



Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Tel: 0131 529 3550 Email: planning@edinburgh.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100724900-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

### Site Address Details

Planning Authority:

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

Easting

### Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant  Agent

## Applicant Details

Please enter Applicant details

|                      |   |  |  |
|----------------------|---|--|--|
| Title:               | <input type="text" value="Ms"/>           | You must enter a Building Name or Number, or both: * |  |
| Other Title:         | <input type="text"/>                      | Building Name:                                       | <input type="text" value="Giles Street"/>      |
| First Name: *        | <input type="text" value="Agata"/>        | Building Number:                                     | <input type="text" value="55"/>                |
| Last Name: *         | <input type="text" value="Bartosiewicz"/> | Address 1 (Street): *                                | <input type="text" value="55/2 Giles Street"/> |
| Company/Organisation | <input type="text"/>                      | Address 2:   | <input type="text"/>                           |
| Telephone Number: *  | <input type="text" value=""/>             | Town/City: *   | <input type="text" value="Edinburgg"/>         |
| Extension Number:    | <input type="text"/>                      | Country: *   | <input type="text" value="United Kingdom"/>    |
| Mobile Number:       | <input type="text"/>                      | Postcode: *  | <input type="text" value="EH6 6TR"/>           |
| Fax Number:          | <input type="text"/>                      |  |  |
| Email Address: *     | <input type="text" value=""/>             |  |  |

## Type of Application

This application is to ascertain which one of the following would be lawful: \*

- An existing use of buildings or land.
- An existing operation of development.
- Any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted.

## Description of Existing Use of Buildings or Other Land and/or Existing Operations

Description of Existing Use, Buildings or Operations

Describe the existing uses, building works or operations for which you want a certificate of lawfulness: \* (Max 500 characters)

The plot, currently a parking lot, appears to have no registered owner and is not managed by the Edinburgh Council roads authority. The lot is heavily occupied during the day, largely by commuters, and residents of 55 and 57 Giles Street struggle to find available parking spaces. We would like to designate this plot as a private parking area for residents. This would not require any physical alterations; we would only display proper signs.

Existing Use Class

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 the use relates to: \*

Is there more than one use of activity/operation? \*

Yes  No

## Grounds for Application for Certificate of Lawfulness

Please state the grounds under which the certificate is sought: \*  
(Note: at least one option must be selected)

- The use began more than 10 years before the date of this application and has operated continuously.
- The use, building works, or operations in breach of condition began more than 10 years before the date of this application.
- The use began within the last 10 years, as a result of a change of use not requiring planning permission, and there has not been a change of use requiring planning permission in the last 10 years.
- The operations (for instances, building or engineering works) were substantially completed more than 4 years before the date of the application.
- The use as a single dwelling house began more than 4 years before the date of this application.
- Other – specify (this might include claims that the change of use or building work was not development, or that it benefited from planning permission granted under the Act or by the General Permitted Development Order).

Are there any existing planning permission, Certificates of Lawfulness, enforcement notices or breach of condition notices affecting the application site?  Yes  No

## Information in Support of a Certificate of Lawfulness

When did the use or activity begin, and/or when were the building works or operations substantially 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 describe in further detail, the supporting information that you are providing: \* (Max 500 characters)

Two written confirmation from a long-term residents and aerial photos taken in 1990, 1991 and 2004 on which the plot in question is visible, and serves as a parking lot. Photos were found on the following websites: <https://airphotofinder.ncap.org/image/465938>, <https://www.edinburghnews.scotsman.com/lifestyle/retro/16-great-photos-of-edinburgh-from-above-in-the-1990s-including-the-transformed-site-of-the-omni-centre-4518378?page=2>, <https://www.trove.scot/image/1678053>

In the case of an existing use or activity, including an existing use or activity in breach of conditions, has there  Yes  No  
Been any interruption or material change to the continuous use? \*

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

Please explain why you consider a Certificate of Lawfulness should be granted: \* (Max 500 characters)

The plot is a parking lot for a very long time and appears to have no registered owner. Parking is always heavily occupied, largely by commuters. Residents of 55 and 57 Giles Street struggle to find a parking spaces. Official parking spaces are limited and not not marked as "Resident permit holders only". This can be solved by changing the designation of the site to a private parking area for residents. Any physical alterations are not required; only display signs with a proper information.

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*  Yes  No

## Pre-Application Discussion Details Cont.

In what format was the feedback given? \*

Meeting  Telephone  Letter  Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) \* (max 500 characters)

I am quoting the fragments of email received from Planning.Response@edinburgh.gov.uk: "If the use of the space is currently a car park and the intention would be to remain as such, the use of the site for parking may already be established. It would likely be a private land ownership issue. I would advise that you submit an application for a certificate of lawfulness. Information on this can be found here: <https://www.edinburgh.gov.uk/planning-applications-1/apply-certificate-lawfulness>."

Title:

Other title:

Helpdesk Planner

First Name:

Last Name:

Correspondence Reference Number:

Date (dd/mm/yyyy):

01/09/2025

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

## Any other Particulars or Supplementary Information

Please provide any other particulars or information here which you consider may be relevant.: \* (Max 500 characters)

Based on my research of old maps, the plot in question was likely part of the old street network, specifically Old Brickwork Close. Therefore, a private land ownership issue is unlikely. The fact that the plot is now a free parking space not only creates problems with finding a parking spot, but also leads to issues with abandoned cars, long-term parking, and sometimes use by non-residents as a free repair site for cars, which results in significant mess and car parts being left behind.

## List of Documents, Drawings or Plans which accompany this Application

Please provide a full list of documentation, drawings or plans which accompany this application which you are submitting as supporting information and evidence: \* (Max 500 characters)

2 letters of confirmation signed by: Susan Blakely-resident of 55/1 Giles Street from the date of her birth, and Philippa Worthington-resident of 55/7 Giles Street for over 15 years. 3 photos: 2004, source: <https://www.trove.scot/image/1678053>; 24/07/1990,source: <https://airphotofinder.ncap.org/image/465938>, May 1991,source: <https://www.edinburghnews.scotsman.com/lifestyle/retro/16-great-photos-of-edinburgh-from-above-in-the-1990s-including-the-transformed-site-of-the-omni-centre-4518378?page=2>

## Interest in Land

Please state the applicant's interest in the land: \*

Owner  Lessee  Tenant  Occupier  Other

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*  Yes  No

## Checklist – Application for a Certificate of Lawfulness of Existing Use or Development

The burden of proof in a Certificate of Lawfulness is firmly with the applicant and therefore sufficient and precise information should be provided.

Please complete the following checklist to make sure you have provided all the necessary information in support of your application. Failure to submit the required information may result in your application being deemed invalid. The Planning Authority will not start processing your application until it is valid.

A copy of a plan, showing the boundary of the site. The plan should identify the land to which the application relates and should be drawn to an identified scale. Where such an application specifies two or more uses, operations or other matters, the plan which accompanies the application is to indicate to which part of the land each such use, operation or other matter relates. \*  Yes  No

All evidence provided in support of your application. \*  Yes  No

A statement setting out the applicant's interest in the land, the name and address of any other person known to the applicant to have an interest in the land and whether any such other person has been notified of the application. \*  Yes  No

You must submit a fee with your application. Your application will not be able to be validated until the appropriate fee has need received by the planning authority.

## Declare – Certificate of Lawfulness – Existing Use or Development

I, the applicant/agent certify that this is an application for a certificate of Lawfulness as described in this form and the accompanying plans/drawings and additional information.

Declaration Name: Ms Agata Bartosiewicz

Declaration Date: 08/10/2025

### 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 intent to deceive.

Section 152(7) enables the planning authority to revoke, at any time, a certificate they may have issued as a result of such false or misleading information or if material information has been withheld.

## Fee Exemption Reason

I used the fee calculator and my application / request for local review / appeal is not subject to fee

I used the fee calculator, and according to the fee summary there is no fee to pay because my proposal does not involve a material change of use.