

PLANNING & DEVELOPMENT
HOW TO APPLY FOR CERTIFICATES OF
LAWFUL USE OR DEVELOPMENT

There are two types of Certificate: one which ascertains the lawfulness of an **existing** use, operation, etc.; and a second Certificate which may be used to ascertain the lawfulness of a **proposed** use or development.

(1) “Lawful Development Certificate in respect of lawfulness for an existing use, operation or activity in breach of a planning condition” may be applied for by any person wishing to ascertain whether:

- (a) any existing use of buildings or other land is lawful;
- (b) any operations (i.e., building works) which have been carried out are lawful;
- (c) any failure to comply with a condition or limitation attached to a planning permission is lawful.

Application for such a Certificate is made using a form available online or via the Planning Portal, giving all the information requested on the form. The grounds on which a Certificate may be issued are:

- (a) the use began more than 10 years before the date of the application;
- (b) the use/operation/breach of condition began more than 10 years before the date of the application;
- (c) a use begun within the last 10 years did not require planning permission and there has not been a change of use within the last 10 years requiring planning permission;
- (d) the operations were substantially completed more than 4 years before the date of the application;
- (e) the use as a single dwellinghouse began more than 4 years before the date of the application;
- (f) any other grounds that the applicant may consider valid.

Applications must be submitted and accompanied by documentary evidence substantiating the case for a Certificate and such drawings and plans to fully illustrate the site and existing use, operation or activity in breach of a planning condition and its extent.

NOTE: As the applicant, it is entirely your responsibility (and your agent’s, if you employ one to apply on your behalf) to supply **all** the necessary information to support your case when making an application. The Planning Service can refuse to grant a Certificate if you fail to submit enough evidence to demonstrate that the development is lawful. However, you may still reapply for a Certificate after receiving a refusal, if you can provide additional evidence at a later date.

(2) “Lawful Development Certificate in respect of a proposed use or development” may be applied for by any person wishing to ascertain whether:

- (a) any proposed use of buildings or other land is lawful;
- (b) any operations (i.e., building works) proposed to be carried out are lawful.

An application for such a Certificate should be made using a form available online and via the Planning Portal, giving all the information requested on the form. The grounds on which a Certificate may be issued are:

- (a) the proposed use does not constitute a material change of use and the existing use is lawful, or is development which does not require planning permission under a development order;
- (b) the proposed operations fall within the category of “permitted development” as defined by a development order;
- (c) any other grounds that the applicant may consider valid.

Applications must be submitted and accompanied by documentary evidence (if any) substantiating the case for a Certificate and such drawings and plans to fully illustrate the proposed use or development.

In all cases, drawings and plans must be to a stated standard metric scale. In the case of a use, the land to which the application relates must be clearly defined and floor plans showing the internal layout provided, where relevant. For building works, floor plans and elevations are required, showing the operations in relation to the existing building where relevant, and the full extent of the completed operations.

NOTE: The onus of proof lies solely upon the applicant. The Local Planning Authority has the right to revoke a Certificate if any statement was made or document was used which was false in a material particular or any material information was withheld. Any applicant in such circumstances shall be guilty of an offence.

FEES FOR APPLICATIONS FOR LAWFUL DEVELOPMENT CERTIFICATES
in respect of an existing use or operation or activity in breach of a planning condition
or in respect of a proposed use or development
(valid as from 17th of January 2018)

Applications for Certificates must, in most cases, be accompanied by a fee. The fees are based on the scale of fees currently applicable to planning applications and any increases in fees for planning applications shall automatically increase fees applicable to applications for Certificates. The main categories of fees are laid out in the table below; exemptions and special cases are set out in the following schedule.

Type/Description Of Application	How to Calculate the Correct Fee (For all fees, see separate “Fees for Planning Applications” list.)
To ascertain if any existing use of buildings or other land is lawful.	The fee is the same as if you were making a planning application for that use. Most common are: £462 for each additional dwelling unit that has been created. £462 for change of use of a property or land.
To ascertain if any existing operations (i.e., building works) which have been carried out in, on, over or under land are lawful.	The fee is the same as if you were making a planning application for those building works. Most common are: £206 for works to a single family dwellinghouse. £407 for works to two or more adjoining single family dwellinghouses.
To ascertain if any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted to be lawful.	A standard fee of £234.
To ascertain whether any proposed use of buildings or land would be lawful.	The cost is half the fee of making a planning application for that use. Most common is: £231 (being half of £462) for change of use to a property or land.
To ascertain whether any operations (i.e., building works) proposed to be carried out in, on, over or under the land would be lawful.	The cost is half the fee of making a planning application for those building works. Most common are: £103 (being half of £206) for works to a single dwellinghouse. £203.50 (being half of £407) for works to two or more adjoining single family dwellinghouses.

Concessions – Exemptions from Payment

There are several types of application where no fee or a reduced fee applies.

For further details, please click on the link provided below:

<https://www.gov.uk/guidance/fees-for-planning-applications#exemption-or-concession>