



COMHAIRLE NAN EILEAN SIAR

APPLICATION FOR CONSERVATION AREA CONSENT

Planning (Listed Buildings And Conservation Areas)
(Scotland) Act 1997

This is only for demolition works in a Conservation Area

We have prepared Notes for Guidance. Please read them before, or while completing this form. It is important that this form is completed correctly to avoid delays in processing your application.

See notes 1 and 2 of Notes for Guidance

1 APPLICANT

Name

Address

Postcode

Tel/Fax

2 AGENT

Name

Address

Postcode

Tel/Fax

See Note 3

3 ADDRESS OR LOCATION OF PROPOSED DEVELOPMENT

See Note 4

4 PROPOSED DEVELOPMENT

Please give a brief description of the proposed development

.....

Does the proposal involve:

Partial demolition

Total demolition

Felling of trees

See Note 5

5 STATE THE CURRENT USE OF THE BUILDING

See Note 6

6 STATE THE PROPOSED USE OF THE SITE

See Note 7

7 RESTORATION WORKS *Please describe the works you propose to restore/landscape the site*

See Note 8

8 CHECKLIST Please make sure that you attach all the required documents to allow you to tick **all** the boxes

- I enclose this form fully completed and signed
- I enclose **six** sets of the necessary plans and drawings
- I have completed and enclose the land ownership certificate
- I have outlined the application site in red, and other land in my control in blue

Your application cannot be registered until you provide all the items required by this checklist

9 DECLARATION

Please check that you have completed questions 1-8 and the Land Ownership Certificates correctly. You must now sign the declaration below.

I HEREBY CERTIFY THAT THE INFORMATION GIVEN BY ME IN THIS FORM IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

Date Signed:
Signature of applicant or agent

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

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

10 LAND OWNERSHIP CERTIFICATE

IF YOU **DO NOT** OWN ALL OF THE LAND OR PROPERTY TO WHICH THIS APPLICATION RELATES, YOU **MUST** NOTIFY ALL THE OWNERS AT THE SAME TIME AS SUBMITTING THIS FORM.

Please read the Notes for Guidance on the next page carefully before completing this Certificate.

a) I hereby certify that: *Please tick **one** box*

- i) 21 days before the date of this application for conservation area consent, the applicant owned **all** the land to which this application relates

OR

- ii) The applicant has given notice to all persons other than the applicant who, 21 days before the date of this application for conservation area consent, owned any part of the land to which it relates.

These persons are:

NAME OF OWNER(S)	ADDRESS	DATE NOTIFIED

b) I further certify that: *Please tick **one** box*

- i) 21 days before the date of this application, **no part** of the land to which this application relates formed part of an agricultural holding

OR

- ii) The applicant has given notice of this application to every person other than the applicant who, 21 days before the date of this application, was a tenant of an agricultural holding, any part of which formed part of the land to which the application relates.

These persons are:

NAME OF TENANT(S)	ADDRESS	DATE NOTIFIED

If you do not know who owns the land or who the agricultural tenant is, contact us to arrange the necessary form of notification in such cases.

I HEREBY CERTIFY THAT THE INFORMATION GIVEN BY ME IN THE LAND OWNERSHIP CERTIFICATE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Date Signed:
Signature of Applicant or Agent

NOTES FOR GUIDANCE

LAND OWNERSHIP CERTIFICATE

You are legally required to complete parts A and B of the Land Ownership Certificate as part of your application for conservation area consent. 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 conservation area consent, 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 application for conservation area consent to the owner and to any agricultural tenant of the land.**

For the purposes of making an application, a person is regarded as an owner if, **21 days before the date of the 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 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 owner(s) notified, and the date on which the notice was served.

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

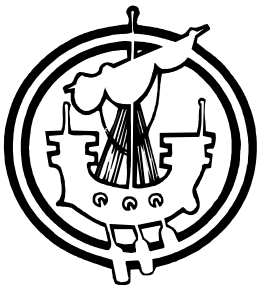
- B** You need to let us know if the site (or any part of it) is part of an agricultural holding. Agricultural holdings are defined by the Agricultural Holdings (Scotland) Act 1949, as land used for the purposes of agriculture as a trade or business. Consequently, crofts, apportionments and common grazings 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 is also acceptable.



COMHAIRLE NAN EILEAN SIAR

NOTES FOR GUIDANCE

APPLICATIONS FOR CONSERVATION AREA CONSENT

These notes have been prepared to help you fill in the application form. If you need any more help or are unsure if permission is required, please contact the Comhairle's planning staff. Please note that you require a separate application form for building warrants, planning permission and advertisement consent

Development Department, Council Offices, Stornoway, Isle of Lewis, HS1 2BW, telephone 01851 822690, fax 01851 705349, or Council Offices, Balivanich, Benbecula, HS7 5LA, telephone 01870 604990, fax 01870 602332.

Normal office hours 9.00 am to 5.00 pm Monday to Friday.

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

1. APPLICANT'S NAME AND ADDRESS

Please give your full name and address, including your postcode, and, if possible, a daytime telephone number.

2. AGENT'S NAME AND ADDRESS

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

Please give the name, address and phone number of the firm or company, and the individual dealing with this application.

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.

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.

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 in doubt as to how to describe your proposal, please contact us.

5. EXISTING USE OF BUILDINGS

Describe the existing use of the buildings. 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. PROPOSED USE OF THE SITE

Describe the proposed use of the site. If more than one purpose is proposed, please give details.

7. RESTORATION WORKS

Please describe the works you propose to restore the site as fully as possible. Failure to do so may result in your application being delayed.

8. CHECK LIST

Plans

For all applications, six copies of the following must 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 or 1:1250. The application site should be edged in RED and any other adjoining land you own in BLUE.
- 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) Detailed building construction drawings, drawn accurately, preferably to the scale of 1:500 or 1:100.
- iv) **Photographs** - It would be helpful for demolition applications to be accompanied by photographs of all elevations. Adequate photographs could reduce the visits which planning officers and Historic Scotland's Inspectors require to make and hence could speed the decision-making process. The photographs need not be taken professionally. Applications for consent to demolish should be supported by evidence of the building's structural state of repair.

Certificates

Details of how to complete the land ownership certificate are outlined on the reverse of the certificate.

9. DECLARATION

You should check that you have completed questions 1-8 and the Land Ownership Certificate correctly.

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

NOTICE TO OWNERS OR TENANTS OF AGRICULTURAL HOLDINGS

Planning (Listed Building and Conservation Areas) (Scotland) Act 1997

To:

Name (if known):

Address:

As either: (i) owner (or tenant under a lease with at least seven years to run) of; or
(ii) tenant of any agricultural holding, any part of which is within;
any of the land to which this application relates, this notice is to inform you that I/we:

Name (of applicant)

Address:

have made an application to the Comhairle for conservation area consent to carry out the following development:

Description:

At:

You may inspect the Application:

For a period of **21 days** following the date of this notice, you can inspect the application form, plans and other documents submitted at the Development Department, Council Offices, Stornoway, or Balivanich. The Department is open from 9.00am to 5.00pm Monday to Friday.

You may receive this notice before the Comhairle receives the application. You are therefore advised to telephone the Development Department first and check that the application has been received. Telephone Stornoway: 01851 822690 or Balivanich 01870 604990.

Representations:

If you wish to make representations or comments, you have **21 days** from the date of this notice in which to do so. You should make your representation(s) in writing and send them to the Director of Development at the address provided overleaf.

Signed

Date

WHAT IS THIS NOTICE FOR:

This notice and the information attached to it have been served on you by the person making an application to the Comhairle for conservation area consent. This is because you are either:

- an owner (or tenant under a lease which has at least seven years to run); or
- an agricultural tenant.

of the land they wish to develop. They are legally required to inform you of their proposals.

As an owner, or tenant under a lease which has at least seven years to run, the grant of conservation area consent will not affect your rights to retain or dispose of your property unless there is some provision otherwise, for example in a lease or other agreement.

As an agricultural tenant, you may wish to contact your solicitor to find out how a grant of conservation area consent may affect your security of tenure.

WHAT SHOULD I DO NOW?

Firstly, you will want to find out how the proposal may affect you. It is advisable therefore that you see the plans. These will be available at the Development Department. If you wish to discuss them with a planning officer, it would be advisable to make an appointment.

You may have received this notice before the Comhairle actually receives the application. It is therefore advisable that you telephone the Development Department (Stornoway 01851 822690 or Balivanich 01870 604990) before coming in to see the plans.

HOW DO I MAKE REPRESENTATIONS?

If there is something about the proposal to which you object, then you should make your representations in writing to the Director of Development, Council Offices, Stornoway, Isle of Lewis HS1 2BW, or Council Offices, Balivanich, Benbecula, HS7 5LA.

The Comhairle can only consider representations made on valid planning grounds. These are called "*material considerations*" and some examples are listed below (this list is not exhaustive):

- Contrary to Local Plan/Structure Plan
- Residential amenity e.g. noise, overshadowing
- Appearance (design, materials etc.)
- Drainage/infrastructure problems
- Traffic, parking or access problems
- Impact on natural or built environment

WHAT HAPPENS IF I MAKE REPRESENTATIONS?

Any representations made will be open to public view, copied to the applicant, and be taken into account by the Comhairle when making its decision.

You will be advised in writing of the Comhairle's decision. You **do not** have a right of appeal against this decision.