

Checklist G

Validation Requirements – Lawful Development Certificate for (1) An Existing Use, Operation or Activity including those in Breach of Planning Conditions and (2) A Proposed Use or Development

The burden of proof in a lawful development certificate is firmly with the applicant and therefore sufficient and precise information should be provided

The following form should be completed with your application to ensure all the required information is submitted. Failure to submit any of the requirements will render your application invalid and it will not be registered.

Where an application is not accompanied by 'Local list' requirements a written justification must be produced by a suitably qualified person(s) giving reasons why it is not appropriate in that particular circumstance. In such cases the Council will consider the justification and where it is agreed, the application will be registered. However, if insufficient justification is provided, the Council will declare the application invalid and provide written reasons for the decision.

In circumstances, where applicants do not agree with the requirement for information or plans set out by the local planning authority they may wish to challenge the decision not to validate an application. In such cases, applicants have the right of appeal for non-validation under section 78 of the *Town and Country Planning Act 1990*. The relevant ground for the appeal would be non-determination within the 8 or 13 week determination period (depending upon whether the application is minor or major). For appeals, use the Planning Appeals link on the [Planning Inspectorate website](#).


The list of local requirements is not exhaustive and the local planning authority can still request further information post-validation. Accordingly, an application can still be declared valid and then refused on the grounds of inadequate information.

Supplementary Guidance is available on the Council website which gives more detail of these requirements. <http://www.oldham.gov.uk/plan-app-checklists-part1.pdf>

		Tick
1. Forms	<i>Application Form (original and 2 copies unless submitted electronically)</i> http://www.oldham.gov.uk/cert_of_lawfulness_app_exis.pdf http://www.oldham.gov.uk/cert_of_lawfulness_app_prop.pdf	
	All signed and dated	
	All relevant questions answered correctly	
2. Plans	Original and 2 copies of all plans and drawings necessary to describe the subject of the application	
<i>Location Plan at a scale of 1:1250 or 1:2500 to show:</i>	The direction of North	
	Application site edged red/other land owned by the applicant edged blue	
	Wherever possible, at least 2 named roads and surrounding buildings	
3. Other Information	Such evidence verifying the information included in the application as can be provided	
	Such other information as is considered to be relevant to the application	
4. Fee	Appropriate fee http://www.oldham.gov.uk/planning_application_fees_applicants_guide.pdf	
5. Local Requirements	may include some or all of the following: (the number relates to the relevant section in the Part 2 of the <i>Validation Checklist guidance</i> : http://www.oldham.gov.uk/plan-app-checklists-part2.pdf)	
<i>Existing and Proposed Elevations at a scale of 1:50 or 1:100 to show:</i>	Where the application is for an existing or proposed development	
<i>Existing and Proposed Floor Plans at a scale of 1:50 or 1:100 to show:</i>	Where the application is for an existing or proposed development	
<i>Site Survey Plan at a scale of 1:50 or 1:100 to show:</i>	Where the application is for an existing or proposed development	

		Tick
Sworn affidavit(s) from people with personal knowledge of the use or development of evidence such as utility bills, receipts, council tax records to corroborate continuous use over the previous ten years	Required where the application is for an existing use or development	
	26. Planning Statement	
	45. Photographs / Photomontages if appropriate	

Notes/Explanation: (Please add any further comments to support the above submissions)

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