

CERTIFICATE OF LAWFULNESS FOR EXISTING USE OR DEVELOPMENT

Town and Country Planning (Scotland) Act 1997 Section 150

The Town and Country (Development Management Procedure) (Scotland) Regulations 2013

Please refer to the accompanying Guidance Notes when completing this application

**PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS
ELECTRONICALLY VIA <https://www.eplanning.scot>**

1. Applicant's Details		2. Agent's Details (if any)	
Title	<input type="text" value="Mr"/>	Ref No.	<input type="text"/>
Forename	<input type="text" value="Stephen"/>	Forename	<input type="text" value="Monica"/>
Surname	<input type="text" value="Rose"/>	Surname	<input type="text" value="Cannon"/>
Company Name	<input type="text"/>	Company Name	<input type="text"/>
Building No./Name	<input type="text" value="31"/>	Building No./Name	<input type="text" value="163"/>
Address Line 1	<input type="text" value="Barnton Avenue West"/>	Address Line 1	<input type="text" value="West George Street"/>
Address Line 2	<input type="text"/>	Address Line 2	<input type="text"/>
Town/City	<input type="text" value="Edinburgh"/>	Town/City	<input type="text" value="Glasgow"/>
Postcode	<input type="text" value="EH4 6DF"/>	Postcode	<input type="text" value="G2 2JJ"/>
Telephone	<input type="text"/>	Telephone	<input type="text" value="0141 573 5561"/>
Mobile	<input type="text"/>	Mobile	<input type="text"/>
Fax	<input type="text"/>	Fax	<input type="text"/>
Email	<input style="background-color: black; color: black;" type="text"/>	Email	<input type="text" value="monica.cannon@gillespiemacandrew.co.uk"/>
3. Address or Location of Application Site (please include postcode)			
<div style="border: 1px solid black; padding: 10px; min-height: 100px;"> <p>91 Old Dalkeith Road, Edinburgh, EH16 4TB</p> </div>			
NB. If you do not have a full site address please identify the location of the site(s) in your accompanying documentation.			
4. Type of Application			
This is an application for:			
<input checked="" type="checkbox"/> An existing use of building or land			
<input checked="" type="checkbox"/> An existing operation or development			
<input type="checkbox"/> An existing use or operation which is in breach of a condition			
5. Description of Use, Building Works or Operations			
Describe the existing use, building works or operations for which you seek a certificate of lawfulness:			

The construction of a prefabricated cabin ("the Dwellinghouse") and the use of the Dwellinghouse as a single dwellinghouse with associated garden ground. The construction and use of an additional cabin ("the Cabin") ancillary to the Dwellinghouse. The importation and placement of 4 storage containers and the part use of the land for storage and the construction of a boundary high timber fence.

If a certificate of lawfulness is sought for either an existing use or an existing use in breach of a condition please state the Use Class as described in the Town and Country Planning (Use Classes)(Scotland) Order 1997.

Use Class:

Is there more than one use or activity/operation? Yes No

If yes, please describe each use or activity/operation fully and show on a plan how they relate to each other.

Garden ground ancillary to the Dwellinghouse and Class 6 Storage Use. Please see Supporting Statement and Document No. 4 Site Plan showing Dwelling House Area hatched green and Class 6 Storage Area hatched blue (Drawing SK(2)-005. December 2024)

6. Grounds for Application for a Certificate of Lawfulness

Please state the grounds under which the certificate is sought:
(please select at least 1 option)

The use as a single dwelling house began more than 4 years before the date of this application.

The use began more than 10 years before the date of this application and has operated continuously

The use, building works, or operations that are in breach of a condition of a previous consent began more than 10 years before the date of this application

The use began within the last 10 years and you consider that the use does not require planning permission

The operations (for instance, building or engineering works) were substantially completed more than 4 years before the date of this application

Other (please specify)

Some of the works ("the Cabin works") are permitted in terms of Class 3A (the Class 3A Rights) of Part 1 of Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992.

Are there any existing planning permissions, Certificates of Lawfulness, enforcement notices, breach of conditions(s), or notices under Section 33A (requiring submission of retrospective planning applications) affecting the application site?

Yes No

If yes, please state date and reference numbers and details of any condition being breached:

7. Information in Support of a Certificate of Lawfulness

When was the use or activity begun or the building works or operations substantially completed?

Activity Started:

Operations Completed:

What information or documentation are you providing with your application to support this date?

- A plan
- Evidence to substantiate your grounds of application
- Other supporting information (please specify)

Note: You must provide a plan to identify the land to which the application relates and evidence to support your application.

In the case of an existing use or activity in breach of conditions has there been any interruption to continuous use? Yes No

If yes, please describe the interruption including its duration and the date it occurred:

In the case of an existing use of land, has there been any material change of use of the land since the start of the use for which the certificate is sought? If yes, please provide details:

Does the application for a Certificate relate to a residential use where the number of residential units has changed? Yes No

If yes, please provide details:

Please explain why you consider a Certificate of Lawfulness should be granted:

Please see Supporting Statement for Certificate of Lawfulness of existing use or development and supporting documents.

8. Pre-Application Discussion

Have you received any advice from the planning authority in relation to this proposal? Yes No

If yes, please provide details about the advice below:

In what format was the advice given? Meeting Telephone call Letter Email

Have you agreed or are you discussing a Processing Agreement with the planning authority? Yes No

Please provide a description of the advice you were given and who you received the advice from:

Name: Date: Reference Number:

Brian Fleming, correspondence relating to enforcement investigation prompted application.
Stephen Leslie, discussion re. application requirements.

9. Interest in Land

Please state the applicant's interest in the land:

Owner Lessee Tenant Occupier Other

If you selected lessee, occupier or tenant, has the owner been informed of this application in writing? Yes No

Please give details of the owner:

Name:

Address:

If you selected other, please provide details about the interest in the land below:

The applicant, Stephen Rose is part owner of the land (see Document 3 of supporting documents). The owner of the remainder of the land is unknown.

Please give details of anyone else you know who has an interest in the land:

Mark Richardson, 91 Old Dalkeith Road, Edinburgh, United Kingdom, EH16 4TB leases the area of land owned by the Applicant. He is aware of the application.

10. Planning Service Employee/Elected Member Interest

Are you / applicant /the applicant's spouse or partner, a member of staff within the planning service or an elected member of the planning authority? Yes No

Or, are you / the applicant / the applicant's spouse or partner a close relative of a member of staff in the planning service or elected member of the planning authority? Yes No

If you have answered yes please provide details:

11. Declaration

I, the applicant/agent certify that this is an application for a Certificate of Lawfulness as described in the form. The accompanying plans/drawings and additional information are provided as part of this application. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature:  Name: Date:

WARNING:

Section 153 of the 1997 Act provides that it is an offence to knowingly or recklessly provide false or misleading information or to withhold material information with the intent to deceive.

Section 152(7) enables the planning authority to revoke, at any time, a certificate it has issued as a result of such false or misleading information with the intent to deceive.

Any personal data that you have been asked to provide on this form will be held and processed in accordance with Data Protection Legislation.