

Guidance for Certificate of Lawfulness for an existing use or operation



Planning Services Development Management

*This application form should only be used if you are seeking a Certificate of Lawfulness for an **existing use or operation**. Applications for a Certificate of Lawfulness for a **proposed** use or development should be made on a different form.*

Purpose of the certificates

The Town and Country Planning (Scotland) Act 1997, makes provision for certifying the lawfulness of proposed or existing operations, uses or activities in, on, over or under land, by means of certificates of lawful use or development.

This procedure provides a mechanism for establishing the planning status of land; i.e. whether an existing or proposed use or development is lawful in terms of the planning legislation.

How to make an application

This application must be accompanied by a fee, which is the same fee which would be payable for a planning application for the use or operation which is proposed. The current fee is provided on the **fee schedule**.

In order to issue a certificate of lawfulness the council must be convinced that the use or operation has been in existence, continuously, for at least the last 10 years. Evidence can come from a variety of sources - rental agreements, receipts for goods supplied, official letters from council departments - but it is up to the applicant to produce any evidence that supports their claim.

Determination of applications

The council will acknowledge your application in writing as soon as reasonably practicable after the application and appropriate fee have been received.

The council will seek to determine your application within two months of the date of receipt.

During this time, the council may require you to provide further information to enable it to deal with your application.

If the council decides to refuse a certificate, you have the right of appeal to the Scottish Government Appeal forms are available from: **Scottish Government, Directorate of Planning & Environmental Appeals, 4 The Courtyard, Callendar Business Park, Callendar Road, Falkirk, FK1 1XR** or alternatively, telephone **01324 696400** or log onto the website at **dpea.scotland.gov.uk**

WARNING

Section 153 of the 1997 Act as amended provides that it is an offence to furnish false or misleading information or to withhold materials with intent to deceive. A person found guilty is liable on summary conviction to a fine not exceeding £5,000 and on conviction on indictment to imprisonment for a term not exceeding two years or a fine, or both. Section 152(7) enables the council to revoke, at any time, a certificate that may be issued as a result of such false or misleading information.

Customers with special requirements

Information is available in **Braille, tape, large print** and **community languages**. Please contact the **interpretation and translation** service on **01506 280000**

Text phones offer the opportunity for people with a hearing impairment to access the council. The text phone number is **18001 01506 464427**. A loop system is also available in all offices.

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