



Marischal College Planning & Sustainable Development Business Hub 4, Ground Floor North Broad Street Aberdeen AB10 1AB Tel: 01224 523 470 Fax: 01224 636 181 Email: pi@aberdeencity.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 100649134-001

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"/>
First Name: *	<input type="text" value="Kenneth"/>	Building Number:	<input type="text" value="64"/>
Last Name: *	<input type="text" value="Watt"/>	Address 1 (Street): *	<input type="text" value="Hilton Drive"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB24 4NP"/>
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)

The apartment has been operated as a Short Term Holiday Let since September 2012. This has been for a maximum of 4 occupants at a time.

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)

- T 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).

Are there any existing planning permission, Certificates of Lawfulness, enforcement notices or breach of condition notices affecting the application site? ≤ Yes T 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? *

- T A plan
- T 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 been any interruption or material change to the continuous use? * ≤ Yes T No

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

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

I believe that since the apartment has been operating continuously, and successfully, as a Short Term Let for now eleven years, a Certificate of Lawfulness is applicable rather than full planning permission. This has been informally also suggested by the Planning Department as part of the STL Licence Application Process.

Pre-Application Discussion

Have you discussed your proposal with the planning authority? * T 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)

89f Causewayend, Aberdeen, AB25 3TQ – 2nd Floor – Does require planning permission on basis of number of neighbours and number of occupants, however if this has operated continuously for ten years at the time of application this could be considered an established lawful use. Therefore a certificate of lawful use may be more appropriate.

Title:

Mr

Other title:

First Name:

Jack

Last Name:

lbbotson

Correspondence Reference Number:

Date (dd/mm/yyyy):

10/10/2023

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

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)

Floor Plan

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)

Proof of Income showing continuous use

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 been 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 Kenneth Watt

Declaration Date: 06/12/2023

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.

Payment Details

Online payment: ABSP00010332

Payment date: 06/12/2023 17:57:00

Created: 06/12/2023 17:57