

GUIDANCE NOTE

Certificates of Lawfulness

What is it?

The Town and Country Planning (General Permitted Development)(Scotland) Order 1992 (as amended) is known as the GPDO and grants permitted development rights for a number of uses to carry out development without requiring planning permission.

The Council offers a duty planning service available by calling 0300 123 4510 between 0930 and 1300 any weekday. This service offers free verbal advice on permitted development and the relevant classes that may apply to particular developments. Requests for written confirmation of permitted development must come in the form of a Certificate of Lawful Use or Development (CLUD) under Section 151 of the Town and Country Planning (Scotland) Act 1997. This document sets out guidance on how to submit this type of application and the costs.

The majority of these proposals are likely to come from householders seeking to extend or alter a domestic property. Scottish Government circular 1/2012 is a user friendly guidance note on this topic which should be referred to when determining whether planning permission is required. You can view this on the Council's website.

Why is this beneficial?

If a proposed development complies with the classes of permitted development described by the GPDO then a submission to the Planning Authority is not strictly necessary. However a CLUD provides formal confirmation that planning permission is not required and as a result provides the following benefits:

- Certainty for the landowner that the proposed development does not require planning permission and, if built in accordance with the approved plans, will not be the subject of enforcement action in the future.
- Reduced complications for house sales. Solicitors processing house sales will often ask the vendor for evidence that extensions or alterations either received planning permission or did not require planning permission. A CLUD would be the most definitive way to provide this evidence for permitted development works.
- Minimise potential disputes with neighbours through written confirmation of the planning status of your development.

How much does it cost?

There is a charge for this service which is dependent on the scale of the development as follows:

Certificates of Lawful Use or Development	Charge
Proposed works (householder)	50% of the planning application fee.
Proposed works or use (non-householder)	50% of the planning application fee.
Existing works or use	The normal planning application fee.
Breach of condition	£300
Use or development as a dwelling	£600 for each dwellinghouse subject to a maximum of £150,000.

What can I expect in the response?

If your proposal complies with the criteria set out in the GPDO then a formal certificate will be issued confirming this within 8 weeks of a valid submission.

This document provides a legal confirmation that no planning permission is required for the development.

In the event of the development not complying with the GPDO criteria then we will advise you of this and offer you the opportunity to convert the submission to a full planning permission. This would involve the completion of the relevant form and the submission of the additional fee.

What do I need to include in my submission?

CLUDs can be either proposed (where a new permitted development is proposed) or existing (where a development has been in place for a number of years and has become lawful as a result). Both applications can be made through either the [Edevelopment.scot](https://www.edevelopment.scot) portal or in paper to Southbank House, Strathkelvin Place, Kirkintilloch, G66 1XQ. The following information would be necessary for each type of submission.

Proposed:

- Scaled plans including floor plans, elevations, location plan and block plan.
- The completion of the relevant form through the above portal (paper forms are also available there for printing).
- Payment of the relevant fee through the Council's website or by calling 0300 123 4525.

Existing:

- Evidence of the length of time the development or use has been complete or operational. This may include building warrants, dated bills or receipts, date stamped photographs etc.
- A location plan and any other plans or photographs necessary to describe the development.
- The completion of the relevant form through the above portal (paper forms are also available there for printing).
- Payment of the relevant fee through the Council's website or by calling 0300 123 4525.