



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 100658379-001

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

## Agent Details

Please enter Agent details

Company/Organisation:	Tinto Architecture Ltd		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	Horacio	Building Name:	Unit 3
Last Name: *	Bacarreza	Building Number:	<input type="text"/>
Telephone Number: *	01224821670	Address 1 (Street): *	Mill House, Grandholm Cres, Bridge of
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	Aberdeen
Fax Number:	<input type="text"/>	Country: *	Scotland
		Postcode: *	AB22 8BB
Email Address: *	horacio.bacarreza@tinto.co.uk		

Is the applicant an individual or an organisation/corporate entity? \*

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	Harry	Building Number:	18
Last Name: *	Kerr	Address 1 (Street): *	Baillieswells Crescent
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	Aberdeen
Extension Number:	<input type="text"/>	Country: *	Scotland
Mobile Number:	<input type="text"/>	Postcode: *	AB15 9BD
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

## 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)

External detached stand alone garden room

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: \*

Class 9 Houses

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)

The works have been carried out in the past under a different agent, due to the impacts of the pandemic and personal issues with the previous agent, we are now in the process of applying for an extension to warrant in the first instance in order to apply for an amendment to warrant and a retrospective completion certificate. Therefore we wish to obtain the status of lawful development for the external detached garden room.

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

Please describe in further detail, the supporting information that you are providing: \* (Max 500 characters)

Elevations and roof plan

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  No

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

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

The intent at the onset of the project was to create a detached stand alone garden room, due to the impacts of the pandemic and personal issues with the previous agent, the previously proposed attached conservatory was never omitted from the application until now. In the meanwhile, the client has erected a modest detached garden room. We believe that the garden room constitutes as lawful development.

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \* ≤ Yes  No

## Any other Particulars or Supplementary Information

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

- personal issues with the previous agent. - adversities caused by the COVID pandemic.

## 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)

- Ground floor plan with omitted conservatory replaced with stand alone detached garden room - roof plan and elevations with omitted conservatory replaced with stand alone detached garden room

## 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 Horacio Bacarreza

Declaration Date: 25/01/2024

### 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

Pay Direct

Created: 25/01/2024 10:25