

COMHAIRLE NAN EILEAN

PLANNING APPLICATION FORM

Notes for Guidance

Before completing this form it is advisable to discuss your proposals with us at the Department for Sustainable Communities:

Council Offices
Sandwick Road
Stornoway
Isle of Lewis HS1 2BW
Tel 01851 709545
Fax 01851 705349

or

Council Offices
Balivanich
Benbecula HS7 5LA
Tel 01870 602425 Ext 837
Fax 01870 602332

NOTES FOR GUIDANCE

APPLICATIONS FOR PLANNING PERMISSION

We have prepared these notes to help you fill in the planning application form. If you need any more help or are unsure if planning permission is required, please contact us. Please note that you require a separate application form for building warrant, listed building consent, conservation area consent and advertisement consent.

We can be contacted at the Department for Sustainable Communities, Council Offices, Stornoway, Isle of Lewis HS1 2BW, telephone 01851 703773, fax 01851 705349, or Council Offices, Balivanich, Benbecula, HS7 5LA, telephone 01870 602425, fax 01870 602332.

Normal office hours are 9.00am to 5.00pm Monday to Friday. It would be advisable to discuss the proposals with us before you submit your application. Please ring us to make an appointment.

Note: incomplete/incorrect applications cannot be accepted, thus delaying your proposals.

The Comhairle as a Planning Authority has a statutory requirement to maintain a public register of planning applications. As a new development and to maintain pace with a national initiative to modernise the planning system, valid planning applications received by Comhairle nan Eilean Siar will be scanned and made available on-line for public viewing via the Comhairle Website @ www.cne-siar.gov.uk (Planning Service > Online Planning Information). The publication of planning information on-line aims to make the planning process more transparent, efficient, inclusive and accessible. Please see Note 16 for further information on the information that will be displayed through the On-line Planning Information Portal.

1. APPLICANT'S NAME AND ADDRESS

Please give your full name and address, including your postcode. In order to protect personal information such as home and mobile telephone numbers and personal e-mail addresses, these details, which are helpful to us in making early contact with you, should be entered in Section 16c. Section 16 of the form will be held as sensitive data.

2. AGENT'S NAME AND ADDRESS

You may decide to employ an agent, such as an architect, surveyor, the builder who drew the plans, or a planning consultant, to complete these forms for you. If this is the case, all correspondence will be sent to the agent.

Please give the name, address and phone number and if possible e-mail address of the agent.

3. ADDRESS OR LOCATION OF PROPOSED DEVELOPMENT

You should clearly state the full address of the application site, including the postcode if possible. If the site has no address, please give a written description which will allow people to identify it.

You should also clearly outline the land to which the application relates in RED on a location plan (which should be Ordnance Survey based) and outline any adjoining land you own or control in BLUE. If your proposal involves installing a septic tank you should include the site of the septic tank and associated works in the area outlined in red.

4. DESCRIPTION OF PROPOSED DEVELOPMENT

You should clearly state the proposed use(s) and/or work to be carried out, "*see plans*" is **not** sufficient.

Where a change of use is involved, the present and proposed use must be included in the description e.g "*Change of use from retail shop to estate agent's office*".

The description should fully and accurately reflect the nature of the development as failure to do so may result in your application being delayed.

If you are not sure how to describe your proposal, please contact us.

5. EXISTING USE OF LAND AND/OR BUILDINGS

Describe the existing use of the buildings or land and known previous uses. If used for more than one purpose, please give details. If unused, please say so and state last known use and, if known, the date on which this use ceased.

6. RESIDENTIAL DEVELOPMENT

This must be completed. "See plans" is **not** sufficient. The site area should be given as the total area of the application site, in square metres.

7. COMMERCIAL/INDUSTRIAL DEVELOPMENT

This section must be completed for all commercial/industrial developments, "see plans" is **not** sufficient.

You should calculate the floorspace based on the external dimensions of the building. "Proposed" should include the proposed new area added to any existing area that will be retained.

Please give all measurements in square metres.

It is essential that you state the intended hours of operation, particularly where your proposal may be near houses.

8. HAZARDOUS MATERIALS

If the proposal involves the use, storage or manufacture of any "*hazardous materials*" (such as liquefied Petroleum Gas, Hydrogen, Liquid Oxygen, or any explosive) please give details and the quantities in a covering letter. If you are in any doubt, please contact us.

You may need to apply for a separate Hazardous Substances Consent.

9. PARKING

Please indicate the existing number of parking spaces on site (if any), and the number of additional spaces proposed for the development. The parking and turning areas should be clearly drawn on the submitted plans.

10. PROPOSED ACCESS ARRANGEMENTS

One or more of these boxes must be ticked. Where you intend to alter or form a new pedestrian/vehicular access to the site, this should be clearly drawn on the submitted plans.

11. PROPOSED EXTERNAL FINISHES

If you are constructing a building or other structure, it is important that you describe as fully as possible which materials you intend to use on the external surfaces. For example, "*grey roof tiles*" (with manufacturer's details) and "*white roughcast walls*".

Please note that "see plans" is **not** sufficient.

12. PROPOSED DRAINAGE CONNECTIONS

This section must be completed even if your application is only for Outline Planning Permission.

New buildings should be connected to the public sewer. However, in unsewered areas a septic tank may be appropriate. Please tick the relevant boxes to indicate how you intend to dispose of foul and surface water from the proposed development. If you are using anything other than a public sewer **you must** refer to and answer the requirements on the form entitled "*DETAILS THAT ARE REQUIRED FOR A PROPOSED MEANS OF DEALING WITH SURFACE AND WASTE WATER*". Failure to do so is likely to mean that we will not be able to accept your application.

13. TYPE OF APPLICATION *-If unsure which type is appropriate, then please contact us*

- **Full** - needed for change in the use of land or buildings, or carry out building, engineering or other works.
- **Outline** - where you wish to see if the proposed development is acceptable in principle before preparing detailed drawings. However you should provide as much detailed information as possible. **Not** applicable for change of use applications. If you would like some details to be approved as part of your outline application (for example, the siting of a proposed building, or the means of access to it) you should cross them off the list.
- **Reserved Matters***- submission of the details following consent for outline application.
- **Renewal*** - where you are applying to extend the time of a planning permission which was approved for a limited period only.
- **Modification*** - where unwilling/unable to comply with a condition attached to a previous consent.

** As these types of application relate to a previous planning consent, it is important to state the date and reference number.*

14. CHECK LIST

- **Plans** -

For all applications, six copies of the following should be submitted:

- (i) LOCATION plan showing the site to which it refers and its boundary. They should preferably be Ordnance Survey based at a scale of 1:2500. The application site should be edged in RED and any other adjoining land you own or control in BLUE. You MUST indicate on the plan which neighbouring properties have been notified.
- (ii) a SITE plan at a scale of 1:500 showing the position of the existing and proposed buildings within the site and the position of any building(s) or adjacent sites.
- (iii) for Full planning applications and reserved matters, DETAILED BUILDING CONSTRUCTION DRAWINGS, drawn accurately preferably to the scale of 1:50 or 1:100.

All measurements must be shown in metric. Applications in imperial measurements without metric equivalent may be returned.

- **Certificates**

Details of how to complete land ownership and neighbour notification certificates are outlined in notes 17 and 18.

- **Application Fee**

You will usually be required to pay a fee when submitting your application. The fee varies according to the type and size of the application. Refer to the current list of fees enclosed with this application pack. If you are not sure what fee to pay, check with us. From time to time, Parliament increases the fees, so it is as well to make sure that the fee is correct if you have had the forms and fee sheet for a while. Cheques should be made payable to "Comhairle nan Eilean Siar".

Complete and return only the white paper forms and certificates. Make sure they are signed and dated. The yellow notices go to your neighbours and the salmon pink forms go to the owner(s) or tenant(s) of the site.

15 SUPPORTING INFORMATION

If you wish to support your application with any additional information, please outline the details here. If you require further space please continue on a separate sheet of paper headed up with the title "Section 15 – continued", the applicant name and the address of the development to which the application relates."

16 IMPORTANT NOTE ON DECLARATIONS, PERSONAL INFORMATION AND ON-LINE PLANNING

PROTECTING YOUR PERSONAL INFORMATION

The Comhairle has a statutory requirement to publish specified planning information in the public planning register. The Comhairle has a parallel duty to protect personal data (e.g. e-mail address, telephone number and signatures), held by it in connection with the exercise of its statutory functions (Data Protection Act 1998). Personal information submitted on this application form will be held as sensitive data and will not be displayed on-line. Fields for personal information are contained in Section 16. If you are printing the form, please check that all Section 16 data is printed on a single page. If you have concerns over the display of your personal data on documents to be displayed on-line, then please contact the Planning Service on planning@cne-siar.gov.uk or at the telephone numbers set out at the start of the guidance notes.

Applicants who wish to ensure that their e-mail addresses are protected should ensure that when communicating with the Planning Service through e-mail that they send any information by dated letter attachment to avoid a situation where their e-mail address is disclosed by virtue of it appearing on scanned e-mail correspondence. Please see Section 16c for further guidance.

PLANNING INFORMATION WHICH WILL BE DISPLAYED ON-LINE

The planning documents to be displayed on the on-line portal will in the first instance include the planning application form, all plans, neighbour notification and land ownership certificate and in due course other documentation relative to the processing of the application including but not restricted to consultation responses; representations, applicant correspondence, decision notice and approved plans.

In addition to the above images, the following data relating to your planning application will be keyed into a casework database system and will also form part of the planning register available for public viewing online. This data is considered to be non-personal data and will typically include the following: Application number; Application type; Case Status; Case Site Address & Postcode; Development description; Applicant name; Applicant address; Agent name; Agent address; Agent telephone number; Date received; Date consultation period expires; Decision level (Committee or Delegated); Decision taken and Decision Date; Ward and/or parish.

16 (a) DECLARATION 1 – PLANNING APPLICATION FORM

You should check that you have completed questions 1-15 and the Neighbour Notification and Land Ownership Certificates correctly.

You should then sign and date the application form, and send or deliver it, with all the necessary plans, drawings and fee to us.

IMPORTANT: ANYONE WHO KNOWINGLY OR RECKLESSLY MAKES A FALSE DECLARATION IS LIABLE, ON CONVICTION, TO A FINE OF UP TO £2,000.

(This figure may have been increased since preparation of these forms).

16 (b) DECLARATION 2 - NEIGHBOUR NOTIFICATION AND LAND OWNERSHIP

You should check that you have completed the Neighbour Notification and Land Ownership Certificates correctly.

You should then sign and date the application form, and send or deliver it, with all the necessary plans, drawings and fee to us.

IMPORTANT: ANYONE WHO KNOWINGLY OR RECKLESSLY MAKES A FALSE DECLARATION IS LIABLE, ON CONVICTION, TO A FINE OF UP TO £2,000.

(This figure may have been increased since preparation of these forms).

16 (c) PERSONAL INFORMATION (e.g. home telephone number; mobile number, personal e-mail address).

This contact information will assist the Planning Casework officer to make early contact with you on issues related to your planning application. If you are not using the services of an agent and do not wish to provide this contact information we will correspond with you by post only. However this may slow progress in the processing of your application.

It is particularly helpful to us to be able to contact you by e-mail and we would ask that if you have no difficulty with your e-mail address being viewed on public documents that you confirm this by initialling the appropriate box in Section 16c.

17 NEIGHBOUR NOTIFICATION CERTIFICATE

You are legally required to complete parts A and B of the neighbour notification certificate as part of your application for planning permission. If you do not, your application will not be processed.

COMPLETION OF THE CERTIFICATE

You must complete the NEIGHBOUR NOTIFICATION CERTIFICATE, as follows:

Part **A** - tick the appropriate box(es)

Part **B** - list the addresses (and names if known) of those properties which you have notified.
Continue on additional sheets as necessary.

You should indicate which properties have been notified, on the location plan accompanying the application form.

Please read the notes below. They will help you to work out which neighbours you need to notify and how to do it.

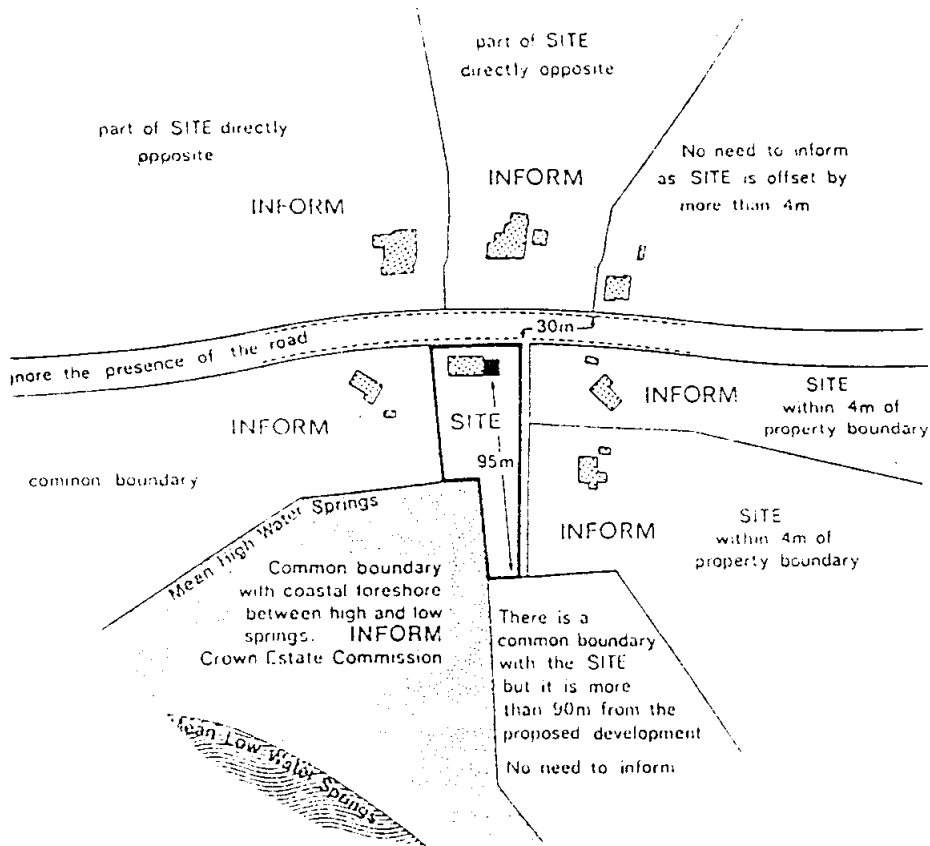
WHICH NEIGHBOURS MUST I NOTIFY? Continued overleaf:

WHICH NEIGHBOURS MUST I NOTIFY?

You **must** notify owners, occupiers (and in the case of commercial property) lessees of:

- (a) Any land or building(s) which adjoins (or lies within four metres) of the boundary of land on which development is proposed and is also within 90 metres of any part of the development itself. (Ignore any road 20 metres or less in width when measuring the four metres).
- (b) In the case of sub-divided buildings, either on, or adjoining the development site, ALL owners and occupiers, whose premises are within the distances (in any direction) set out in (a) above, must be notified.

The diagram below should help you to work out which properties and land need to be sent neighbour notices.



If in doubt about any of these requirements please contact us.

HOW DO I NOTIFY THE NEIGHBOURS?

To do this, you should send out or deliver to each neighbouring owner, occupier (or lessee if commercial property):

1. A completed copy of the **NOTICE TO NEIGHBOURS** form. (If you have got a paper copy of the forms this is the yellow form).
2. A copy of a **location plan** showing the site of the proposed development.

The location plan must clearly show the position of any existing buildings, new buildings, plant, machinery, roads or access. For outline applications it is sufficient to show site boundaries only.

- If the neighbouring property is DOMESTIC (a house/flat), **two** copies of the yellow NOTICE TO NEIGHBOURS and location plan must be sent, one addressed to "*The Owner of the Site*" and the other to "*The Occupier*". Use their name, if you know who they are. If you know the address of the owner and it is different from the address of the neighbouring property you can send the notice to the owner's address, but you will have to fill out the certificate so that it reads, for example,

"The Owner: North Uist Estate (as owner of 23 Blashaval), Estate Office, Lochmaddy".

The next line could then read, for example,

"The Occupier: Mrs M Macpherson, 23 Blashaval, North Uist".

- If the neighbouring property is NON-DOMESTIC (any property other than a house/flat) **three** copies of the yellow NOTICE TO NEIGHBOURS and location plan must be sent. You should consult the Valuation Roll for names and addresses of the owner, lessee and/or occupier. If you cannot find this information, the notices should be addressed to "*The Owner*", "*The Lessee*" and "*The Occupier*" and sent to the neighbouring property.
- If the owner of neighbouring land is also the owner of your application site you should send them the salmon pink coloured NOTICE TO OWNERS only. You do not have to send them a NOTICE TO NEIGHBOURS as well.

If you cannot serve the notice because there are no buildings on the neighbouring land to which the notice and the plan can be sent, and you cannot find out who owns the land, you must tell us and we will arrange for a notice to be placed in the local paper, for which a fee will be charged.

Recorded Delivery is the preferred method of sending out notices since the receipt provides proof of delivery in the event of a dispute. Registered post or hand delivery are also acceptable.

18 LAND OWNERSHIP CERTIFICATE

You are legally required to complete parts A and B of the Land Ownership Certificate as part of your application for planning permission. If you do not, your application will not be processed.

- A** You do not need to have any legal interest in the land to which the application relates when you apply for planning permission, nor do you require the consent of the owner. But, **if you do not own the land to which this application relates, you are legally required to give notice of the making of the planning application to the owner and to any agricultural tenant of the land.**

For the purposes of making a planning application, a person is regarded as an owner if, **21 days before the date of the planning application** he is a free or feu-held owner or is the tenant under a lease which still has at least seven years to run.

If you own **all** the land to which this application relates, then you should tick box 1.

If you are **not** the owner of the land to which the application relates you are legally required to notify the owner(s) by serving them a completed copy of the NOTICE TO OWNERS OR TENANTS OF AGRICULTURAL HOLDINGS form. (If you have got a paper copy of the forms this is the salmon pink form).

Once you have served this notice you should tick box 2 and list the names and addresses of the owner(s) notified, and the date on which the notice was served.

If you do not know who the owner(s) are, you will be required to place a notice in the local newspaper. Please contact us if this is the case.

- B** You need to let us know if the site (or any part of it) is part of an agricultural holding. Agricultural holdings are defined by the Agricultural Holdings (Scotland) Act 1949, as land used for the purposes of agriculture as a trade or business. Consequently, crofts, apportionments and common grazings will all usually be agricultural holdings. If you are not the tenant of all the land to which the application relates, you are legally required to notify the tenant(s) by serving them a completed copy of the salmon pink coloured NOTICE TO OWNERS OR TENANTS OF AGRICULTURAL HOLDINGS form provided in this application pack.

Once you have served this notice, you should tick box 2 and list the names and addresses of the tenant(s) notified, and the date on which the notice was served.

If you do not know who the tenant(s) are, you will be required to place a notice in the local newspaper. Please contact us if this is the case.

In the case of common grazings, send the notice to the Clerk of the Grazings Committee.

Recorded Delivery is the preferred method of sending out notices since the receipt provides proof of delivery in the event of a dispute. Registered post or hand delivery are also acceptable.

WHERE SHOULD I SUBMIT MY APPLICATION?

For sites in Lewis and Harris:

Department for Sustainable
Communities
Council Offices
Sandwick Road
Stornoway
Isle of Lewis HS1 2BW

For sites in Uist and Barra:

Department for Sustainable
Communities
Council Offices
Balivanich
Benbecula HS7 5LA

WHAT HAPPENS NEXT?

- Once we receive your application, it will be checked to ensure that the forms have been completed correctly, the correct number of plans have been submitted and the correct fee has been paid.
If, for some reason, the application is not complete and cannot be processed, we shall write to tell you what you must do.
- If your application is complete, you will receive an acknowledgement letter. This will tell you the name of the officer dealing with your application, and a reference number which you should quote in all future correspondence with us.
- Your application will be placed in a public register. Any objections that we receive before it is determined will require us to present your application to the Comhairle's Development Services Committee or Sub-Committee. You will be informed if this happens and given the chance to submit a response to the objections.

THE DECISION

Once a decision has been reached by the Comhairle, you shall be sent a DECISION NOTICE. This will inform you whether your application has been:

- Granted
- Granted with Conditions; or
- Refused

The reason for the decision will also be given where your application has been granted with conditions or refused.

YOUR STATUTORY RIGHTS

- If your application was refused or you feel any conditions imposed are unreasonable, you may appeal to the Secretary of State. The appeal must be made within six months of the decision notice.
- You should be given a decision on your application within two months. We will do what we can to ensure that this happens. However, if a decision has not been made within two months and you have not agreed to an extension of time, you can appeal to the Secretary of State who will take over dealing with your application. This can be quite a lengthy process and you may prefer to agree an extension of time with us, e.g. until three months after the date you submitted your application.
- In both cases, you should initially contact the Scottish Office Inquiry Reporters Unit, 2 Greenside Lane, Edinburgh EH1 3AG.
- If you feel that the Comhairle has failed to follow the correct procedures and that you have therefore suffered an injustice, you may ask the Local Government Ombudsman to investigate the matter. You should contact the Commissioner for Local Administration, 23 Walker Street, Edinburgh EH3 7HX.