

Our Ref: 24/00074/CLP  
Contact: Sean Rae  
Tel: 01236 632487  
E-mail: [Planningenquiry@northlan.gov.uk](mailto:Planningenquiry@northlan.gov.uk)  
Date: 20 February 2024



## **Enterprise And Communities**

Lorna Bowden  
Planning And Place Manager  
Ground Floor Civic Centre  
Windmillhill Street  
Motherwell ML1 1AB

Mr Brian Cameron  
c/o ARCAM Design  
70 Carronside Street  
Falkirk  
United Kingdom  
FK2 7QD

Dear Sir/Madam,

**Proposal: Single Storey Side Garage Extension**  
**Address: 203 Whitelees Road, Whitelees, Cumbernauld, North Lanarkshire, G67 3DL**

I refer to your application for a Certificate of Lawfulness for the above proposed development, which was registered on 20 February 2024. I write to advise that this proposed development was assessed as being lawful and as such planning permission is not required.

I enclose a copy of the Certificate, the plans and any other relevant submissions which form part of this Decision Notice. All the approved documents can be viewed online at [www.northlanarkshire.gov.uk/planning-and-building/planning-applications/view-and-comment-on-planning-applications](http://www.northlanarkshire.gov.uk/planning-and-building/planning-applications/view-and-comment-on-planning-applications)

Yours faithfully,

**Lorna Bowden**  
Planning And Place Manager



## CERTIFICATE OF LAWFULNESS

Town and Country Planning (Scotland) Act 1997

No: 24/00074/CLP  
Date: 20 February 2024  
To: Mr Brian Cameron  
c/o ARCAM Design  
70 Carronside Street  
Falkirk  
United Kingdom  
FK2 7QD

With reference to your application dated 29 January 2024 under the above Act for the following proposed development,

**Single Storey Side Garage Extension  
203 Whitelees Road, Whitelees, Cumbernauld, North Lanarkshire, G67 3DL**

North Lanarkshire Council, in exercise of its powers under Section 151 of the Town and Country Planning (Scotland) Act 1997 APPROVES A CERTIFICATE OF LAWFULNESS OF PROPOSED USE OR DEVELOPMENT. The council's reasoning for arriving at the above decision is as follows:-

Reasoned Justification

Based on the details set out in the drawings provided, it is considered that the proposed development is permitted development under the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, (as amended), and therefore an application for planning permission is not required.

**Lorna Bowden**  
Planning And Place Manager

## Notes to Applicant

1. That the development permitted by this Certificate of Lawfulness pertains to the plans and other relevant documents submitted as part of the application 24/00074/CLP. These plans and other relevant documents can be viewed on North Lanarkshire Council's Planning Application online at <https://eplanning.northlanarkshire.gov.uk/online-applications/> It must be noted that any development which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.
2. Before making any changes to the scheme covered by this certificate, you are advised to contact the Planning Authority for further advice.

## Additional Notes to Applicant:

PLEASE READ THESE NOTES CAREFULLY.

These notes do not constitute legal advice, and are not intended to be a comprehensive guide to laws which may apply to the development which you propose to carry out.

If you wish to obtain advice on which you will be entitled to rely, you must consult a solicitor or other appropriate professional adviser, e.g. an architect or chartered surveyor.

- (1) Even if you have been granted planning permission, you may require other consent or approval under other enactments. For example, you may need to:-
  - (a) apply to North Lanarkshire Council, as Building Authority, for a Building Warrant under the Building (Scotland) Act 2003, and/or
  - (b) apply to North Lanarkshire Council, as Planning Authority, for permission to display certain advertisements, and/or
  - (c) apply to North Lanarkshire Council, as Housing Authority, for permission to carry out certain works within a council house and on land attached, and/or
  - (d) apply to North Lanarkshire Council, as Environmental Health Authority, for a caravan site licence under the Caravan Sites and Control of Development Act 1960, and/or
  - (e) apply to North Lanarkshire Licensing Board for a licence for the sale of supply of alcoholic liquor under the Licensing (Scotland) Act 1976, and/or
  - (f) apply to North Lanarkshire Council for permission (a) to take a new access from a public highway, or alter an existing access, and/or (b) to construct a new street, or widen, extend or otherwise alter an existing street, and/or
  - (g) apply to Scottish Water for permission to use the public water supply and the public sewerage system, and/or
  - (h) apply to the Electricity and/or Gas Companies, to arrange for the supply of electricity and/or gas, and/or any other consent for approval not mentioned in this form.

In appropriate instances, applicants should also ascertain the requirements of other enactments, e.g. Health and Safety at Work Act 1974, Offices, Shops and Railway Premises Act 1963, Food Hygiene (Scotland) Regulation 2006, Water Environment (Controlled Activities) (Scotland) Regulations 2005, etc., all as amended.

- (2) Coal mining legacy risks. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.  
Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided.  
In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to development and mine entries available at:  
[www.gov.uk/government/publications/building-on-or-within-the-influencingdistance-of-mine-entries](http://www.gov.uk/government/publications/building-on-or-within-the-influencingdistance-of-mine-entries)  
Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.  
Property specific summary information on past, current and future coal mining activity can be obtained from:  
<http://www.groundstability.com> or a similar service provider.  
If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:  
<http://www.gov.uk/coalauthority>

- (3) If the applicant is aggrieved by this decision of the Planning Authority he may appeal to the Scottish Ministers in accordance with Section 47 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006 within **three** months of this decision. No additional matters are to be raised unless specifically requested by the Scottish Government Planning and Environmental Appeals Division.

The Scottish Ministers may allow or dismiss an appeal, or may reverse or vary any part of the Planning Authority's decision, whether the appeal relates to that part or not, and may deal with the application as if it had been made to them in the first instance.

An appeal should be sent to The Scottish Government Planning and Environmental Appeals Division:

<https://www.dpea.scotland.gov.uk/>

- (4) As an alternative to the contents of paragraph (2) above, the applicant may in accordance with Section 42 of the Act, where planning permission has been granted subject to conditions, apply to North Lanarkshire Council, as Planning Authority, for relief from any or all of those conditions. Such an application can be made at any time providing that the permission has not become time-expired.
- (5) Where it appears to the Planning Authority that there has been a breach of planning control, they may serve enforcement and stop notices requiring the breach to be remedied.
- (6) Utility infrastructure. Utility maps for your site are now available online at [www.linesearchbeforeudig.co.uk](http://www.linesearchbeforeudig.co.uk). This free site will provide you with information regarding the location of any utility companies' assets in your proposed work area (underground and overhead pipelines and cables in the electricity, gas, high pressure fuel/oil, heating, water and fibre optic networks). This should be carried out before any works are undertaken on site. Should a site search identify the presence of any utility company assets you should contact them directly to discuss what may be required to protect, move or divert their apparatus.
- (7) Felling of Trees. Where full planning permission authorises the felling of trees on a development site, no further consent is required under the Forestry and Land Management (Scotland) Act 2018. Any tree felling not expressly authorised by planning permission, and not otherwise exempted, may require felling permission under that Act. Any felling carried out without either a licence or other valid permission is an offence which can mean, on conviction, a fine of up to £5,000 per tree and a criminal record for all involved in the felling. You can get information about and application forms for felling permission from the Forestry Commission website <https://forestry.gov.scot/support-regulations/fellingpermissions>  
Contact Forestry and Land Scotland if you require further guidance