

Supporting Statement

Application for a Lawful Development Certificate for

**The removal of a rear boundary wall and the
provision of porous hard surfaces**

9 Maes Llwynonn

Neath

October 2025

1.0 Application

1.1 This application is made to determine whether the removal of the rear boundary wall and the provision of porous hard surfaces is lawful. It should be noted that the development does not seek to provide a vehicle access.

1.2 Application site

1.3 The application site is a large detached dwelling with extensive rear garden

2.0 Legislation

2.1 Section 192(1) of the 1990 Act enables anyone to apply to the LPA for a decision whether a specified proposed use, operation, is lawful for planning purposes.

Certificate of lawfulness of proposed use or development.

(1) If any person wishes to ascertain whether—

(a) any proposed use of buildings or other land; or

(b) any operations proposed to be carried out in, on, over or under land,

would be lawful, he may make an application for the purpose to the local planning authority specifying the land and describing the use or operations in question.

2.2 Subsection (2) of section 192 provides that ,

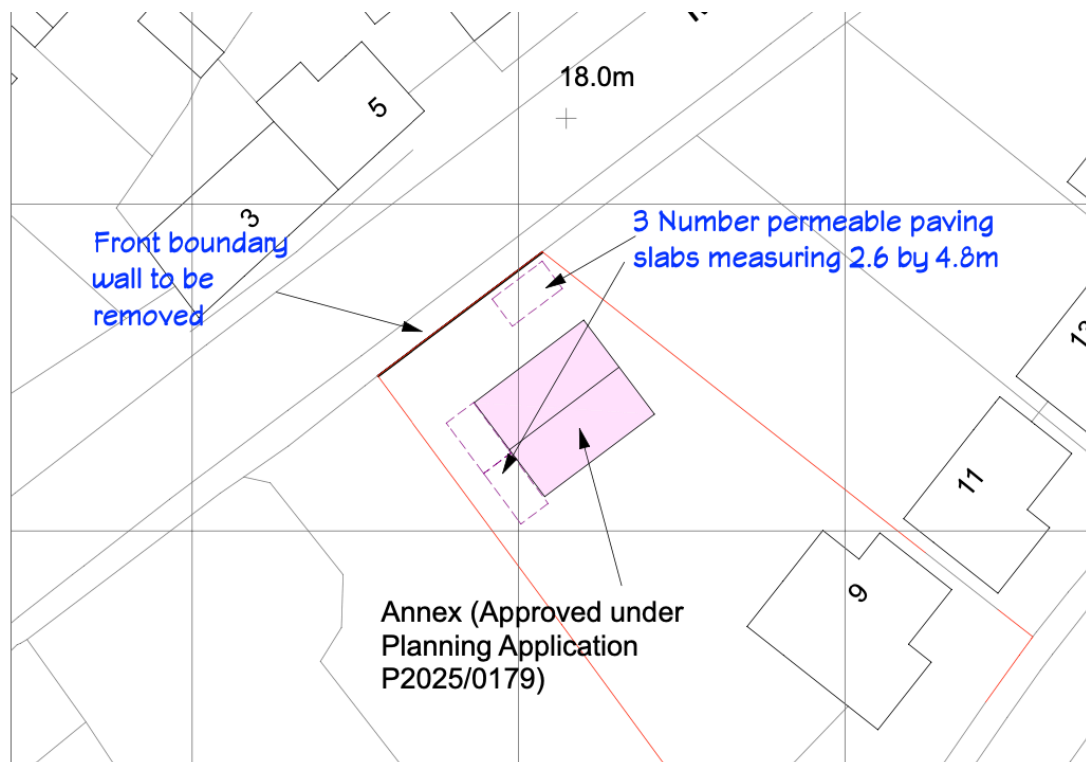
If, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

3.0 Assessment

3.1 The proposed development consist of two operation as shown in **Figure 1** below

- (i) The removal the rear boundary wall (no vehicle access to be provided)
- (ii) The provision of porous/permeable hard surfaces

Figure 1



3.2 **Removal the rear boundary wall (No vehicle access)**

3.3 Section 55 of the Town and Country Planning Act 1990 States

55 Meaning of “development” and “new development”.

*(1)Subject to the following provisions of this section, in this Act, except where the context otherwise requires, “development,” means the carrying out of **building**, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land. (emphasis added)*

3.4 Section 55(1A) defines building operations as

(1A)For the purposes of this Act “ building operations ” includes—

(a)demolition of buildings;

(b)rebuilding;

(c)structural alterations of or additions to buildings; and

(d)other operations normally undertaken by a person carrying on business as a builder.]

3.5 As the wall is not a building therefore, its removal is not development as defined by Section 55 of the Town and Country Planning Act 1990.

3.6 **Provision of porous/permeable hard surfaces**

3.7 Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 provides permitted development rights for householders to undertake certain minor, uncontentious improvements and alterations to their properties

without the need to make a planning application.

3.8 Class F permits the provision of hard surface subject to conditions

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

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

Development not permitted

F.1. *Development is not permitted by Class F within the curtilage of a listed building.*

Conditions

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

(a) the area of ground to be covered by the hard surface is situated forward of the principal elevation of the dwellinghouse and between the principal elevation and a highway, or

(b) the area of hard surface to be replaced would be forward of the principal elevation of the dwellinghouse and between the principal elevation and a highway, and (taking into account any area of hard surface previously replaced) would exceed 5 square metres,

the hard surface must be —

(i) porous or permeable; or

(ii) provided to direct run-off water from the hard surface to a porous or permeable area or surface within the curtilage of the

dwellinghouse; and

(iii) permanently maintained so that it continues to comply with the requirements of paragraph (i) and (ii).

- 3.9 The proposed hard surface is more than 5sqm but is porous. As such the hard surfaces are permitted development by virtue of Class F, Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995.

4.0 Conclusion

- 4.1 The wall is not a building therefore, its removal is not development as defined by Section 55 of the Town and Country Planning Act 1990
- 4.2 The hard surfaces are permitted development by virtue of Class F, Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995.
- 4.3 You are therefore respectfully requested to issue a Lawful Development Certificate.