



Newtown St Boswells Melrose TD6 0SA Tel: Payments 01835 825251/System Help 01835 826705 Email: corporatebusinesssystems@scotborders.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100327035-003

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Site Address Details

Planning Authority:

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

Easting

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Springwood Park"/>
First Name: *	<input type="text" value="Colin"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="McGregor"/>	Address 1 (Street): *	<input type="text" value="Springwood Park"/>
Company/Organisation	<input type="text" value="Border Union Agricultural Society"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Town/City: *	<input type="text" value="Kelso"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Roxburghshire"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="TD5 8LS"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Type of Application

This application is to ascertain which one of the following would be lawful: *

- An existing use of buildings or land.
- An existing operation of development.
- Any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted.

Description of Existing Use of Buildings or Other Land and/or Existing Operations

Description of Existing Use, Buildings or Operations

Describe the existing uses, building works or operations for which you want a certificate of lawfulness: * (Max 500 characters)

1.99 hectares of the 19.19 hectare Springwood Park site has been used to site touring caravans/motorhomes during events for over 20 years. As a direct response to the COVID-19 pandemic, we would like to open this up to non-Society event attendees, as we feel that there is an imminent need in the Kelso area, to provide a safe, socially distanced area for visitors to use, and park touring caravans/motorhomes on.

Existing Use Class

If a certificate of lawfulness is sought for either an existing use or an existing use in breach of a condition, please state the Use Class as described in the Town and Country Planning (Use Classes) (Scotland) Order 1997 the use relates to: *

Is there more than one use of activity/operation? *

Yes No

Grounds for Application for Certificate of Lawfulness

Please state the grounds under which the certificate is sought: *
(Note: at least one option must be selected)

- The use began more than 10 years before the date of this application and has operated continuously.
- The use, building works, or operations in breach of condition began more than 10 years before the date of this application.
- The use began within the last 10 years, as a result of a change of use not requiring planning permission, and there has not been a change of use requiring planning permission in the last 10 years.
- The operations (for instances, building or engineering works) were substantially completed more than 4 years before the date of the application.
- The use as a single dwelling house began more than 4 years before the date of this application.
- Other – specify (this might include claims that the change of use or building work was not development, or that it benefited from planning permission granted under the Act or by the General Permitted Development Order).

If Other, please explain: * (Max 500 characters)

For more than 10 years, the Border Union Agricultural Society has sited touring caravans/motorhomes during certain periods of the year in line with events being held on the Showground.

Are there any existing planning permission, Certificates of Lawfulness, enforcement notices or breach of condition notices affecting the application site? Yes No

Information in Support of a Certificate of Lawfulness

When did the use or activity begin, and/or when were the building works or operations substantially Completed? *

What information or documentation are you providing with your application to support this date? *

- A plan
- Evidence to substantiate your grounds of application
- Other supporting information

In the case of an existing use or activity, including an existing use or activity in breach of conditions, has there Yes No
Been any interruption or material change to the continuous use? *

If Yes, please provide further details: * (Max 500 characters)

The existing use of the Showground to site touring caravans/motorhomes is directly related to the timing of events held at Springwood Park, eg maximum 2 weeks siting of caravans/motorhomes for the Dog Show in June, and then no caravans sited until next event.

Does the application for a Certificate relate to a residential use where the number of residential units has Yes No
Changed?

Please explain why you consider a Certificate of Lawfulness should be granted: * (Max 500 characters)

As a direct response to the COVID-19 pandemic, we feel that there is an imminent need in the Kelso area, to provide a safe, socially distanced area for visitors to use, and park touring caravans/motorhomes on.

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

Meeting Telephone Letter Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

Springwood Park, as an Events Centre, has the ability to host touring caravans/motorhomes for 28 days within the current legislation. Telephone conversation with John Haywood in October confirmed that we would need certificate of lawfulness for proposed use in order to site caravans/motorhomes beyond this time frame.

Title:	<input type="text" value="Mr"/>	Other title:	<input type="text"/>
First Name:	<input type="text" value="John"/>	Last Name:	<input type="text" value="Haywood"/>
Correspondence Reference Number:	<input type="text"/>	Date (dd/mm/yyyy):	<input type="text" value="26/10/2020"/>

In what format was the feedback given? *

Meeting Telephone Letter Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

Telephone call with Euan Calvert regarding previously submitted application for Cert. of Lawfulness - Proposed Use. After th conversation, we felt that it would be more appropriate to submit a Cert. of Lawfulness - Existing Use application.

Title:	<input type="text" value="Mr"/>	Other title:	<input type="text"/>
First Name:	<input type="text" value="Euan"/>	Last Name:	<input type="text" value="Calvert"/>
Correspondence Reference Number:	<input type="text"/>	Date (dd/mm/yyyy):	<input type="text" value="09/12/2020"/>

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Any other Particulars or Supplementary Information

Please provide any other particulars or information here which you consider may be relevant: * (Max 500 characters)

List of Documents, Drawings or Plans which accompany this Application

Please provide a full list of documentation, drawings or plans which accompany this application which you are submitting as supporting information and evidence: * (Max 500 characters)

Location Plan, Photo, Invoice for Repairs to Caravan Hook-ups

Interest in Land

Please state the applicant's interest in the land: *

Owner Lessee Tenant Occupier Other

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? * Yes No

Checklist – Application for a Certificate of Lawfulness of Existing Use or Development

The burden of proof in a Certificate of Lawfulness is firmly with the applicant and therefore sufficient and precise information should be provided.

Please complete the following checklist to make sure you have provided all the necessary information in support of your application. Failure to submit the required information may result in your application being deemed invalid. The Planning Authority will not start processing your application until it is valid.

A copy of a plan, showing the boundary of the site. The plan should identify the land to which the application relates and should be drawn to an identified scale. Where such an application specifies two or more uses, operations or other matters, the plan which accompanies the application is to indicate to which part of the land each such use, operation or other matter relates. * Yes No

All evidence provided in support of your application. * Yes No

A statement setting out the applicant's interest in the land, the name and address of any other person known to the applicant to have an interest in the land and whether any such other person has been notified of the application. * Yes No

You must submit a fee with your application. Your application will not be able to be validated until the appropriate fee has need received by the planning authority.

Declare – Certificate of Lawfulness – Existing Use or Development

I, the applicant/agent certify that this is an application for a certificate of Lawfulness as described in this form and the accompanying plans/drawings and additional information.

Declaration Name: Mr Colin McGregor

Declaration Date: 13/01/2021

WARNING

Section 153 of the 1997 Act provides that it is an offence to knowingly or recklessly provide false or misleading information or to withhold material information with intent to deceive.

Section 152(7) enables the planning authority to revoke, at any time, a certificate they may have issued as a result of such false or misleading information or if material information has been withheld.