

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



The Planning (Northern Ireland) Order 1991, Article 83B.

Article 10 of the Planning (General Development) Order 1993, as amended by the Planning (General Development) (Amendment No.2) Order 2003

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

Official Use	
Application No	
Receipt No	

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

1a Applicant (in block capitals)

Name
Address
.....
.....
Post Code
Tel. No
Email

1b Agent(s) (if any)

Name
Address
.....
Post Code:
Tel.No: Ref No:
Contact Name:
Email:

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**.

.....
.....
.....



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

6. 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:

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.....

(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:

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.....

7. If you consider the existing, or last, use is within a 'use class' in the current Planning (Use Classes) Order (Northern Ireland) 1989 (as amended), state which one:

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.....

8. If you consider the proposed use is within a 'use class' in the Planning (Use Classes) Order (Northern Ireland) 1989 (as amended), state which one:

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.....

9. 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:

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

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11. 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):

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

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I/We* hereby apply for a Certificate of Lawful Use or Development under Article 83B of the Planning (Northern Ireland) Order 1991 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: Date:

On behalf of
(insert name of applicant if signed by an agent)

Warning: Article 83D of the Planning (Northern Ireland) Order 1991 provides that it is an offence to furnish false or misleading information or to withhold material information with intent to deceive. Article 83C(7) enables the Department to revoke, at any time, a certificate it may have issued as a result of such false or misleading information.

Guidance Notes for Completion of Application Form LDC2

Article 83B 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 an Article 83A – 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:

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

Question 5:

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 6:

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 7 & 8:

Please indicate if you consider that the existing or proposed use falls within a use class identified in the Planning (Use Classes) Order 1989 (as amended) available from Her Majesty's Stationery Office (HMSO).

Question 9:

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 Divisional Planning Office.

Question 10:

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

Question 11:

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 Development) Order 1993 (as amended) (the GDO) www.planningni.gov.uk ;
- The works would not involve development at all, (which usually means that they are of a minor nature 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) 1989 (as amended));
- The proposed change of use would not require planning permission because it is permitted development under the GDO.

Question 12:

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 (eg 4 years or 10 years, 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 Planning Service 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.

Please ensure that you have:

- **Enclosed 4 copies of signed forms and any submitted plans.**
- **Enclosed the appropriate fee (contact your local Divisional Planning Office or Planning Service website 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.

How to contact us

Planning Office	District Council Area	Address	Tel/fax No/e-mail
Ballymena Divisional Planning Office	Antrim Ballymena Carrickfergus Larne Magherafelt	County Hall 182 Galgorm Road BALLYMENA Co Antrim BT42 1QF	Tel: (028) 2565 3333 Fax: (028) 2565 2127 divisional.planning.office.ballymena@nics.gov.uk
Belfast Divisional Planning Office	Belfast Castlereagh Newtownabbey	Bedford House 16-22 Bedford Street BELFAST BT2 7FD	Tel: (028) 9025 2800 Fax: (028) 9025 2828 divisional.planning.office.belfast@nics.gov.uk
Craigavon Divisional Planning Office	Armagh Banbridge Craigavon Newry & Mourne	Marlborough House Central Way CRAIGAVON Co Armagh BT64 1AD	Tel: (028) 3834 1144 Fax: (028) 3832 0004 divisional.planning.office.craigavon@nics.gov.uk
Downpatrick Divisional Planning Office	Ards Down Lisburn North Down	Rathkeltair House Market Street DOWNPATRICK Co Down BT30 6EJ	Tel: (028) 4461 2211 Fax: (028) 4461 8196 divisional.planning.office.downpatrick@nics.gov.uk
Londonderry Divisional Planning Office	Derry Limavady	Orchard House 40 Foyle Street LONDONDERRY Co Londonderry BT48 6AT	Tel: (028) 7131 9900 Fax: (028) 7131 9777 divisional.planning.office.londonderry@nics.gov.uk
Omagh Divisional Planning Office	Cookstown Dungannon & South Tyrone Omagh Strabane	County Hall Drumragh Avenue OMAGH Co Tyrone BT79 7AE	Tel: (028) 8225 4000 Fax: (028) 8225 4010 divisional.planning.office.omagh@nics.gov.uk
Coleraine Sub Divisional Planning Office	Ballymoney Coleraine Moyle	County Hall Castlerock Road COLERAINE Co Londonderry BT54 3HS	Tel: (028) 7034 1300 Fax: (028) 7034 1434 divisional.planning.office.coleraine@nics.gov.uk
Enniskillen Sub Divisional Planning Office	Fermanagh	15 East Bridge Street ENNISKILLEN Co Fermanagh BT74 7BW	Tel: (028) 6634 6555 Fax: (028) 6634 6550 divisional.planning.office.enniskillen@nics.gov.uk
Planning Service Headquarters		Clarence Court 10-18 Adelaide Street Belfast BT2 8GB	Tel: (028) 90540540 Fax: (028) 90540665 planning.service.hq@nics.gov.uk