

Certificate of Lawfulness Validation Checklist

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

Certificate of Lawfulness applications are made to determine if:

- The existing use of buildings or other land is lawful;
- Operations that have been carried out are lawful such as building works;
- Failure to comply with a condition or limitation attached to a planning permission is lawful;
- Any proposed use of buildings or other land is lawful; or
- Any operations proposed to be carried out are lawful such as building works.

An application for a Certificate of Lawfulness is assessed purely on the basis of the evidence submitted in support of it, and on any other evidence that the Council may have, such as its own records, or may obtain during processing of the application.

Documentation Requirements

Submitting an Application via the Planning Portal

File Type:

- All drawings should be attached as .pdf (Adobe Acrobat) files rather than .tif files.
- Other file types that will be accepted are .jpg, .doc and .xls files only. We are unable to accept CAD files.

File Size:

- The maximum size of any single attachment must be no more than 10MB.
- In the case of much larger documents like Design & Access Statements, Transport Assessments, Flood Risk Assessments etc. Where it proves difficult to create the entire document in less than 10mb, the document should be broken down into sections, labelled accordingly and sized at no more than 10mb.
- All drawings submitted electronically must be A3 or smaller.

Electronic Plan Information Requirements

All drawings must include the following information:

- The print (paper) size – preferably A3
- Drawing name;
- The relevant scale at that print size (e.g.: 1:50, 1:100);
- A scale bar showing the length of one metre and ten metres and key dimensions.
- PDF drawings need to have a measuring tool embedded in them (i.e. not just a scale bar on the plan). The measuring tool is an option that is made available upon creation of the drawing and may vary in process depending on what type of software you are using. Please refer to your software help desk should this not be apparent. This will allow for electronic scaling from plans and also accurately preserve them for historic purposes.

<u>Certificate of Lawfulness</u>
<u>National Requirements</u>
<p>The Town and Country Planning (Development Management Procedure) Order 2010 requires three copies plus the original (unless submitted electronically or unless a lesser amount is deemed acceptable by the local authority). The London Borough of Tower Hamlets requires only the original copies of all plans, forms and documents where the application is not submitted via Planning Portal. Additional paper copies are not required.</p>
<p>Completed Application Form The form needs to be completed in full, signed and dated.</p>
<p>Supporting Evidence Detailed documentation/plans to help substantiate that the development/use is lawful.</p>
<p>Other Information As is considered relevant to the application</p>
<p>The Appropriate Fee The correct fee as outlined in the planning fees practice guidance, 17th October 2014.</p>
<p>The Location Plan 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 should identify all the land to which the application relates. The original plus two copies (unless submitted electronically) should be submitted. Plans should identify sufficient roads and/or buildings on land adjoining the application site to ensure that the exact location of the application site is clear.</p> <ul style="list-style-type: none"> - The application site should be edged clearly in red - A blue line should be drawn around any other land owned by the applicant, close to or adjoining the application site.
<p>The Site Plan A site plan should be submitted, the original plus two copies, unless submitted electronically. The site plan should be drawn at an identified standard metric scale. It should show accurately:</p> <ul style="list-style-type: none"> - The direction of North; - The development in relation to the site boundaries and other existing buildings on the site.

<u>Local Requirements</u>
<p>Community Infrastructure Levy Additional Information Form With limited exceptions, CIL is payable on all developments granted full planning permission involving an increase in net floorspace of over 100sqm or involving the creation of a new residential units. To calculate the amount of CIL accurately, applicants for relevant applications as indicated in the validation checklist matrix should complete a CIL additional information form and forward it to us with your planning application.</p>
<p>Existing Elevations These should be drawn to a scale of 1:50 or 1:100 and show clearly the works in relation to what is existing. All elevations must be shown and these should indicate, where possible, the building materials and the style, materials and finish of windows and doors. Blank elevations must also be included. Not required for existing use unless operational development involved.</p>
<p>Existing Floor Plans These should be drawn to a scale of 1:50 or 1:100 and should explain the existing development in detail. Where existing buildings or walls are to be demolished these</p>

should be clearly shown. The drawings submitted should show details of the existing building(s).

Not required for existing use unless operational development involved.

Proposed Elevations

These should be drawn to a scale of 1:50 or 1:100 and show clearly the works in relation to what is proposed. All elevations must be shown and these should indicate, where possible, the building materials and the style, materials and finish of windows and doors. Blank elevations must also be included.

Only required for proposed use or development.

Proposed Floor Plans

These should be drawn to a scale of 1:50 or 1:100 and should explain the proposed development in detail. The drawings submitted should show details of the proposed new buildings should also be shown in context with adjacent buildings, including property numbers where applicable.

Only required for proposed use or development.

Supporting Information for existing uses/developments

For operational development or change of use to a single dwelling house, including changes to flats, evidence needs to be provided for 4 years. In respect of other changes of use and breaches of conditions, evidence needs to be provided for 10 years. The onus of proof is on the applicant.

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:

- Sworn affidavit(s) from people with personal knowledge of the existing use or works;
- Suppliers who had had dealings with the business in the past;
- Contractors 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.

Further Information

Please contact the Duty Planning Officer if you have any queries about the information provided in this document, or have any further questions.

Either face to face or via telephone: Monday to Friday 9am–1pm;
0207 364 5009