

NOTES FOR GUIDANCE - APPLICATIONS FOR A CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE OR OPERATION OR ACTIVITY IN BREACH OF A PLANNING CONDITION

1. These notes are provided as a general guide to help you in the preparation of your application for a Certificate of Lawfulness for an existing use or operation or activity in breach of a planning condition. If you are in any doubt as to whether this is the type of application required or wish to discuss your proposals before completing the application forms, please contact Development and Regeneration Services, Development Management on 0141 287 8555. **Two copies of the completed form and two sets of evidence should be submitted.**

It should be remembered that the details entered on the application form define exactly what is covered by any Certificate of Lawfulness for an existing use or operation or activity in breach of a planning condition and if any changes are made, eg to the operation or hours of operation the Certificate may no longer be valid. It is important, therefore, to complete the questions as fully and accurately as possible.

Please write clearly and legibly. Postcodes should be provided with addresses and STD dialling codes with telephone numbers. Please ensure that a daytime telephone number is always included for the agent, or if there is no agent for the applicant. Delays in processing the certificate may occur if the applicant/agent cannot be contacted by telephone.

2. Question 2 asks applicants to state their ethnic background and first language. Glasgow City Council operates a policy of equality in all its areas of responsibility. To assist the monitoring of this policy and for that purpose only, please tick the box for ethnic background which you consider to be most appropriate to yourself. If you consider none of the boxes are adequate please specify your background at the 'other' category.

With regard to first language, this should be the language you would prefer to see forms, notes for guidance, information leaflets and other Council documents printed in. If you would prefer a language other than those indicated please specify the language at the 'other' category. Where the applicant is a company or institution, please indicate the majority ethnic group and first language on the governing body. It should be noted that the Commission for Racial Equality approves of such monitoring.

3. Question 4 asks for the full postal address including street number and postcode for the application site. Where the application applies to a site rather than a building the applicant should give as exact a location as possible, eg High Street adjacent to No 4 or Brown Street opposite No 2. **Each application must be accompanied by three copies of an OS based plan on a scale of 1:1250 showing the boundary of the site edged in red.** The definition of the boundary is extremely important as this defines the area which is covered by any Certificate issued. Copies of the site location plans for applicants/agents can be ordered from the Glasgow City Council Development and Regeneration Services, Development Management.
4. Question 6 relates to interest in the land or buildings identified in the application. If the applicant has an interest in the land he should indicate whether the interest is as an owner, lessee or occupier. If the applicant has no interest in the land or buildings please indicate the names and addresses of anyone you know who has an interest in the land or buildings. Also indicate exactly what their interest is and whether they have been informed about this application. If there are more than four interested parties please continue the list on a separate sheet of paper.
5. Question 7 asks you to specify exactly what uses, operations or activities exist on the land at the date of the application. You should describe each of them as fully as possible and where appropriate use Ordnance Survey plans showing which parts of the site are in which use.
6. Question 9 asks you to tick one box specifying on what grounds the Certificate of Lawfulness is being sought.
7. Question 11 asks you to consider if the existing use of the building falls within a particular class as indicated in the Town and Country Planning (Use Classes) (Scotland) Order 1997 which specifies changes of use of buildings or other land. Not all uses fall within the classes designated in this Act. **If this question is not answered, it does not stop consideration of your application.**
8. Question 12 asks you to give any additional information to support your claim. If you are trying to prove that the existing use is lawful you must show that the use has been in operation, (with no breaks) for a period of ten years prior to the date of the application. Evidence which may support this includes planning permission or building warrants which may give indications of the use of the buildings or sites, Rates Certificates, Income Tax statements, rent books, Title Deeds or Valuation Roll entries. Statements sworn before a notary may be acceptable if accompanied by corroborating evidence.

If you are trying to prove that a building or structure is lawful you must show that the building or structure has been in position for four years and that no enforcement action has been commenced. Evidence, as indicated above, may support this claim.

9. Question 13 asks you to list the documents you have submitted.
10. Question 14 asks you to list the drawings and plans you have submitted.
11. You must sign and date the form ensuring that the information you have provided is as accurate as possible. You should be aware of the warning given on the form indicating that furnishing misleading or false information or withholding material information with intent to deceive is punishable by a fine and/or imprisonment.

Fees

The Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Regulations 2004 require that charges shall be made for applications for Certificates of Lawfulness of existing/proposed uses or development.

Fee Levels

Applications for Certificates of Lawfulness for existing uses or development will be charged on the basis of the normal planning application fee scale.

Applications for Certificates of Lawfulness which arise from a failure to comply with any condition or limitation which has been imposed on a planning permission will be charged a flat rate fee of £145.

The correct fee, should accompany the application. It cannot be processed until the appropriate sums are received. No coins or notes should be sent by post. Cheques or Postal Orders should be made payable to "Glasgow City Council" and crossed A/C Payee Only.

The address of the application site **must** be marked on the back. If you are submitting more than one application, please submit a separate remittance for each.

Please note that cash cannot be accepted at the Reception desk but credit card facilities are available.

Further Advice

Completed application forms should be sent to Development and Regeneration Services, Development Management, at 229 George Street, Glasgow G1 1QU.

Checklist

Before you submit your application to the address given above, please make sure you have:

- A. Completed all relevant sections of the form and include a daytime telephone number where you or your agent can be reached.
- B. Signed and dated the end of the form.
- C. Enclosed two copies of the application form.
- D. Enclosed three copies of an OS based plan on a scale of 1:1250 showing the boundary of the site edged in red.
- E. Enclosed two copies of any evidence submitted in support of your application.
- F. Enclosed two copies of any plans or drawings submitted as part of your application.
- G. Enclosed the appropriate fee which is to cover the costs of processing your application. Cheques and postal orders should be crossed, A/C Payee only and made payable to 'Glasgow City Council'. The address of the application should be marked on the back of the cheque.

FAILURE TO SUBMIT A COMPLETE APPLICATION WILL, UNFORTUNATELY, RESULT IN YOUR APPLICATION BEING DECLARED INVALID AND IT WILL NOT BE PROCESSED UNTIL THE OUTSTANDING MATTERS HAVE BEEN RESOLVED.