



Certificate of Lawfulness - SUPPORTING STATEMENT

Site Location: 5 Southerndene Close, Tilehurst, Reading, RG31 6ND

Proposal: Certificate of Lawfulness for a proposed access and the laying of hardstanding

Prepared for: Mr. Wlasak

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1. Introduction

- 1.1 This Statement has been prepared by Lasseter Downie Planning on behalf of Mr Wlasak, the owner of 5 Southerndene Close, Tilehurst, Reading, RG31 6ND. The Statement is made in support of a Certificate of lawfulness for the creation of an access and laying of hardstanding to create 2no. additional parking spaces under Section 192 of the Act in respect of the above.
- 1.2 Section 192 (1) of the Act allows persons to make an application in order *“to ascertain whether – (b) any operations proposed to be carried out in, on, over or under land, ... would be lawful;...”*. Section 192 (2) requires in such cases that *“if... the local planning authority are provided with information satisfying them that the use... described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect”*.
- 1.3 This application is therefore made under the above provision to confirm that the proposed operations at the above site would constitute Permitted Development and are therefore lawful at the time of application.

2. Permitted Development Legislation

- 2.1 Permitted development rights are set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 (“the Order”) as amended
- 2.2 Part 2 of Schedule 2 of the General Permitted Development Order (GDPO) outlines the Minor Operations which are allowed subject to compliance to be carried out without formal planning permission.
- 2.3 Class B of Part 2 permits without planning permission:

The formation, laying out and construction of a means of access to a highway which is not a trunk road or a classified road, where that access is required in connection with

development permitted by any Class in this Schedule (other than by Class A of this Part).

2.4 Class F of Part 1 permits without planning permission:

F. Development consisting of—

(a) the provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such; or

(b) the replacement in whole or in part of such a surface.

Development not permitted

F.1 Development is not permitted by Class F if—

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use); or

(b) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

Conditions

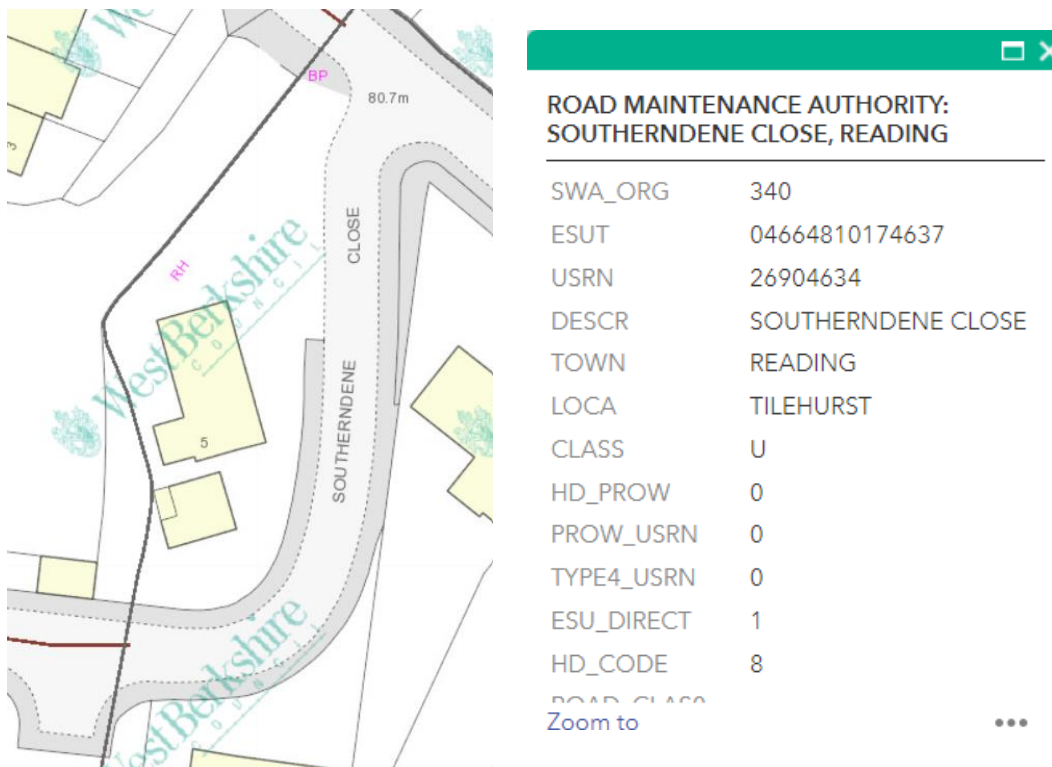
F.2 Development is permitted by Class F subject to the condition that where—

(a) the hard surface would be situated on land between a wall forming the principal elevation of the dwellinghouse and a highway, and

(b) the area of ground covered by the hard surface, or the area of hard surface replaced, would exceed 5 square metres, either the hard surface is made of porous materials, or provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.

3. Assessment & Conclusion

- 3.1 The access on to Southerndene Close and laying of additional hardstanding would allow for 2no. additional parking spaces to be provided upon the front lay of the host dwelling, No.5 Southerndene Close. Under the Permitted Development (PD) Legislation so long as the proposal accords with Class B (part 2) and Class F (part 1) as outlined above, the works would be considered Permitted Development not requiring a formal planning application to undertake.
- 3.2 Southerndene Close is neither a truck road or a classified road. Southerndene is an unclassified road as per the West Berkshire Highways Mapping system.



- 3.3 The access would be Permitted Development so long as that access is required in connection with development permitted by any class other than the erection of fences, walls and gates which is covered under Class A of Part 2. As such, an access (under Class B) required for the laying of hardstanding under Class F of Part 1 would therefore constitute Permitted Development. As the proposal includes further hardstanding at the frontage of the property which would be porous in its nature, this would mean the

development for both the access and hardstanding would as outlined above constitute Permitted Development. An assessment of each part of Class F is undertaken below.

3.4 Class F – hard surfaces incidental to the enjoyment of a dwellinghouse – states:

Permitted development

F. Development consisting of—

(a) the provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such; or

The hard surface would be utilised for the parking of vehicles incidental to the enjoyment of the dwellinghouse, as such the proposal would accord with this part of the legislation.

Development not permitted

F.1 Development is not permitted by Class F if—

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use); or

*The dwellinghouse has **not** been granted by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use). As such, the proposal would accord with this part of the legislation.*

(b) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

*The dwelling house has **not** been built under Part 20 of Schedule 2. As such, the proposal would accord with this part of the legislation.*

Conditions

F.2 Development is permitted by Class F subject to the condition that where—

(a) the hard surface would be situated on land between a wall forming the principal elevation of the dwellinghouse and a highway, and

(b) the area of ground covered by the hard surface, or the area of hard surface replaced, would exceed 5 square metres, either the hard surface is made of porous materials, or provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.

The hard surface would be situated on land between a wall forming the principal elevation of the dwellinghouse and a highway. The area of ground covered by the hard surface would exceed 5 square metres and measure circa 48 square metres. However, the materials to be used for the hard surface are to be porous (gravel etc.) and would also provide an aco drain along the frontage to help direct any run off water away from the highway to a permeable area. As such, the proposal would accord with this part of the legislation.

- 3.5 In this instance, the area of land to become hardstanding would be situated on land between a wall forming the principal elevation of the dwellinghouse and a highway. However, the material is proposed to be porous as required by condition (b). As such, the laying of a hard surface incidental to the enjoyment of the dwellinghouse, would be Permitted Development.
- 3.6 It is envisioned that the enclosed information is sufficient for this application to be registered and subsequently approved at the earliest opportunity. We therefore request that this Certificate of Lawfulness is granted without delay.

4. Other matters

4.1 **Dropped Kerb**

A vehicle access application under Section 184 of the Highways Act 1980 will be subsequently submitted once the Certificate of Lawfulness has been granted in line with the West Berkshire procedures for vehicle crossing applications wherein confirmation that planning permission has been granted or is not required is submitted, should this be required.

4.2 **Biodiversity Net Gain (BNG)**

BNG is an approach to development that makes sure habitats for wildlife are left in a measurably better state than they were before the development.

In England, BNG is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Subject to several exemptions. One such exemption is householder applications and works which constitute Permitted Development. Development that has been granted planning permission by a development order, including permitted development rights are exempt under the Environment Act from the mandatory BNG. As such, the above works would be except from a Biodiversity Net Gain.