



# CERTIFICATE OF LAWFULNESS FOR EXISTING USE OR DEVELOPMENT

Town and Country Planning (Scotland) Act 1997 Section 150

The Town and Country (Development Management Procedure) (Scotland) Regulations 2013

Please refer to the accompanying Guidance Notes when completing this application

**PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS ELECTRONICALLY VIA <https://www.eplanning.scot>**

## 1. Applicant's Details 2. Agent's Details (if any)

<p>Title: Mr</p> <p>Forename: Charles Torquil Hamilton</p> <p>Surname: McInroy</p>	<p>Ref No.:</p> <p>Forename:</p> <p>Surname:</p>
<p>Company Name: TM Holiday Lettings</p> <p>Building No./Name: "Traprain"</p> <p>Address Line 1: 32 Main Street</p> <p>Address Line 2:</p> <p>Town/City: Gullane</p>	<p>Company Name:</p> <p>Building No./Name:</p> <p>Address Line 1:</p> <p>Address Line 2:</p> <p>Town/City:</p>
<p>Postcode: EH31 2HD</p> <p>Telephone:</p> <p>Mobile: [REDACTED]</p> <p>Fax:</p> <p>Email: [REDACTED]</p>	<p>Postcode:</p> <p>Telephone:</p> <p>Mobile:</p> <p>Fax:</p> <p>Email:</p>

## 3. Address or Location of Application Site (please include postcode)

1/10 Station Road  
North Berwick  
EH39 4AT

NB. If you do not have a full site address please identify the location of the site(s) in your accompanying documentation.

## 4. Type of Application

This is an application for:

An existing use of building or land

An existing operation or development

An existing use or operation which is in breach of a condition

## 5. Description of Use, Building Works or Operations

Describe the existing use, building works or operations for which you seek a certificate of lawfulness:

Operation of Short Term Holiday Let

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.

Use Class:

Is there more than one use or activity/operation? Yes  No

If yes, please describe each use or activity/operation fully and show on a plan how they relate to each other.

I have checked all the classes, and "Short Term Holiday Let" does not appear.

**6. Grounds for Application for a Certificate of Lawfulness**

Please state the grounds under which the certificate is sought:  
(please select at least 1 option)

The use as a single dwelling house began more than 4 years before the date of this application.

The use began more than 10 years before the date of this application and has operated continuously

The use, building works, or operations that are in breach of a condition of a previous consent began more than 10 years before the date of this application

The use began within the last 10 years and you consider that the use does not require planning permission

The operations (for instance, building or engineering works) were substantially completed more than 4 years before the date of this application

Other (please specify)

Are there any existing planning permissions, Certificates of Lawfulness, enforcement notices, breach of conditions(s), or notices under Section 33A (requiring submission of retrospective planning applications) affecting the application site?

Yes  No

If yes, please state date and reference numbers and details of any condition being breached:

**7. Information in Support of a Certificate of Lawfulness**

When was the use or activity begun or the building works or operations substantially completed?

Activity Started:

Operations 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 (please specify)

Schedule of bookings

Note: You must provide a plan to identify the land to which the application relates and evidence to support your application.

In the case of an existing use or activity in breach of conditions has there been any interruption to continuous use? Yes  No

If yes, please describe the interruption including its duration and the date it occurred:

In the case of an existing use of land, has there been any material change of use of the land since the start of the use for which the certificate is sought? If yes, please provide details:

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

If yes, please provide details:

Please explain why you consider a Certificate of Lawfulness should be granted:

I have operated this property as a Short Term Holiday Let for more than ten years. Recently (in October 2023) a requirement to have a Licence arose, including Planning approval for a change of use. It is this change of use that I now seek approval for.

### 8. Pre-Application Discussion

Have you received any advice from the planning authority in relation to this proposal? Yes  No

If yes, please provide details about the advice below:

In what format was the advice given? Meeting  Telephone call  Letter  Email

Have you agreed or are you discussing a Processing Agreement with the planning authority? Yes  No

Please provide a description of the advice you were given and who you received the advice from:

Name:  Date:  Reference Number:

The officer viewed the exterior of four properties at Royal Apartments, North Berwick, of which this was one. She advised that, in this case, I was required to obtain a Certificate of Lawfulness.

### 9. Interest in Land

Please state the applicant's interest in the land:

Owner  Lessee  Tenant  Occupier  Other

If you selected lessee, occupier or tenant, has the owner been informed of this application in writing? Yes  No

Please give details of the owner:

Name:

Address:

If you selected other, please provide details about the interest in the land below:

Please give details of anyone else you know who has an interest in the land:

## 10. Planning Service Employee/Elected Member Interest

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

Or, are you / the applicant / the applicant's spouse or partner a close relative of a member of staff in the planning service or elected member of the planning authority? Yes  No

If you have answered yes please provide details:

## 11. Declaration

I, the applicant/agent certify that this is an application for a Certificate of Lawfulness as described in the form. The accompanying plans/drawings and additional information are provided as part of this application. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature:

Name:

Torquil McInroy

Date:

15/12/2023

### 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 the intent to deceive.**

**Section 152(7) enables the planning authority to revoke, at any time, a certificate it has issued as a result of such false or misleading information with the intent to deceive.**

Any personal data that you have been asked to provide on this form will be held and processed in accordance with Data Protection Legislation.