Fee Received: £	_____
Receipt No.:	_____

This form is specifically designed to be downloaded and completed offline. If completing a printed version, please use black ink and block capitals as the document will be scanned once received by the Planning Authority.

This form should be completed when the applicant is seeking a written determination that a proposed use of land, operational development or activity is lawful.

You are advised to read the notes at the end of this form before completing the application. You may also find it useful to discuss your proposals with your local planning office before submitting your application. To find contact details for the Planning Authorities, including the postal or e-mail address to send offline applications to, please check the local council's website or visit www.nidirect.gov.uk/contacts/planning-offices-ni.

If you would rather make this application online, you can do so on the Planning Portal (<https://submissions.planningsystemni.gov.uk/app/>).

Please note that when you submit your application the information you provide, including plans, maps and drawings, forms and associated assessments will appear on the Planning Register which is available to the public. The Planning Authority will process your information in line with the General Data Protection Regulations (GDPR) requirements. A copy of the full Privacy Statement is available on the Planning Portal. To request a hard copy, please contact the Data Protection Officer for the relevant Planning Authority.

Section A

Applicant's name and address

Agent's name and address (if applicable)

Name:		Name:	
Address:		Address:	
Town/City:		Town/City:	
Postcode:		Postcode:	
Tel:		Tel:	
Mobile:		Mobile:	
E-mail:		E-mail:	
Your Ref.:		Your Ref.:	

Section B

Please state the applicant's interest in the land (e.g. owner, lessee, occupier, trustee, other)

If the applicant is not the owner, please give the name(s) and address(es) of anyone you know who has an estate in the lands. Please also include the nature of their estate (if known).

Have the owner(s) been informed of the application?

Yes

No

Section C

Give the full postal address of the site. If you cannot provide a postcode, then please give the most accurate site description you can in order to help locate the site. (Please outline the site in red on the location plan)

Section D

Description of Proposal

Has the proposal been started?

Yes

No

If YES, please state when the proposal was started

Does the proposal consist of, or include, the carrying out of building or other operations?

Yes

No

If YES, please give a detailed description of all such operations. The description needs to provide appropriate detail including 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.

Does the proposal consist of, or include, a change of use of the land or building(s)?

Yes

No

If YES, please fully describe the existing or the last known use

Approximately when did the last known use cease?

Use Classes (existing or last known)

Please select all existing Use Classes which are applicable:

A1 - Shops

A2 - Financial, professional and other services

B1 - Business

B2 - Light industrial

B3 - General industrial

B4 - Storage or distribution

C1 - Dwelling houses

C2 - Guest houses

C3 - Residential institutions

C4 - Secure residential institutions

D1 - Community and cultural uses

D2 - Assembly and leisure

NOT LISTED

If not listed, please select any of the following 'not listed' existing uses which are applicable:

- (a) as an amusement arcade or centre, or a funfair
- (b) as a betting office
- (c) for the purposes of a funeral undertaker
- (d) as a hostel where a significant element of care is provided
- (e) as a hotel
- (f) as a house in multiple occupation
- (g) for the sale of fuel for motor vehicles
- (h) for the sale or display for sale of motor vehicles
- (i) for the sale of food or drink for consumption on the premises or of hot food for consumption off the premises
- (j) as a scrapyards, or a yard for the storage or distribution of minerals or the breaking of motor vehicles
- (k) as a swimming bath, skating rink, gymnasium or area for other indoor or outdoor sports or recreations including those involving motorised vehicles or firearms
- (l) for a taxi business or business for the hire of motor vehicles
- (m) for or in connection with public worship or religious instruction
- (n) for the carrying out of any prescribed process which requires an authorisation under Article 6 of the Industrial Pollution Control (Northern Ireland) Order 1997 or for the operation of any installation or mobile plant which requires a permit under regulation 9 of the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013
- (o) as a waste management facility for the collection, transport, treatment, recovery, recycling, transfer and disposal of waste (as defined in Council Directive 2008/98/EC)

Please give a full description of the scale and nature of the proposed use, including the processes to be carried on, and any machinery to be installed.

Use Classes (proposed)

Please select all proposed Use Classes which are applicable:

- | | |
|--|---|
| <input type="checkbox"/> A1 - Shops | <input type="checkbox"/> C2 - Guest houses |
| <input type="checkbox"/> A2 - Financial, professional and other services | <input type="checkbox"/> C3 - Residential institutions |
| <input type="checkbox"/> B1 - Business | <input type="checkbox"/> C4 - Secure residential institutions |
| <input type="checkbox"/> B2 - Light industrial | <input type="checkbox"/> D1 - Community and cultural uses |
| <input type="checkbox"/> B3 - General industrial | <input type="checkbox"/> D2 - Assembly and leisure |
| <input type="checkbox"/> B4 - Storage or distribution | <input type="checkbox"/> NOT LISTED |
| <input type="checkbox"/> C1 - Dwelling houses | |

If not listed, please select any of the following 'not listed' proposed uses which are applicable:

- (a) as an amusement arcade or centre, or a funfair
- (b) as a betting office

- (c) for the purposes of a funeral undertaker
- (d) as a hostel where a significant element of care is provided
- (e) as a hotel
- (f) as a house in multiple occupation
- (g) for the sale of fuel for motor vehicles
- (h) for the sale or display for sale of motor vehicles
- (i) for the sale of food or drink for consumption on the premises or of hot food for consumption off the premises
- (j) as a scrapyards, or a yard for the storage or distribution of minerals or the breaking of motor vehicles
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- (m) for or in connection with public worship or religious instruction
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- (o) as a waste management facility for the collection, transport, treatment, recovery, recycling, transfer and disposal of waste (as defined in Council Directive 2008/98/EC)

Section E - Grounds for Application for a Lawful Development Certificate

The onus of proof for a Certificate of Lawful Use or Development is firmly on the applicant. This means that the applicant should clearly state the reason(s) why the existing use, operation or activity in breach of a condition or a proposed use, operation or activity is lawful. This can be demonstrated and confirmed through the submission of evidence. A refusal to issue a Certificate is not necessarily conclusive evidence that something is not lawful but may mean that so far insufficient evidence has been presented to satisfy the Planning Authority that the use or operation is lawful.

Briefly explain why you consider the most recent use of the land is lawful, or why you consider that any existing buildings, which it is proposed to alter or extend are lawful

Please detail what evidence you are submitting in support of this proposal

Select which option below best describes the proposed operation or use

Permanent

Temporary

If temporary, please give details including what time period you are proposing?

Hours of Opening

Provide details of the proposed hours of opening for the site. In sensitive areas, or where a use could cause nuisance to neighbours, it is likely that a condition could be imposed that restricts the hours of operation on your proposed development.

Are Hours of Opening relevant to this proposal? Yes No

If known, please enter relevant opening hours as indicated using the 24 hour clock format (HH:mm)

Start Time: Monday to Saturday	End Time: Monday - Saturday
Start Time: Sunday and Bank Holiday	End Time: Sunday and Bank Holiday

Is it likely that there will be seasonal variation to the opening hours? If so, please provide clarification.

Section F

Authority Employee / Elected Member Interest

Are you / the applicant / the applicant's spouse or partner, a member of staff within the council or an elected member of the council?

Yes No

Are you / the applicant / the applicant's spouse or partner, a relative of a member of staff in the council or an elected member of the council or their spouse or partner?

Yes No

If you have answered yes to either of the above questions, you / the applicant / the applicant's spouse or partner may have a duty to declare an interest in this application under the Authority's code of conduct or scheme of delegation. If necessary, a council officer may be in touch with you to confirm details.

Section G

Declaration

I / We hereby apply for a Certificate of Lawful Use or Development under Section 170 of The Planning Act (Northern Ireland) 2011, in respect of the proposed use, operation or activity described in this application and the documents, drawings and plans which accompany it.

I / We confirm that, to the best of my / our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the persons giving them.

Signature of *Applicant / Agent _____ Date _____

On behalf of _____

** Delete as appropriate*

Warning: Section 172 of the Planning Act (Northern Ireland) 2011 provides that it is an offence to furnish false or misleading information or to withhold material information with intent to deceive. Section 171 (7) enables the Council to revoke, at any time, a certificate it may have issued as a result of such false or misleading information.

Guidance Notes for Completion of Application Form LDC2

Section 170 Application for a Certificate of Lawfulness for an PROPOSED Use or Development

The purpose of making this application is to establish whether a **proposed** use, or a **proposed** building operation, would be lawful for planning purposes. In other words, the proposed development can be carried out without the need to apply for planning permission. If you wish to apply for a certificate in respect of an **existing** use, or where building works or other operations have already been carried out, you should complete the application form LDC1 for a Section 169 Application – Certificate of Existing Use or Development.

Section A

Complete details of the applicant and, if applicable, the agent.

Section B

Please confirm if you are the owner of the property. If you are not, please provide the name(s) and address(es) of anyone you know who has an estate in the land(s). Please also include the nature of their estate (if known) and also confirm whether they have been informed about this application.

Section C

Give the full postal address of the site to which this application relates. If this is not possible, the distance and direction of the site from a known address or landmark should be given e.g. 200m south of No. 24 Main Street. The site location plan submitted as part of your application should accurately identify the precise boundaries of the site in red, including any open curtilage, garden area etc.

Section D

A proposal has started if any use or building works have commenced. It is not advisable to commence any works until you have received a Certificate confirming that a planning application does not need to be submitted. If you require further clarification please contact your local planning office. Tick 'yes' or 'no' as appropriate. If 'yes', indicate as accurately as possible the date on which the works started.

If the proposal involves building work or other operations, a full and precise description should be provided. Drawings submitted should include a site plan, elevations and floor plans to scale and should clearly detail proposed works.

If the proposal involves a change of use of buildings or land please provide as much information as you can about the **existing or last use** of the building / land. If a building has more than one floor specify the use(s) of different floors. If the building is residential specify the number of flats / units and provide floor plans clearly showing the different units (e.g. outlined in different colours).

You will need to provide information and documentary evidence confirming that the last known use(s) of the building / land is / are lawful. If your application concerns a house or flat(s), this evidence will need to relate to (at least) the four years prior to the date of the application. If the application is for any other use or activity, the evidence will need to be for the previous ten years. In addition, you will need to provide information and documentary evidence confirming that any existing buildings it is proposed to extend or alter are lawful. This may be that the buildings have been in existence for more than four years, or that they already benefit from planning permission. If you require confirmation of the date on which planning permission had been granted, contact your local planning office.

Please also provide as much information as you can about the **proposed use**. Provide drawings to illustrate how the buildings and / or land would be used – identify different uses of different parts of the site (e.g. office, parking etc).

Use Classes

Please select all existing and proposed Use Classes that are applicable. Please refer to the Planning (Use Classes) Order (Northern Ireland) 2015 if you require further detail.

Section E

This provides an opportunity for the applicant to justify why a Certificate of Lawful Use or Development should be granted.

(1) If you are applying for **building works or operations**, the basis for issuing a Certificate is likely to be one of the following:

- Planning permission already exists for the same or similar works;

- The proposed works do not require planning permission because they constitute “permitted development” under the Planning (General Permitted Development) Order 2015 (the GPDO);
 - The works would not involve development at all, (which usually means that they are of a minor nature and would not significantly affect the external appearance of a building or property).
- (2) If you are applying to **change the use or to start a new use** on land or in a building, the basis for issuing a Certificate is likely to be one of the following:
- Planning permission already exists for the same or a similar use;
 - The proposed use would be the same or similar to a previous (lawful) use;
 - There would be a change of use which is not considered to be a material change of use, e.g. it is not significantly different from the previous use in its nature and character (see the Planning (Use Classes) Order (Northern Ireland) 2015);
 - The proposed change of use would not require planning permission because it is permitted development under the GDO.

If the proposed use or operation is for a temporary period, please give further information such as time periods.

Please also list all documents etc which accompany your application.

If your application is in respect of proposed building or other works, drawings (to scale) must be provided which clearly show the proposed works in relation to what already exists. For a proposed change of use, a site plan may be sufficient in very straightforward cases but in most cases, more detailed drawings will be required. A change of use will normally be best illustrated by separate plans showing (a) the existing layout and (b) the proposed layout.

There is no restriction on the type of evidence that can be considered but the following are likely to be particularly useful:

- Signed statements (preferably sworn statements) by people who have been familiar with the property for part or all of the relevant period (i.e. 5years see above);
- Copies of rates bills;
- Other statutory approvals e.g. Building Control records;
- Utility bills, invoices, rent books, electricity connection records (although these must contain direct reference to the address of the property and some indication of how it was being used);
- Copies of previous planning permissions / decisions.

Only one copy of any document of evidence needs to be provided but these should be original documents wherever possible – especially letters, sworn statements / affidavits, bills, rent books etc. Arrangements can be made for documents to be returned once the application has been decided, if requested.

Please provide as much evidence as you can and enclose it with the application. The onus of proof is firmly on the applicant in these cases. The Planning Authority will consider your application as it is presented and may request additional information if required.

List all documents you have provided with your application. Please ensure that any information you submit is relevant to your application and, if extensive, is properly organised and indexed

Section F

You must declare whether the applicant or agent is a member of the council’s staff, an elected member of the Council or related to a member of staff or elected member of the Council.

Serving elected members or planning officers who submit their own planning applications should play no part in their determination and such applications should be determined by the planning committee rather than by planning officers under delegated powers.

For the purposes of this question, related to means related by birth or otherwise closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility of bias on the part of the decision-maker in the council.