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STATUTORY RULES OF NORTHERN IRELAND

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**2015 No. 72**

**The Planning (General Development  
Procedure) Order (Northern Ireland) 2015**

**Certificate of lawfulness of existing use or development and certificate of lawfulness of proposed use or development**

**11.**—(1) An application to the council for a certificate under sections 169 (certificate of lawfulness of existing use or development) or 170 (certificate of lawfulness of proposed use or development) of the 2011 Act shall, in addition to specifying the land and describing the use, operations or other matters in question in accordance with those sections, include the following information—

- (a) the paragraph of section 169(1) or, as the case may be, section 170(1), under which the application is made;
  - (b) in the case of an application under section 169(1), the date on which the use, operations or other matter began or, in the case of operations carried out without planning permission, the date on which the operations were substantially completed;
  - (c) in the case of an application under section 169(1)(a), the name of any use class specified in an order under section 23(3)(e) (meaning of “development”) of the 2011 Act which the applicant considers to be applicable to the use existing at the date of the application;
  - (d) in the case of an application under section 169(1)(c), sufficient details of the planning permission to enable it to be identified;
  - (e) in the case of an application under section 170(1)(a), the use of the land at the date of the application (or, when the land is not in use at that date, the purpose for which it was last used) and the name of any use class specified in an order under section 23(3)(e) of the 2011 Act which the applicant considers applicable to the proposed use;
  - (f) the applicant’s reasons, if any, for regarding the use, operations or other matter described in the application as lawful; and
  - (g) such other information as the applicant considers to be relevant to the application.
- (2) An application to which paragraph (1) applies shall be accompanied by—
- (a) a plan sufficient to identify the land to which the application relates;
  - (b) such evidence verifying the information included in the application as the applicant can provide; and
  - (c) a statement setting out the applicant’s estate in the land, the name and address of any other person known to the applicant to have an estate in the land and whether any such other person has been notified of the application.

(3) Where such an application specifies two or more uses, operations or other matters, the plan which accompanies the application shall indicate to which part of the land each such use, operation or other matter relates.

(4) The council may by notice in writing require the applicant to provide such further information as may be specified to enable it to deal with the application.

(5) Where an application is refused, in whole or in part, (including a case in which the council modifies the description of the use, operations or other matter in the application, or substitutes an alternative description for that description), the notice of decision shall state the council's full reason for its decision and shall include a statement to the effect that if the applicant does not accept the council's decision that person may appeal to the planning appeals commission under section 173 (appeals against refusal or failure to give decision on application) of the 2011 Act.

(6) A certificate under section 169 or 170 of the 2011 Act shall be in a form set out in Schedule 2.

(7) Where the council proposes to revoke a certificate issued under section 169 or 170 of the 2011 Act in accordance with section 171(7) (certificates under sections 169 and 170: supplementary provisions) of the 2011 Act, it shall, before it revokes the certificate, give notice of that proposal to—

- (a) the owner of the land affected;
- (b) the occupier of the land affected;
- (c) any other person who will in its opinion be affected by the revocation; and
- (d) in the case of a certificate issued under section 173 of the 2011 Act, the planning appeals commission.

(8) A notice issued under paragraph (7) shall invite the person on whom the notice is served to make representations on the proposal to the council within 14 days of service of the notice and the council shall not revoke the certificate until all such periods allowed for making representations have expired.

(9) The council shall give written notice of any revocation under section 171 of the 2011 Act to every person on whom notice of the proposed revocation was served under paragraph (7).