

# Application for Certificate of Lawfulness Checklist

## February 2023

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## Introduction

If you want to be certain that your proposal does not require planning permission, you can apply for a 'Lawful Development Certificate' (LDC).

## Definition

There are 2 types of lawful development certificate. A local planning authority can grant a

certificate confirming that:

1. an existing use of land, or some operational development, or some activity being carried out in breach of a planning condition, is lawful for planning purposes under [section 191 of the Town and Country Planning Act 1990](http://www.legislation.gov.uk/ukpga/1990/8/section/191);

or

1. a proposed use of buildings or other land, or some operations proposed to be carried out in, on, over or under land, would be lawful for planning purposes under [section 192 of the](http://www.legislation.gov.uk/ukpga/1990/8/section/192)

[Town and Country Planning Act 1990](http://www.legislation.gov.uk/ukpga/1990/8/section/192).

The most common type of LDC’s are for people who wish to confirm that works to their home complies with the rules on permitted development. For example - where people are extending their home by building roof dormers or extending their ground floor.

The Government provides useful guidance on LDC’s [here](https://www.gov.uk/guidance/lawful-development-certificates) and the Planning Portal [here](https://www.planningportal.co.uk/permission/responsibilities/planning-permission/lawful-development-certificates)

It is not compulsory to have a LDC but you may wish to have one to be sure your proposal complies with the rules on permitted development.

The information that is required to be submitted for an LDC application is set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015. We will validate the application in accordance with these requirements.

However, the validation requirements as set out in the Order do not necessarily provide all the information we need to be able to assess your application properly. We would strongly recommend that you also submit the **‘suggested’** information below to help support your application.

It makes it easier for us to make a full and accurate assessment. If applications are missing the suggested information, it may be difficult for us to determine whether the proposal is lawful or not. If we do not have sufficient information to be able to tell if the proposal is lawful then we will refuse the application. We do not generally negotiate on LDC applications and once validated there may not be an opportunity to submit further information.

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| **National Requirements** | **Policy / Drivers** |
| **Completed, signed and dated application form** | [Article 39 of The Town and Country Planning Development Management Procedure (England) (Order) 2015](https://www.legislation.gov.uk/uksi/2015/595/article/39/made) |
| **The Fee** | * The correct fee, where necessary, as outlined in the [regulation 13 of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012](http://www.legislation.gov.uk/uksi/2012/2920/regulation/13/made) |
| **Location Plan**  A plan which:  • identifies the land to which the application relates  • is drawn to an identified scale  • shows the direction of North  • identifies sufficient roads / buildings to ensure the exact location is clear  • shows all the land necessary to carry out the development  • site outlined in red with a blueline around any other land owned by the applicant which is close to or adjoining the application site; based on an up-to date map. This should be at a scale of 1:1250 or 1:2500  • should wherever possible 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.  • It should include all land necessary to carry out the proposed development - for example, land required for access to the site from a public highway, visibility splays, landscaping, car parking and open areas around buildings | [Article 39 of The Town and Country Planning Development Management Procedure (England) (Order) 2015](https://www.legislation.gov.uk/uksi/2015/595/article/39/made) |
| **Evidence showing that the proposal is lawful (see ‘suggested information’ for more detail)** |  |

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| **Suggested information** | **Requirement** | **Guidance** |
| **Proposed Use or Operation** | Roof extensions/conversions, ground floor rear extensions, new windows and doors, decking, change of use | **Existing and proposed elevations**   * be at an appropriate scale, usually 1:50 or 1:100 * be included for all elevations, including blank elevations * show the full elevation of a building * show the relationship to neighbouring buildings and show the positions of windows and doors on all buildings   **Existing and proposed floor and roof plans**   * be at 1:50 or 1:100; * show details of the existing buildings; * show the proposed building including each floor and the roof; * be included for all floors * show the site boundary and the outline of any existing neighbouring buildings;   **Existing and proposed sections**   * be at 1:50 or 1:100; * show cross sections through the site and buildings including details of existing site levels and finished floor levels with the levels related to a fixed datum point off-site; * show the proposals in relation to neighbouring buildings; * section through a building should include all floors, including the basement, loft space and roof, along with any terraces\*. |
| **Existing Use or Operation** | Flat conversions, use as a residential unit | Floor plans (See Existing and proposed floor and roof plans above)  Evidence   * Council tax bills * sworn affidavits * utility bills * tenancy agreements |

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| **Suggested information** | **Requirement** | **Guidance** |
| **General plan requirements** |  | * a title and drawing number (with the relevant revision number as necessary) * the print (paper) size * the relevant scale at that print size (i.e. 1:50 at A3 or 1:100 at A3), * a scale bar of 5 metres highlighting each metre * measurements – i.e. depth, width and height of proposal to a recognisable scale (i.e. 1:50, 1:100, 1:200, 1:1250). * Existing and proposed plans can be shown on the same drawing * The plans must not be marked with ‘do not scale’ |
| **Photographs and CGIs** | Desirable | Photomontage and CGI images are useful tools to demonstrate the impact of a development and the relationship with the existing context. |