

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (as amended)  
SECTION 150 AND 151**

**TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)  
(SCOTLAND) REGULATIONS 2013  
REGULATION 44 (6)**

**CERTIFICATE OF LAWFUL PROPOSED USE OR DEVELOPMENT**

***The Scottish Borders Council hereby certify that on 10th November 2020 the use/operation/matter described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and identified in red on the submitted plan would not have been lawful within the meaning of section 150 of the Town and Country Planning (Scotland) Act 1997 (as amended), for the following reasons(s)***

- 1 The application outlines proposed operational development that would not constitute permitted development under The Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended.

N.B: This permission does not include any consent, approval or licence necessary for the proposed development under the building regulations or any other statutory enactment and the development should not be commenced until all consents are obtained.

John Hayward  
Planning & Development Standards Manager

On behalf of Scottish Borders Council

Date 19th November 2020

First Schedule

Erection of ancillary building within garden ground

Second Schedule

Penvalla Broughton Scottish Borders ML12 6HQ

## **Notes**

- 1. This certificate is issued solely for the purpose of section 150/151 of the Town and Country Planning (Scotland) Act 1997 (as amended).**
- 2. It certifies that the use/operations/matter described in the First Schedule taking place on the land specified in the Second Schedule will not be lawful, on the specified date and, thus, will be liable to enforcement action under section 127 of the 1997 Act on that date.**
- 3. This certificate applies only to the extent of the use/operations/matter described in the First Schedule and to the land specified in the Second Schedule and identified on the submitted plan. Any use/operations/matter which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.**
- 4. The effect of the certificate is also qualified by the proviso in section 151(4) of the 1997 Act (as amended), which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.**