

If you do not have access to the Internet, you can use one of our Application Viewpoints at Aquila House or the Hastings Information Centre, Queens Square. Most libraries also have computers for public use.

Other Useful Publications

The following Planning Advice Leaflets are also available on request from the Planning Offices at Aquila House or you can download them from the planning pages at www.hastings.gov.uk/environment_planning:

- Planning Advice 6 – Before you Start Work
- Planning Advice 7 – Extensions
- Planning Advice 8 – Installation of New or Replacement Windows & Doors
- Planning Advice 9 – Vehicle Hardstandings & Accesses
- Planning Advice 10 – Satellite Dishes
- Planning Advice 11 – Opening a Café, Restaurant or Takeaway
- Planning Advice 12 – Security Shutters
- Planning Advice 13 – High Hedges & Overhanging Branches

Regeneration, Homes and Communities

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Large print and audio versions of this leaflet are available. Call 01424 451090.

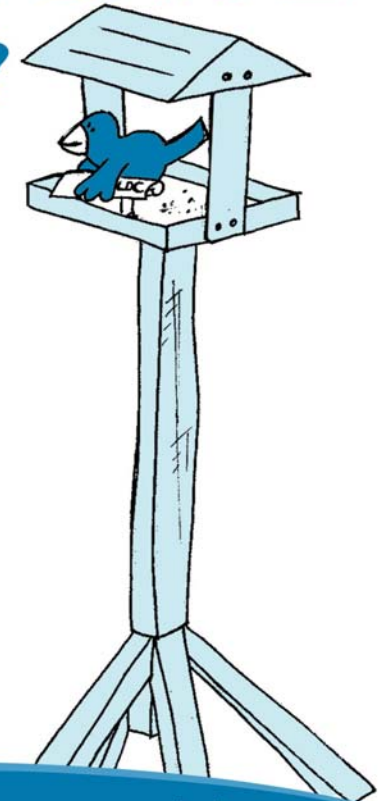
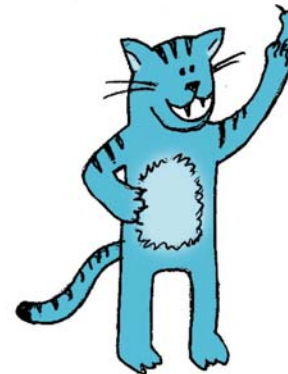
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Advice 18

LAWFUL DEVELOPMENT CERTIFICATE

DO I NEED ONE?

I'll need a closer
look at that
certificate!



Regeneration and Planning
www.hastings.gov.uk/planning



What is a Lawful Development Certificate?

A Lawful Development Certificate, also known as a Certificate of Lawfulness, is a legally binding document which confirms that a use, operation or activity named in it is lawful for planning control purposes on the dates specified in the Certificate.

The planning merits of the use, operation or activity in the application are not relevant. The issue of a certificate depends entirely on factual evidence about the history and planning status of the building or other land and the interpretation of any relevant planning law or judicial authority.

Do I have to apply for a Certificate?

You **do not** have to apply for a Lawful Development Certificate, however it can help to avoid difficulties in the future, such as avoiding the risk of enforcement action by the Council because of a misinterpretation of the planning regulations, or when solicitors' enquiries are carried out during the sale of a property.

Before you apply for a Certificate

It is recommended that you check if planning permission would be required for the use, operation or activity before submitting an application for a certificate.

If you do not want to gain advice from a professional, for example an architect, you can find information and advice on the Planning Portal at www.planningportal.gov.uk. On the Planning Portal, you will find a useful 'Interactive House' for sites relating to dwellinghouses and an 'Interactive Terrace' for relating to further dwellinghouses, flats, maisonettes and commercial premises. There are also 'mini-guides' to download, which cover many common projects.

If planning permission is not required for a use, operation or activity, this is known as 'permitted development or use'.

Important Note: 'Permitted development' rights that apply to many common projects for dwellinghouses do not apply to flats, maisonettes or commercial premises.

Restrictions on properties

If you think that you do not need to make a planning application and you wish to apply for a Lawful Development Certificate, it is recommended that you take further steps to confirm planning permission is not required.

There are occasions when the 'permitted development' rights or the 'permitted use' is removed from properties or premises, when normally the proposal could be undertaken without the need for planning permission. The following are ways these rights can be removed:

- A condition attached to the original planning permission or to a subsequent planning permission for the building or land.
- An Article 4 Direction.

To research the planning history, you can make an appointment to view the planning property files by emailing dcenquiries@hastings.gov.uk or calling (01424) 783264.

Important Note: If you proceed without a formal decision, any works undertaken would be entirely at your own risk.

Types of Certificates

There are two types of certificates relating to either **existing** or **proposed** use or development.

A certificate for an **existing** use or development, or some activity in breach of a planning condition is used to confirm whether an existing building or use of a building or land is lawful.

A certificate for a **proposed** use or development allows you to confirm whether or not proposals to carry out building works or use a building or other land would be lawful. This means that planning law will allow the proposal to be done without the need to submit a planning application.

How do I make an application?

You need to complete a form for an existing or a proposed certificate. You can download the relevant form, or submit the application online by visiting our site at www.hastings.gov.uk/planning and by following the links for submitting planning applications. There are also guidance notes with the forms to help you complete the forms

If you do not have access to the Internet, you can pick up the forms from the planning offices at Aquila House or by calling (01424) 451090.

What information will be required?

The application must have a completed and signed application form, the appropriate fee, a plan identifying the land to which the application relates and any necessary drawings, information or evidence to support your case.

Ensure you provide a clear description of exactly what you are applying for, along with accurate and unambiguous evidence to support your claim. Without sufficient or precise information, the application could be refused.

A checklist of the required information is available to download with the application forms on our site at www.hastings.gov.uk/planning.

What is the fee?

For **existing** use or development, the fee is the same as for an equivalent planning application. For example a householder application will be £150 or a change of use application £335.

For **proposed** use or development it is half the fee for an equivalent planning application. For example a householder application will be £75 and change of use application £167.50.

A full list of planning application fees is available on our site at www.hastings.gov.uk/planning.

Important Note: If your application is determined that planning permission is required, you will then have to submit a planning application and pay an additional fee.

Does a Certificate expire?

A Certificate remains valid for the use or development described in it, on the land it describes, provided there is no subsequent material change in the circumstances before the use is instituted or the operations begun.

If your application is refused

If your application is refused, or a decision is not given within the time period of eight weeks of receiving the completed application, you can appeal to the Planning Inspectorate. There is no additional fee for this procedure.