

SCHEDULE 8

Regulation 44(6)

Certificate of lawful use or development

“TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997: SECTION 150 AND 151

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2013: REGULATION 44(6)

Certificate of Lawful Use or Development

The [Note 1] Council hereby certify that on [Note 2] the use\*/operations\*/matter\* described in Schedule 1 in respect of the land specified in the Schedule 2 and edged\*/hatched\*/coloured\* [Note 3] on the plan attached to this certificate was\*/would have been\* lawful within the meaning of section 150 of the Town and Country Planning (Scotland) Act 1997, for the following reason(s)

Signed (Council’s proper officer)

On behalf of Council

Date

Schedule 1

[Note 4]

Schedule 2

[Note 5]

1. This certificate is issued solely for the purpose of section 150\*/151\* of the Town and Country Planning (Scotland) Act 1997.

2. It certifies that the use\*/operations\*/matter\* described in Schedule 1 taking place on the land specified in Schedule 2 was\*/would have been\* lawful, on the specified date and, thus, was not\*/would not have been\* liable to enforcement action under section 127 of the 1997 Act on that date.

3. This certificate applies only to the extent of the use\*/operations\*/matter\* described in Schedule 1 and to the land specified in Schedule 2 and identified on the attached plan. Any use\*/operations\*/matter\* which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.

\*4. The effect of the certificate is also qualified by the proviso in section 151(4) of the Town and Country Planning (Scotland) Act 1997, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.

\*Delete where inappropriate.

- Note 1 – Insert name of Council.
Note 2 – Insert date of application to the Council.
Note 3 – Insert colour used on the plan.
Note 4 – Insert full description of use, operations or other matter, if necessary, by reference to details in the application or submitted plans, including where appropriate a reference to the use class of any order made under section 26(2)(f) of the Town and Country Planning (Scotland) Act 1997 within which the certificated use falls.
Note 5 – Insert address or location of the site.”