



Application for Certificate of Lawfulness Checklist

September 2020



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Introduction

Submitting your application can be made easier by ensuring you have submitted all of the necessary information. Should important information be missing from your application, the application will be made invalid whilst we wait for the relevant information to be submitted.

Definition

There are 2 types of lawful development certificate. A local planning authority can grant a certificate confirming that:

- (a) an existing use of land, or some operational development, or some activity being carried out in breach of a planning condition, is lawful for planning purposes under [section 191 of the Town and Country Planning Act 1990](#); or
- (b) a proposed use of buildings or other land, or some operations proposed to be carried out in, on, over or under land, would be lawful for planning purposes under [section 192 of the Town and Country Planning Act 1990](#).

National Requirements	Drivers
<p>Completed, signed and dated form</p>	<ul style="list-style-type: none"> - Article 39 of The Town and Country Planning Development Management Procedure (England) (Order) 2015
<p>The Fee</p>	<ul style="list-style-type: none"> - The correct fee where necessary and as outlined in the The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2017 - The current planning fees are also available from our website.
<p>Supporting Evidence</p> <p>Detailed documentation / plans to help substantiate that the development / use is lawful. Further details are set out below on page 6.</p>	<ul style="list-style-type: none"> - Article 39 of The Town and Country Planning Development Management Procedure (England) (Order) 2015
<p>Location Plan</p> <p>All applications must include copies of a location plan based on an up to-date map. This should be at a scale of 1:1250 or 1:2500 and identify roads / buildings to ensure the location is clear. It should show the application site edged in <u>red</u> and use a <u>blue</u> edge to show any other land owned by the applicant close to the site.</p>	<ul style="list-style-type: none"> - Article 39 of The Town and Country Planning Development Management Procedure (England) (Order) 2015

Documents that could be required	Requirement	Guidance
<p>Existing and Proposed Elevations (at a scale of 1:50, 1:100 or 1:200)</p>	<p>Existing drawings not required for existing use unless operational development involved.</p> <p>Proposed drawings only required for proposed use or development.</p>	<p>These should show clearly the proposed works in relation to what is existing. All elevations of the proposal must be shown and these should indicate, where possible, the proposed building materials and the style, including materials of finish of windows and doors. Blank elevations should also be included.</p> <p>Where a proposed elevation adjoins another building or is in close proximity, the drawings should clearly show the relationship between the buildings, and detail the positions of the openings on each property. A linear scale bar should be included on each drawing.</p>
<p>Existing and Proposed Floor Plans (at a scale of 1:50, 1:100 or 1:200)</p>	<p>Existing drawings required for existing use and where operational development involved.</p> <p>Proposed drawings only required for proposed use or development.</p>	<p>These should explain the proposal in detail. Where existing buildings or walls are to be demolished these should be submitted to demonstrate how proposed buildings relate to existing site levels and neighbouring development. Such plans should show existing site levels and finished floor levels (with levels related to a fixed datum point off site) and also show the proposals in relation to adjoining buildings. A linear scale bar should be included on each drawing. A graphic linear scale bar must be included on each drawing.</p> <p>Measured, colour coded plans illustrating Gross Internal Area (using RICS definition) floorspaces for each land use over each floor level and tenure types</p> <p>Floorspace schedule detailing Gross Internal Area (using RICS definition) floorspaces for each land use over each floor level and tenure types</p>
<p>Community Infrastructure Levy (CIL) – Additional Information Form</p>	<p>All applications, with the exceptions of Advertisement consent and Submission of details pursuant to planning permission.</p>	<p>All applications, with the exceptions of Advertisement consent and Submission of details pursuant to planning permission, are required to complete and submit the Council’s CIL additional information form which can be found on the LBTH CIL webpages.</p> <p>Further information including further submission requirements regarding CIL can also be found on the LBTH CIL webpages.</p>

Supporting Evidence for existing uses	<p>For operational development or change of use to a residential dwelling, evidence needs to be provided for 4 consecutive years.</p> <p>In respect of other changes of use and breaches of conditions, evidence needs to be provided for 10 years consecutive years. The onus of proof is on the applicant.</p>	<p>You must provide us with sufficient factual information for us to consider your application. Information to be submitted might include the following list which is not exhaustive:</p> <ul style="list-style-type: none">• Supplier records - who had had dealings with the business in the past;• Contractor records - who had had dealings with the business in the past;• Receipts of invoices for goods and services;• Vehicle registration documents;• VAT receipts for commercial businesses or residential premises;• Previous rates, such as council tax, community charge bills;• Any dated photos indicating the previous use of the site or buildings;• Original property sales details relating to the land or buildings;• Utility bills.• Sworn affidavit(s) from people with personal knowledge of the existing use or works;
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