

**Application for a Lawful Development Certificate for an existing use or operation or activity including those in breach of a planning condition**

**Town and Country Planning Act 1990: Section 191 as amended by section 10 of the Planning and Compensation Act 1991.**

**Town and Country Planning (General Development Procedure) Order 1995**

**Guidance on Completing the Application Form**

**1. Applicant Name and Address**

Please enter the Applicant Details.

**2. Agent Name and Address**

Please enter the Agent Details.

If the application is being submitted by an agent (i.e. someone who is acting on the applicant's behalf) all correspondence, including the decision letter, will be sent to him/her.

**3. Site Address Details**

Please enter the full postal address of the site.

If the application relates to open ground describe its location as clearly as possible (e.g. 'Land to rear of 12 to 18 High Street' and, if you can provide a grid reference).

**4. Pre-application Advice**

If you have received pre-application advice from the planning service please indicate the reference/date of any correspondence or discussion and the name of the officer. If you do not know these details then please state 'Unknown'.

The local authority may be able to offer (possibly for a fee) pre-application discussions before a formal application is submitted in order to guide applicants through the process.

**5. Lawful Development Certificate – Interest in Land**

Please specify the applicant's interest in the land. An Owner is the freeholder of the site and anyone who has a leasehold interest with at least seven years unexpired.

**6. Council Employee/Member**

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.

## **7. Description of Use, Building Works or Activity**

A lawful development certificate has much the same effect as a planning permission. It gives immunity from further enforcement and it makes a development legally 'lawful'. The only restraints imposed by the Certificate are:

a) the land to which it relates, and

b) the description of the development found to be lawful

It is vital that you indicate precisely the area of land to which this application relates, and it is important that you state the relevant Use Class (if any) of any development deemed lawful. The Use Classes of the Town and Country Planning (Use Classes) Order 1987 (as amended) can be found at:

<http://www.planningportal.gov.uk/england/genpub/en/1011888237913.html>

## **8. Description of Existing Use, Building Works or Activity**

Please provide a full description of the existing use, building works or activity. This may include, for example, a house that has had an extension built without permission despite it being required. After four years an application may be made for a certificate.

A second example may be where a use of land has been occurring without planning permission, such as the use of a dwelling house for a number of bedsits. After 10 years an application may be made for a certificate.

## **9. Grounds for Application for a Lawful Development Certificate**

You must explain in your own words why you consider a Lawful Development Certificate should be granted. The evidence necessary to prove your entitlement to a certificate will depend on what is being applied for, but you should always remember that the emphasis is on the applicant to convince the local authority that a certificate should be issued. Therefore, the evidence submitted should be clear and convincing.

Where some questions of fact are involved, the local authority will usually expect to see statements from persons who have a direct knowledge of those facts. It is normal to require such statements in the form of a sworn 'state declaration' and you should seek advice from a Solicitor or Planning Agent as to how this should be set out. In some cases letters or unsworn statements may be acceptable (for instance if there is some additional documentary evidence backing the statement). Letters may be acceptable if they back a sworn statement, but statements from owners or applicants which give crucial evidence should always be sworn in the proper form. Any other further evidence that can be provided will assist the application (such as photographs, invoices or documentation indicating the length of time it has been there).

## **10. Information in Support of a Lawful Development Certificate – Residential Information**

To be considered for a certificate of lawfulness applicants must show that the 'use' that is the subject of the application has been continuous for in excess of 10 years or that the 'building works' have been substantially complete for more than four years, prior to your

application. Give full details of each use of the land or operation on the land. Dates for the beginning and end of each use are also required, as well as supporting evidence. If applicable, please also enter the total number of previous dwellings that existed and the number which currently exist by category and dwelling type.

The categories are classified as:

- Market housing – includes properties for sale where prices are set in the open market.
- Social rented – includes rented housing owned by local authorities and registered social landlords for which guideline target rents are determined through the national rent regime, set out in the '*Guide to Social Rent Reforms*' published in March 2001. Also includes rented housing owned by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or funded with grant from the Housing Corporation, as provided for in the *Housing Act 2004*.
- Intermediate – includes housing at prices or rents above those of social rent but below market prices or rents. This can include shared equity products (e.g. HomeBuy) and intermediate rent (i.e. rents above social-rented level but below market rents). Intermediate housing differs from low cost market housing (which Government does not consider to be affordable housing).
- Key worker – includes those groups eligible for the Housing Corporation funded Key Worker Living programme and others employed within the public sector (i.e. outside of this programme) identified by the Regional Housing Board for assistance.

The types of dwellings are classified as:

- a) Houses - a house is a dwelling that is not a flat and includes single storey bungalows.
- b) Flats or maisonettes – includes separate and self-contained premises constructed or adapted for use for residential purposes and forming part of a building from some other part of which it is usually divided horizontally. Maisonettes are flats containing more than one storey.
- c) Live-work units - accommodation that is specifically designed to enable both residential and business use.
- d) Cluster flats/non-self contained - units with no separate or self contained living and sleeping accommodation within a larger building of which it forms a part.
- e) Sheltered housing - specifically designed housing in a group with services such as the support of a warden, communal facilities, alarm systems and laundry services. Also includes grouped housing schemes without the services of a warden and other communal facilities.
- f) Bedsits/studios – refers to a bedroom/living room containing cooking facilities. In addition, it may also contain washing facilities or even a shower.

## 11. Planning Application Requirements - Checklist

Please use the checklist at the end of this document to ensure that the form has been correctly completed and that all relevant information is submitted. Failure to complete the form correctly or to supply sufficiently detailed drawings or other relevant supporting information will result in your application being returned as invalid.

## 12. Declaration

Please sign and date your application.

## 13. Applicant Contact Details

Please provide contact information for the applicant.

## 14. Agent Contact Details

Please provide contact information for the agent.

## 15. Site Visit

Access to the site (i.e. where the works are proposed to take place) may be required by the case officer. Please provide contact details in the event that an appointment needs to be made. This will assist the Council in dealing with your application as quickly as possible.

## Planning Application Requirements Checklist

This Checklist sets out the information you need to submit with your application for it to be accepted as valid and processed as quickly as possible. It lists the statutory National Planning Application Requirements which must accompany all applications. It may also include additional Local Planning Application information which the Council requires for this type of application.

Local Planning Application information may only need to be submitted in particular circumstances so please ensure you read the checklist carefully and supply all the information required for your type of proposal. If you do not supply all the information the Council needs your application is likely to be declared invalid on receipt and will not be accepted. This will delay your application because we will not be able to deal with it until the missing information is provided.

You can use the tick boxes on the checklist to confirm the information you are providing with your application.

## National Planning Application Requirements

- A Completed Planning Application Form (3 copies to be supplied unless the application is submitted electronically)
- A Site location plan which identifies the land to which the application relates drawn to an identified scale and showing the direction of North (3 copies to be supplied unless the application is submitted electronically), this should be at a scale of 1:1250 or 1:500, please see below for more information on the site location plan
- Such evidence verifying the information included in the application as can be provided

- Such other information as is considered to be relevant to the application
- The appropriate fee

When you submit a location plan it should show at least two named roads and surrounding buildings. The properties shown should be numbered or named to ensure that the exact location of the application site is clear.

The application site must be edged clearly with a red line on the location plan. It should include all land necessary to carry out the proposed development (e.g. land required for access to the site from a public highway, visibility splays (access around a road junction or access, which should be free from obstruction), landscaping, car parking and open areas around buildings).

A blue line must be drawn on the plan around any other land owned by the applicant, close to or adjoining the application site.

All plans must be to a metric scale and any figured dimensions given in metres and a scale bar should be included.

### **Guidance on naming your drawings**

Please ensure that the drawings you provide as part of your application should be accurately described on the drawing itself.

The description should firstly indicate whether they are of the development or site as EXISTING or PROPOSED. It should then indicate whether they are PLANS or ELEVATIONS of the development or site. In the case of elevations they should indicate the orientation, e.g. FRONT, SIDE or REAR, or NORTH, SOUTH, EAST, WEST and in case of plans the floor, e.g. GROUND FLOOR, FIRST FLOOR, etc. For multiple drawings on the same page the description should describe all the drawings. Some example descriptions are shown below:

- Proposed ground floor plan
- Existing rear elevation
- Existing and proposed ground floor plans
- Existing and proposed North and South elevations
- Existing and proposed front and rear elevations and ground floor plans

### **Local Information Requirements**

**May include some or all of the following**

- 1. Photographs & Photomontages

#### **When are these required?**

These provide useful background information that can help to show how developments can be satisfactorily integrated within the context of the streetscene or an existing development. Photographs should particularly be provided for larger developments of 10

or more units or 1,000m<sup>2</sup> or more floorspace or if the proposal involves the demolition of an existing building or is a development affecting a conservation area or a listed building.

### **Explanatory note on Supplementary Planning Guidance**

This guidance document makes reference to Supplementary Planning Guidance (SPG).

The UDP sets out the policies for specific areas and core planning policies on topics for the whole borough. Much of the detail to support the UDP policies will be contained in accompanying documents called Supplementary Planning Guidance (SPG).

Supplementary Planning Guidance (SPG) is a material consideration for development control purposes and can take the form of design guides, area development briefs or supplement other specific policies in the UDP.

As of January 2008 five SPG have been adopted to bring them in line with the adopted UDP policies, the UDP Inspector's recommendations and changes to government legislation. The remaining SPG are still draft and will continue to be used for development control purposes. In addition, two codes of practice on employment and training and health planning obligations have been prepared and adopted. The two Code of Practice Notes will assist in development control negotiations on planning obligations and relate to employment and health impacts of development proposals.

### **The SPG and Codes of Practice Notes adopted in 2006 are:**

- SPG1a Design Guidance
- SPG3a Density, Dwelling Mix, Floorspace Minima, Conversions, Extensions and Lifetime Homes
- SPG8a Waste and Recycling
- SPG10a The Negotiation, Management and Monitoring of Planning Obligations
- SPG10b Affordable Housing
- Planning Obligation Code of Practice No 1: Employment and Training
- Planning Obligation Code of Practice No 2: Health

As Supplementary Planning Documents are introduced it may be necessary to review and amend the Local Information Requirements accordingly, any changes that are made will be publicised.

### **Availability of SPG and Code of Practice Guidance Notes**

All SPG and Code of Practice Guidance Notes (draft and adopted) are available free of charge via our website: [www.haringey.gov.uk](http://www.haringey.gov.uk); on request via telephone (020 8489 5508); or in writing or in person at the following address:

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Planning Service  
639 High Road  
London  
N17 8BD