

This leaflet can be obtained in alternative formats, e.g. in braille, large print, on audio tape, or e-mail by contacting the Council on telephone:

01727 819344 or 819345



The District Council Offices textphone number is **01727 819570**. The service is for customers with a hearing impairment.

এই লিফলেটে যে তথ্য দেওয়া হয়েছে যদি আপনি
আরও বুঝার সাহায্য চান তবে
কোন বরনন Telephone: 01727 866100

St Albans City and District Council
St Peter's Street
St Albans AL1 3JE
Telephone: 01727 866100

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Telephone: 01727 866100

www.stalbans.gov.uk



Planning Advisory Leaflet



A HOUSEHOLDER'S GUIDE TO LAWFUL DEVELOPMENT CERTIFICATES

What is a Certificate of Lawfulness?

There are two types of Certificates of Lawfulness: Certificate of Lawfulness (Proposed) and Certificate of Lawfulness (Existing).

Dwelling houses (other than flats and maisonettes) benefit from what are known as 'permitted development rights', which allow for certain types of development to be undertaken without the need for planning permission. In order for you, as a homeowner, to find out whether the type of work you are proposing (or work that has already taken place) does or does not require planning permission, you may wish to apply for a Certificate of Lawfulness (Proposed) or (Existing). Both Certificates are explained in more detail below.

You may wish to seek an informal officer view in the first instance as to whether a Certificate is required or advisable. However, when you come to sell your house, the buyer's solicitor may request formal confirmation that the work carried out did not require planning permission, even if it was carried out under permitted development rights.

Certificate of Lawfulness for a proposed use or development

Certain alterations to your property such as small extensions, conservatories or loft conversions, do not require planning permission (please see leaflet *A Householder's Guide to Permitted Development Rights*). By applying for a Certificate of Lawfulness (Proposed), you are seeking formal confirmation that planning permission is not required and that you can undertake the work lawfully.

For example, if you live in a semi-detached house outside the Conservation Area that has no extensions, detached garage or outbuildings and you want to build a small conservatory, it is possible that planning permission may not be required. A Certificate of Lawfulness (Proposed) is a formal and legal document confirming this.

You might wish to apply for a Certificate of Lawfulness (Proposed) for a change of use, for example if you wanted to use a single room in a dwelling house as an office or for hairdressing.

Certificate of Lawfulness for an existing use or development

This can be applied for when, for example, an extension has already been built but did not receive planning permission.

Instances in which you might apply for this type of certificate are:

- if you have extended your property without planning permission but would like formal confirmation that planning permission was not required as it was within the tolerances of permitted development.
- if you extended your property over four years ago and would like confirmation that it is now exempt from enforcement action. In this instance, written confirmation in the form of documentary evidence regarding the date the extension was built must be submitted with your application.
- if a change of use has carried on continuously for a period of 10 years or more.

How does the process work?

You, or your agent if you are using one, will need to submit your application form with four copies of the drawings of the existing and/or proposed development, a site location plan, and the relevant fee.

A Case Officer will be assigned to your application and will visit the site and check the planning history of your property. A formal decision should be made within eight weeks.

Drawings

These must be metric and drawn to scale. If your application is for an extension, it would also be useful to provide a block plan indicating the location of any additional buildings such as garages, summerhouses or garden sheds. Again, this should be metric and drawn to scale. If you do not provide the necessary information with your application, the Planning Department has the right to refuse it

on the grounds of insufficient information. If you are in any doubt as to the type of information required, contact the Planning Department before submitting your application.

What if my application is refused?

If your application is refused, or has not been determined within the statutory eight weeks, you can appeal to the Planning Inspectorate, which acts on behalf of the Secretary of State. If it is determined that the refusal was not well founded, the certificate will be granted.

Alternatively, if it is considered that the Council's decision was well founded, the appeal will be dismissed. In the case of an application for an existing use, the use should be discontinued, and in the case of an application for an existing development, the building should be removed to avoid further enforcement proceedings.

In any instance of a refusal, it is advisable to discuss alternative options with the planning officer who dealt with your application before appealing to the Planning Inspectorate.

Further reading

Planning. A Guide for Householders, published by Communities and Local Government.

A Householder's Guide to Permitted Development Rights

Both of these are free of charge and available from St Albans City and District Council. Much of this information is also available from the Planning Portal website: www.planningportal.gov.uk.

Further information

This advisory leaflet is intended to be a helpful and useful source of information and not binding on any party. The Council offers no guarantee or warranties concerning the accuracy of the information supplied.

For more information about the contents of this leaflet contact:

The Planning Department
St Albans City and District Council
St Peter's Street
St Albans, Hertfordshire AL1 3JE
Telephone: 01727 819344 or 819345
Website: www.stalbans.gov.uk

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