

VIA PLANNING PORTAL: PP-15136362

Wokingham Borough Council
Civic Offices
Shute End
Wokingham
RG40 1BN

Project Number: DAP-R26-24

5 August 2026

Dear Sir/Madam

**TOWN AND COUNTRY PLANNING ACT 1990, SECTION 192(1)(b) APPLICATION FOR A
CERTIFICATE OF LAWFULNESS OF PROPOSED DEVELOPMENT FOR THE RESURFACING
AND RELAYING OF THE EXISTING DRIVEWAY AND PARKING AREA AT THE MOORINGS,
LODDON DRIVE, RG10 8HL**

We write on behalf of Mr A Moller to submit an application under section 192(1)(b) of the Town and Country Planning Act 1990 for a Certificate of Lawfulness (CofL) of Proposed Development in respect of the resurfacing and relaying of the existing driveway and parking area at The Moorings, Loddon Drive.

This application is submitted in parallel with a separate planning application seeking retrospective planning permission for the engineering operations previously undertaken to form a raised parking platform at the property. The two applications concern separate and distinct elements of development. The accompanying planning application relates to the formation and retention of the raised platform, whereas this application seeks confirmation that the proposed resurfacing and relaying of the driveway and parking area constitutes permitted development.

Accordingly, the assessment of this application should be confined to whether the proposed resurfacing and relaying operations would be lawful under the provisions of Class F(a)(b) of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. This application does not seek to establish the lawfulness of the engineering operations undertaken to form the raised platform, which are addressed separately through the parallel planning application.

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The proposed operations comprise the resurfacing and relaying of the driveway and parking area identified on drawing numbers DAP-R26-24-A-200 to DAP-R26-24-A-202 using resin-bound aggregate together with the associated surface-water drainage arrangements. The proposed works would not alter the footprint of the driveway and parking area or involve any further raising or material alteration of existing ground levels.

The following section describes the site and proposed works before assessing the proposal against the relevant provisions of the General Permitted Development Order.

The Site and Proposed Works

The Moorings is an established dwellinghouse. The land subject to this application lies within its residential curtilage and is presently used as the driveway, vehicular access and parking area serving the dwelling.

The proposed operations comprise the removal and relaying of the existing surface and its replacement with a permeable substrate with resin-bound aggregate. The works would be confined to the existing driveway and parking area, as identified on drawing number DAP-R26-24-A-202. No change of use or extension of the existing hard-surfaced area is proposed.

There would be no material alteration to the existing ground levels.

Surface-water run-off would be managed by a 'SUDs' system directing run-off to a permeable area within the residential curtilage.

Lawfulness of the Proposed Development

Article 3 and Schedule 2, Part 1, Class F of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, provide that, subject to compliance with the applicable limitations and conditions, the following development constitutes permitted development:

- (a) the provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse; or
- (b) the replacement, in whole or in part, of such a surface.

The permitted development rights conferred by Class F remain available at the property. In particular, condition 4 of planning permission reference F/2006/8482 removes only the rights conferred by Classes A, B, C, D and E of Part 1 of Schedule 2 and does not remove or restrict the rights conferred by Class F.



The purpose of this application is therefore to confirm that the proposed resurfacing and relaying works fall within Class F and would be lawful if commenced on the date of the application.

Section 192(1)(b) of the TCPA, 1990

This application seeks confirmation of whether the proposed operations would be lawful if commenced on the date of the application.

The determination of an application under section 192 of the Town and Country Planning Act 1990 is a matter of fact and law.

We respectfully contend that the relevant question for the Local Planning Authority is whether, if the proposed operations had commenced on the date of the application, they would have been lawful for planning purposes. The assessment must therefore be undertaken by reference to the facts of the case, the relevant provisions of planning law, the planning history of the site and the precise nature and extent of the works shown on the submitted drawings.

This approach is consistent with the Government's Planning Practice Guidance. The Guidance further confirms that planning merits are not relevant at any stage of the lawful development certificate process¹.

The Submission

This application comprises one copy of the following:

1. Completed application form and fee of £227.
2. Covering letter prepared by Dames A+P dated 5 August 2026.
3. Planning application drawings prepared by Dames A+P dated August 2026 as follows:
 - Site location plan: drawing number DAP-R26-24-A-200.
 - Existing site block plan: drawing number DAP-R26-24-A-201.
 - Proposed site block plan: drawing number DAP-R26-24-A-202.
 - Resin bound gravel product data sheet by 'Addagrip'.

¹ Planning Practice Guidance, "Lawful Development Certificates", paragraph 009, Reference ID: 17c-009-20140306.



I trust that the enclosed information is sufficient to validate the application and to allow the Council to assess the proposal.

Should any further information be required, I would be grateful if you could contact me as soon as possible by email at kerry@dames-ap.com or by telephone on 07921 211386.

Yours faithfully,



KERRY DAMES

DIRECTOR

For and on behalf of Dames A+P

