

# Form LDC2

## Application for Certificate of Lawfulness for a PROPOSED Use or Development

### Official Use

Application No.: \_\_\_\_\_

Receipt No.: \_\_\_\_\_

The Planning Act (Northern Ireland) 2011, Section 169

Article 11 of the Planning (General Development Procedure) Order (Northern Ireland) 2015

- Please read the accompanying notes before completing this form.
- You may find it useful to discuss your proposals with your local Planning Office before submitting your application.
- Please complete in BLOCK LETTERS

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

Please note that when you submit your application the information, including plans, maps and drawings, will appear on the Planning Register which is available to the public. The Department for Infrastructure and the 11 Councils will process your information in line with the General Data Protection Regulations (GDPR) requirements. A copy of the full Privacy Statement is available at [www.infrastructure-ni.gov.uk/dfi-privacy](http://www.infrastructure-ni.gov.uk/dfi-privacy). To request a hard copy, please contact the relevant Data Protection Officer as listed in the statement.

### 1 a. Applicant's name and address

### 1 b. Agent's name and address (if any)

|           |  |           |  |
|-----------|--|-----------|--|
| Name:     |  | Name:     |  |
| Address:  |  | Address:  |  |
| Town:     |  | Town:     |  |
| Postcode: |  | Postcode: |  |
| Tel:      |  | Tel:      |  |
|           |  | Ref. No.: |  |

### 2. Address or exact location of the land to which this application relates.

Describe here and enclose **4** copies of an up to date Ordnance Survey location plan to scale 1:1250 or 1:2500 showing the boundary of the land **edged in red**.

### 3 (a). Nature of applicant's estate in the land e.g. owner, lessee, occupier:

### 3 (b). If you are not the owner:

(i) give name(s) and address(es) of anyone you know who has an estate in the lands:

(ii) state the nature of their estate (if known):

iii) state whether they have been informed about this application. Yes  No

**4. Council Employee / Elected Member Interest**

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

Yes  No

Or 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 please provide details (name, relationship and role):

5. Has the proposal been started? Yes  No

If YES, please give date \_\_\_\_\_

6. If the proposal consists of, or includes, the carrying out of building or other operations, give a detailed description of all\* such operations and attach such plans to scale or drawings as are necessary to show their precise nature (In the case of a proposed building, the plans should indicate its precise siting and exact dimensions).

\*Includes the need to describe 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. (Continue on a separate page if necessary).

**Go to Question 9 if your proposal does not involve a change of use**

7. If the proposal relates to a change of use of the land or building(s):

(a) fully describe the existing use or the last known use, with the date when this use ceased:

(b) give a full description of the scale and nature of the proposed use, including the processes to be carried on, any machinery to be installed, and the hours the proposed use will be carried out:

8. If you consider the existing, or last, use is within a 'use class' in the Planning (Use Classes) Order (Northern Ireland) 2015, state which one:

9. If you consider the proposed use is within a 'use class' in the Planning (Use Classes) Order (Northern Ireland), state which one:

10. Briefly explain why you consider the existing, or last, use of the land is lawful or why you consider that any existing buildings which it is proposed to alter or extend are lawful. (You can use section 11 of this application to state your case more fully). Specify the supporting documentary evidence (such as a planning permission) which accompanies this application:

11. Is the proposed use or operation temporary or permanent? If temporary, give details:

12. State why you consider that a Certificate of Lawful Use or Development should be granted for this proposal (continue on a separate sheet if necessary):

13. List all the documents, drawings, or plans which accompany this application:

**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\* enclose the appropriate fee of £\_\_\_\_\_ by cheque/postal order no. \_\_\_\_\_/cash

\* **Delete as appropriate**

Signed \_\_\_\_\_ *Mark Higgins* \_\_\_\_\_ Date \_\_\_\_\_

On behalf of (if applicable) \_\_\_\_\_

**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.**

Please send your completed application to the relevant Council.

# Guidance Notes for Completion of Application Form LDC2

## Section 170 Application for a Certificate of Lawfulness for a 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.

### Question 1a & 1b:

Give details of the applicant, and agent if applicable.

### Question 2:

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 Anytown Street. The plan provided should accurately identify the precise boundaries of the site in red including any open curtilage, garden area etc.

### Question 3:

Please ensure that you complete section (b) if you are not the owner of the property.

### Question 4:

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.

### Question 5:

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. Delete 'yes' or 'no' as appropriate. If 'yes', indicate as accurately as possible the date on which the proposal started.

### Question 6:

This question should be completed 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 clearly detail proposed works. If this section is not applicable to you, write 'not applicable'.

### Question 7:

This question along with question 7 and 8 should be completed if the proposal involves a change of use of buildings or land. If this section is not applicable to you, write 'not applicable' and proceed to Question 9.

- (a) 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).
- (b) 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).

### Questions 8 & 9:

Please indicate if you consider that the existing or proposed use falls within a use class identified in the Planning (Use Classes) Order (Northern Ireland) 2015 available from Her Majesty's Stationery Office (HMSO).

### Question 10:

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.

#### **Question 11:**

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

#### **Question 12:**

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.

**Please ensure that you have:**

- **Enclosed 4 copies of signed forms and any submitted plans.**
- **Enclosed the appropriate fee (contact your local Planning Office or check the Planning Portal [www.planningni.gov.uk](http://www.planningni.gov.uk)).**
- **Enclosed 1 copy of each item of additional evidence in support of your application.**

**If any of this information is missing or incomplete your application will be made invalid causing delay.**

#### **Question 13:**

**Please list all documents etc which accompany your application. Four copies of all drawings and plans should be sent with the 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 (see Question 2) 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 need 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 Council 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.**