

15 November 2023

Development Management
London Borough of Sutton
Civic Offices
St Nicholas Way
Sutton
SM1 1EA

Dear Sir / Madam

**Application for Certificate of Lawful Existing Use or Development at Land at
27 Burdon Lane, Cheam, Sutton, SM2 7PP**



**Barker Parry Town
Planning Ltd**

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1.0 Introduction

- 1.1 On behalf of our client, we enclose an application seeking a Certificate of Lawful Existing Use or Development (CLEUD) under Section 191 (1) of the Town and Country Planning Act 1990 (as amended). The application seeks to confirm that the vehicular crossover shown on the Crossover Site Plan (ref. Qda.168 01) is lawful as the building operations to construct it were undertaken over four years ago.
- 1.2 In addition to this covering letter, the information and evidence enclosed to support the CLUED application comprise the Application Form, Site Photographs (Annex 1), Location Plan (Doc 1), Site Plan (ref. Qda.168.01) and CIL Form.

2.0 Background and Evidence

- 2.1 Section 191 of the Town and Country Planning Act 1990 allows for an application to be made to the Local Planning Authority for a Certificate of Lawfulness of Existing Use or Development (CLEUD) for the purposes if any person wishes to ascertain whether—
- (a) any existing use of buildings or other land is lawful;
 - (b) any operations which have been carried out in, on, over or under land are lawful; or
 - (c) any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful.

- 2.2 A vehicle crossover allows vehicles to legally pass over a public footway and/or grass verge to access property or a site via a dropped kerb on the highway. The existing crossover subject to this application provides access and egress between the public highway and the property and land at 27 Burdon Lane via a dropped kerb.
- 2.3 It is clear from Google Streetview images that the dropped kerb and vehicular crossover at 27 Burdon Lane have been in-situ for more than 4 years, as such they are lawful.
- 2.4 Officers provided commentary on this in a previous Lawful Development Certificate application (LPA Ref. DM2022/02269). The Delegated Report for this application confirmed the following:

“On the available evidence, the Council is of the opinion that there is sufficient evidence on the balance of probability that the dropped kerb and vehicle crossover has been in situ for more than 4 years, as evidenced by the street view photos dating from 2008 and it is agreed that a vehicle crossover allows vehicles to legally pass over a public footway and/or grass verge to access property or a site via a dropped kerb on the highway.”

3.0 **Summary**

- 3.1 On the balance of probabilities, it is clear that the vehicular crossover has been complete for more than 4 years is therefore lawful. It is respectfully requested that the LPA formally certify this in writing.
- 3.2 Should you have any queries or require any further information please do not hesitate to contact us.

Yours faithfully

Barker Parry Town Planning

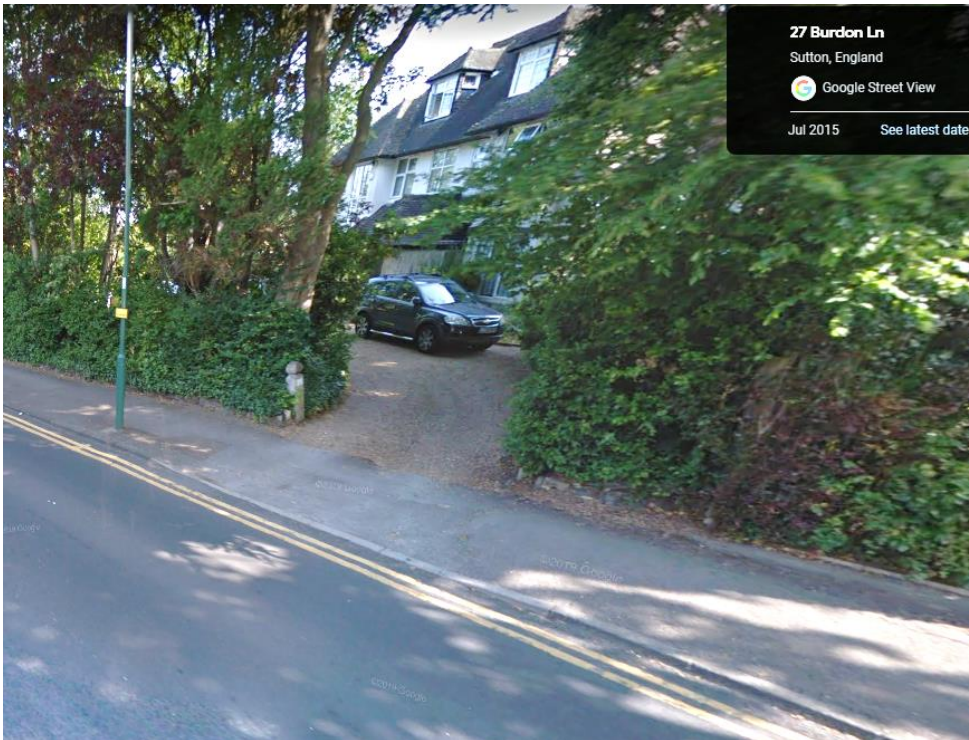
Annex 1 – Site Photographs (Google Streetview)



Google Streetview Capture July 2022 - Dropped kerb and crossover in situ.



Google Streetview Capture July 2018 - Dropped kerb and crossover in situ.



Google Streetview Capture July 2015 - Dropped kerb and crossover in situ.



Google Streetview Capture May 2012 - Dropped kerb and crossover in situ.