

Planning Statement

Certificate of Lawfulness for Existing Vehicular Crossover / Dropped Kerb

111 Philip Lane, London, N15 4JR

1. Introduction

This Planning Statement is submitted in support of an application for a **Certificate of Lawfulness for an Existing Use or Development** at **111 Philip Lane, London, N15 4JR**.

The application seeks confirmation that the existing vehicular crossover / dropped kerb and associated vehicular access to the front forecourt of the property is lawful for planning purposes.

The application is made on the basis that the dropped kerb / crossover and vehicular access have existed for a substantial period of time and are immune from planning enforcement action by reason of the passage of time.

The application is not a planning application for a new crossover, nor is it a merits-based application. The issue for the Council is whether the evidence demonstrates, on the balance of probability, that the crossover / vehicular access has existed continuously for the relevant period.

2. Site and Existing Arrangement

The application site comprises a residential property known as **111 Philip Lane, London, N15 4JR**.

The property benefits from an existing vehicular crossover / dropped kerb from Philip Lane, which allows vehicles to cross the footway and access the front forecourt of the property for off-street parking.

The crossover is already in place and is not newly proposed. No new engineering works are sought as part of this application.

3. Nature of the Application

This application is submitted under **section 191 of the Town and Country Planning Act 1990** for a Certificate of Lawfulness for an Existing Use or Development.

The certificate sought is for:

The existing vehicular crossover / dropped kerb and associated use of the front forecourt for vehicular access and off-street parking at 111 Philip Lane, London, N15 4JR.

The purpose of the application is to regularise and confirm the lawful planning status of the existing arrangement.

4. Planning Position

Philip Lane is a classified road. As such, planning permission would normally be required for the creation of a new vehicular crossover serving the property.

However, the crossover at this property is not new. It has already existed for a long period of time.

The applicant has obtained Google Street View evidence from **2015**, which shows the vehicular crossover / dropped kerb already in existence at the property. This demonstrates that the arrangement was already established at least 10 years before the date of this application.

The relevant question is therefore not whether planning permission would be granted for a new crossover today, but whether the existing crossover and vehicular access are now lawful by virtue of immunity from enforcement action.

5. Lawfulness by Passage of Time

The submitted evidence demonstrates that the crossover / dropped kerb and vehicular access have existed since at least **2015**.

On that basis, the development has existed for more than 10 years. It is therefore immune from planning enforcement action.

Section 171B of the Town and Country Planning Act 1990 provides the relevant enforcement time limits. In the case of breaches of planning control falling outside the shorter categories, enforcement action cannot be taken after the expiry of the statutory period. The current wording of section 171B provides that no enforcement action may be taken after the end of 10 years for relevant breaches. ([Legislation.gov.uk](https://www.legislation.gov.uk))

In any event, the submitted evidence demonstrates long-standing and continuous existence well beyond the relevant enforcement period. Therefore, the existing crossover and associated vehicular access are lawful for planning purposes.

6. Evidence Submitted

The application is supported by the following evidence:

1. Google Street View image from **2015** showing the dropped kerb / vehicular crossover in existence.
2. Current photographs showing the crossover remains in place.

The evidence is clear, precise and directly relevant to the question of lawfulness. It shows that the crossover was not recently installed and that the existing vehicular access has been established for the required period.

7. Planning Merits Are Not the Test

As this is an application for a Certificate of Lawfulness, the Council is not being asked to consider whether the crossover would be acceptable as a new proposal.

Matters such as design, parking impact, highway preference, or current crossover standards are not determinative in this application, unless they directly affect the legal question of whether the existing development is lawful.

The legal test is whether, on the balance of probability, the crossover / vehicular access has existed for the relevant period and is therefore immune from enforcement action.

The evidence submitted demonstrates that it has.

8. Highway Matters

This application relates to the planning lawfulness of the existing crossover and vehicular access.

It is acknowledged that separate highway legislation and Council crossover licensing procedures may apply to works within the public highway. However, those matters are separate from the planning lawfulness being considered under this application.

The certificate sought is therefore limited to confirming the lawful planning status of the existing dropped kerb / crossover and associated vehicular access.

9. Conclusion

The existing vehicular crossover / dropped kerb at 111 Philip Lane has been in place since at least 2015, as demonstrated by Google Street View evidence.

The arrangement has therefore existed for more than 10 years and is immune from planning enforcement action.

The application is supported by clear evidence and meets the balance of probability test required for a Certificate of Lawfulness.

The Council is therefore respectfully requested to issue a Certificate of Lawfulness confirming that the existing vehicular crossover / dropped kerb and associated vehicular access to the front forecourt at 111 Philip Lane, London, N15 4JR is lawful for planning purposes.