

Item No.	Application and Parish	No.	Statutory Date	Target	Proposal, Location, Applicant
(3)	25/00128/HOUSE Hampstead Norreys Parish Council		20.03.2025 ¹		Proposed single storey rear extension, new first floor rear dormer windows and replacement paving to front steps with new handrails. Swimbrels, Newbury Hill, Hampstead Norreys, Thatcham, RG18 0TR Hungerford Design Ltd.
¹ Extension of time agreed with applicant until 08.04.2025.					

The application can be viewed on the Council's website at the following link:

<https://publicaccess.westberks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SQJBLDRD0NK00>

Recommendation Summary: To delegate to the Development Manager to APPROVE planning permission.

Ward Member(s): Councillor Culver

Reason for Committee Determination: WBC Planning Officer application

Committee Site Visit: 17th April 2025

Contact Officer Details

Name: Lauren Hill
Job Title: Senior Planning Officer
Tel No: 01635 519111
Email: Lauren.Hill1@westberks.gov.uk

1. Introduction

- 1.1 The purpose of this report is for the Committee to consider the proposed development against the policies of the development plan and the relevant material considerations, and to make a decision as to whether to approve or refuse the application.
- 1.2 This application seeks planning permission for a proposed single storey rear extension, 2no. first floor rear dormer windows and replacement paving to the front steps with new handrails.
- 1.3 The application site comprises a south-facing 2-storey dwellinghouse with a footprint of approx. 45sqm and a rear garden. The first floor is located within the pitched roof. There are 2 no. gable dormer windows facing the highway to the south, and 3no. velux windows facing the rear garden which is enclosed by a timber fence. There are existing entrance steps measuring a distance approx. 3.2m leading upwards from the highway towards the main entrance of the dwelling.
- 1.4 The site is located within the middle of a terrace of three houses fronting Newbury Hill. Collectively, the dwellings form a cohesive unit through their use of identical multi-red facing brickwork, plain clay tile roofing and 2no. dormer windows facing the Newbury Hill highway. While clearly linked, they do not have an established uniform built form, as the western end-of-terraced dwelling's entrance is orientated towards The Cuttings and the eastern-most terraced dwelling is orientated toward Pendals Close. In addition, the footprints of the dwellings are dissimilar. The site is surrounded by both detached and semi-detached dwellings of varying sizes.
- 1.5 The site is located within the Hampstead Norreys Conservation Area and the North Wessex Downs National Landscape.

2. Planning History

- 2.1 The table below outlines the relevant planning history of the application site.

Application	Proposal	Decision / Date
81/16337/ADD	Construction of new showroom 21 x 12 incorporating office and toilet closure of two existing vehicular access to the site and formation of new vehicular access	Approved 13.01.1982
84/20916/ADD	Residential development of 6 houses with parking.	Approved 17.07.1984
95/47679/OUT	Demolition of existing buildings- erection of 4 no. 2 bed houses.	Approved 08.05.1996

3. Legal and Procedural Matters

- 3.1 **Environmental Impact Assessments (EIA):** Given the nature, scale and location of this development, it is not considered to fall within the description of any development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, EIA screening is not required.

3.2 **Publicity:** Publicity has been undertaken in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's Statement of Community Involvement. A site notice was displayed on 06.02.2025 in front of the dwelling with a deadline for representations of 27.02.2025. A public notice was displayed in Newbury Weekly News on 30.01.2025. Notification letters were sent to the owners of Elwood, Rivendell and 1 Pendals Close.

3.3 **Local Financial Considerations:** Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Whether or not a 'local finance consideration' is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body. The table below identifies the relevant local financial considerations for this proposal.

Consideration	Applicable to proposal	Material to decision
Community Infrastructure Levy (CIL)	No	No
New Homes Bonus	No	No
Affordable Housing	No	No
Public Open Space or Play Areas	No	No
Developer Contributions (S106)	No	No
Job Creation	No	No

3.4 **Community Infrastructure Levy (CIL):** Community Infrastructure Levy (CIL) is a levy charged on most new development within an authority area. The money is used to pay for new infrastructure, supporting the development of an area by funding the provision, replacement, operation or maintenance of infrastructure. CIL will be used to fund roads and other transport facilities, schools and other educational facilities, flood defences, medical facilities, open spaces, and sports and recreational areas. Subject to the application of any applicable exemptions, CIL will be charged on residential (Use Classes C3 and C4) and retail (former Use Classes A1 – A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of gross internal area (including extensions) or when a new dwelling is created (even if it is less than 100 square metres). CIL liability, and the application of any exemptions, will be formally confirmed by the CIL Charging Authority under separate cover following any grant of planning permission. More information is available at <https://www.westberks.gov.uk/community-infrastructure-levy>

3.5 **New Homes Bonus (NHB):** New Homes Bonus payments recognise the efforts made by authorities to bring residential development forward. NHB money will be material to the planning application when it is reinvested in the local areas in which the developments generating the money are to be located, or when it is used for specific projects or infrastructure items which are likely to affect the operation or impacts of those developments. NHB is not considered to be a relevant material consideration in this instance, but can be noted for information.

- 3.6 **Public Sector Equality Duty (PSED):** In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The Council must have due regard to the need to achieve the following objectives:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 3.7 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
 - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 3.8 The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have regard to and remove or minimise disadvantage. In considering the merits of this planning application, due regard has been given to these objectives.
- 3.9 There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.
- 3.10 All proposed building work will be required to comply with Building Regulations which have their own criteria to apply for the design of buildings which also has due regard to the Act.
- 3.11 **Human Rights Act:** The development has been assessed against the provisions of the Human Rights Act, including Article 1 of the First Protocol (Protection of property), Article 6 (Right to a fair trial) and Article 8 (Right to respect for private and family life and home) of the Act itself. The consideration of the application in accordance with the Council procedures will ensure that views of all those interested are taken into account. All comments from interested parties have been considered and reported in summary in this report, with full text available via the Council's website.
- 3.12 It is acknowledged that there are certain properties where there may be some impact (this can be mitigated by conditions – if relevant). However, any interference with the right to a private and family life and home arising from the scheme as a result of impact on residential amenity is considered necessary in a democratic society in the interests of the economic well-being of the district and wider area and is proportionate given the overall benefits of the scheme.

- 3.13 Any interference with property rights is in the public interest and in accordance with the Town and Country Planning Act 1990 regime for controlling the development of land. This recommendation is based on the consideration of the proposal against adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.
- 3.14 **Conservation areas:** Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. The site is within the Hampstead Norreys Conservation Area.
- 3.15 **National Landscapes (AONB):** Section 85 of the Countryside and Rights of Way (CROW) Act 2000 (as amended) provides a general duty for public bodies: “Any relevant authority exercising or performing any functions in relation to, or so as to effect, land in an area of outstanding natural beauty in England must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty).” AONBs have been rebranded to be known as National Landscapes, although their legal AONB status continues.

4. Consultation

Statutory and non-statutory consultation

- 4.1 The table below summarises the consultation responses received during the consideration of the application. The full responses may be viewed with the application documents on the Council’s website, using the link at the start of this report.

Hampstead Norreys Parish Council:	No objection.
Ecology:	No objection.

Public representations

- 4.2 No public representations have been received.

5. Planning Policy

- 5.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following policies of the statutory development plan are relevant to the consideration of this application.
- Policies ADPP1, ADPP5, CS4, CS13, CS14, CS15, CS16, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
 - Policies P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
 - Policies TRANS1, OVS5 and OVS6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

5.2 The following material considerations are relevant to the consideration of this application:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- WBC House Extensions SPG (2004)
- WBC Quality Design SPD (2006)
- Planning Obligations SPD (2015)
- West Berkshire Emerging Local Plan (limited weight)

6. Appraisal

Principle of development

- 6.1 Policy ADPP1 states that most development will be within or adjacent to the settlements included in the settlement hierarchy and will be related to the transport accessibility of the settlements, their services and the availability of suitable sites for development. The scale and density of development will be related to the site's current or proposed accessibility.
- 6.2 Policy ADPP5 states that the North Wessex Downs AONB (NWD National Landscape) will have appropriate and sustainable growth that conserves and enhances its special landscape qualities. Smaller villages will continue to support the needs of their residents and surrounding communities for facilities and services.
- 6.3 The site is located within the settlement boundary of Hampstead Norreys which is a sustainable location for development with access to services and amenities. The scale and density of the proposal would be modest and serve an identified need of the applicants. As will be explored below, the proposal would not detract from the character of the area or the NWD National Landscape.
- 6.4 The proposal complies with ADPP1 and ADPP5 and the principle of the development is acceptable.

Character, appearance and heritage

- 6.5 Policy CS14 states that new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area, and makes a positive contribution to the quality of life in West Berkshire. It also sets out that the design and layout of proposals should respond not just to the immediate area but the wider locality, contributing positively to local distinctiveness and sense of place. Policy CS14 also confirms that development proposals will be expected to:
- Make good provision for access by all transport modes, ensuring environments are accessible to all and give priority to pedestrian and cycle access.
 - Make efficient use of land whilst respecting the density, character, landscape and biodiversity of the surrounding area, as well as any historic and cultural assets.
 - Provide, conserve and enhance biodiversity.
- 6.6 As is relevant to this proposal, Policy CS19 states that in order to ensure that the diversity and local distinctiveness of the landscape character of the District is conserved and enhanced, the natural, cultural and functional components of its character will be considered as a whole. Particular regard will be given to the sensitivity of the area to

change, the proposal's design within its context and the conservation and enhancement of heritage assets and their setting. Proposals should be informed by, and respond to, their distinctive character areas and key characteristics identified and design features.

Rear extension:

- 6.7 The existing 2-storey dwellinghouse has a footprint of approx 45sqm. It is proposed to extend the ground floor at the rear of the dwelling by approx. 1.5m to enlarge the floor area of the kitchen & dining room by approx. 8sqm. The extension would measure approx. 2.8m in height and would have a single ply flat roof. The extension would have 2no. grey aluminium framed windows and a bi-fold door. The existing rear paving would be raised by 0.3m and the rear patio extended. The existing eastern timber fence would be raised to 2.3m on the neighbour's side due to the slight increase in ground level adjacent to the extension. The extension would be multi-red facing brickwork to match existing.
- 6.8 The House Extensions SPG states that the basic shape and size of the extension should normally be subservient to the design of the original building. The shape pitch and style of the roof will be a significant factor in achieving appropriate design. The best-looking extensions generally have a simple shape, as unusual shapes lead to complicated roof constructions that appear out of place. Extensions should generally have pitched roofs where practical and match the existing pitched roof. Rear extensions are the least likely to have a major impact. When extending a terraced property, it can be desirable to follow any established pattern of extension. For example, in terraced houses, where a rear extension is paired with similar extension on a neighbouring house.
- 6.9 The proposed extension is modest, at ground level and is clearly subservient to the existing dwelling. Due to the small nature of the extension, a flat roof is visually acceptable and practical and would have no negative visual impact or appear out of place. There is no established pattern of extensions as the terraced dwellings have different footprints. The proposed extension complies with the House Extensions SPG.
- 6.10 The rear extension would not be visible from Newbury Hill which contributes significantly to the visual qualities of the conservation area that informs the wider character of the NWD National Landscape.

Dormer windows:

- 6.11 The proposed 2no. gable dormer windows facing the rear garden would match the style of the dormer windows facing the highway but would be slightly different sizes. The eastern gable dormer would replace 2no existing velux windows. It would measure approx. 2.6m wide and 2.5m high and have 3no. windowpanes. The proposed western gable dormer would replace 1no. velux window and is a smaller dormer with only 1no. windowpane. It would measure approx. 1.4m wide and 1.75m high. Both dormers would have horizontal cladding. Clay roof tiles would match existing.
- 6.12 Together, the gable dormer windows are sensitively designed, contextually appropriate and would not have a negative visual impact or compromise the character of the conservation area.

Front steps and handrails:

- 6.13 It is proposed to replace the existing paved steps towards the entrance with new riven grey concrete paving slabs. New 1.1m tall black-painted wrought iron handrails would be placed on either side of the steps. These materials are not insensitive to the broader character of the area.

Listed buildings:

- 6.14 There are several listed buildings in the area. The site is within the setting of Wing Cottage and the Grange (Grade II) approx. 70m to the north east. There are several listed buildings towards the east and south east, including St Mary's Church (Grade I). However, the proposal would not cause any harm to the setting of these nearby listed buildings.

Summary:

- 6.15 Considered together, the proposed development would not be out of place within its context or detract from the character of the area, the conservation area or the NWD National Landscape.
- 6.16 In the above regard, the proposal complies with Policies CS14, CS19, the House Extensions SPG, the Quality Design SPD and Chapter 16 of the NPPF.

Amenity

- 6.17 Policy CS14 requires developments to not significantly impact on the residential amenity of neighbouring occupiers, stating that it should make a positive contribution to the quality of life in West Berkshire.
- 6.18 While some overlooking would occur from the proposed 2no. rear dormers, there is already overlooking from the existing 3no. velux windows which are to be replaced. This overlooking would consist of oblique views towards the rear gardens of the adjacent dwellings to the east and west. There would be no overlooking into the neighbours' main living spaces within their homes.
- 6.19 The proposed ground floor rear extension does not include any side windows facing toward the adjacent dwellings to the east and west. While the extension would, by only approx. 1.5m, result in the dwelling being closer to the neighbouring dwellings to the north, the new doors and windows would well exceed the recommended 21m between frontages prescribed by the Quality Design SPG.
- 6.20 The raising of the ground by 0.3m directly adjacent to the extension would not result in overlooking as the existing eastern boundary timber fence to be raised to be 2.3m tall when measured from the neighbour's side to reduce any overlooking.
- 6.21 The rear extension would not overshadow the neighbouring properties as it would be at ground level, 2.8m in height and would have a flat roof.
- 6.22 There would be no overbearing impact as the scale of the rear extension is small, at ground level, and would be partially shielded from the neighbours' view by existing boundary fences.
- 6.23 The proposal would have a positive contribution to the quality of life of the site's existing and future residents as it would enhance the use of the dwelling and, insofar as the proposed handrails are concerned, improve safety when accessing the site.
- 6.24 There would be no negative impact on amenity and the proposal complies with Policy CS14, the Quality Design SPG and paragraph 135(f) of the NPPF.

Drainage and flooding

- 6.25 The site is located within Flood Zone 1 and is not within a Critical Drainage Area. There would be minimal additional surface water run-off and it is not expected that flood risk would result elsewhere on account of the minor scale of the proposal. As a result, a flood risk assessment and proposed mitigation measures are not required.

6.26 The proposal complies with Policy CS16 and paragraph 181 of the NPPF.

Ecology

- 6.27 Policy CS17 sets out that development proposals which may harm locally designated sites, habitats or species of principal importance for the purpose of conserving biodiversity, or the integrity or continuity of landscape features of major importance for wild flora and fauna, will only be permitted if there are no reasonable alternatives and there are clear demonstrable social or economic benefits of regional or national importance that outweigh the need to safeguard the site or species and that adequate compensation and mitigation measures are provided when damage to biodiversity/geodiversity interests are unavoidable. This policy also states that all new development should maximise opportunities to achieve net gains in biodiversity and geodiversity.
- 6.28 Policy CS18 seeks to protect and enhance the district's green infrastructure, stating that developments which result in the loss of green infrastructure or harm to its use or enjoyment by the public will not be permitted.
- 6.29 The site is not located within close proximity to any SSSIs or Special Areas of Conservation. There is a Local Wildlife Site approx. 130m south west of the site along the dismantled railway, however, due to the nature of the proposal and the distance away from this site there would be no impact.
- 6.30 Biodiversity net gain is not a requirement for this application.
- 6.31 The site is not affected by nutrient neutrality concerns.
- 6.32 The Council's Ecology Team does not object to the proposal.
- 6.33 The proposal complies with Policies CS17, CS18 and Chapter 15 of the NPPF.

Highways

- 6.34 Policy CS13 sets out that development that generates a transport impact will be required to:
- Reduce the need to travel.
 - Improve and promote opportunities for healthy, safe and sustainable travel, and improve travel choices (particularly within, between and to main urban areas and rural service centres).
 - Demonstrate good access to key services and facilities.
 - Minimise the impact of all forms of travel on the environment and help tackle climate change.
 - Mitigate the impact on the local transport network and the strategic road network.
 - Take into account the West Berkshire Freight Route Network (FRN).
 - Prepare Transport Assessments/Statements and Travel Plans to support planning proposals in accordance with national guidance.
- 6.35 Policy P1 of the Housing Site Allocations DPD confirms the parking standards for new residential development, stating that the layout and design of parking spaces should follow the parking design guidance from the Building for Life Partnership, 2012 and principles contained in the Manual for Streets, in order to create good quality homes and neighbourhoods.

6.36 For the purposes of Policy P1, the site is located within Zone 3. The proposal would not increase the parking requirement, and the existing access would not change. The proposal would not increase the amount of traffic to and from the site.

6.37 The proposal complies with Policies CS13, P1 and Chapter 9 of the NPPF.

7. Planning Balance and Conclusion

7.1 Having regard to the relevant development plan policy considerations as well as the other material considerations referred to above, on balance the development proposed is considered to be acceptable and is recommended for approval.

8. Full Recommendation

8.1 To delegate to the Development Manager to GRANT PLANNING PERMISSION subject to the conditions listed below.

Conditions

1.	<p>Commencement of development</p> <p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).</p>
2.	<p>Approved plans / Documents</p> <p>The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:</p> <ol style="list-style-type: none">1. Proposed plans drawn by Hungerford Design, drawing no. 3353-02C dated January 2025 (received 23 January 2025)2. Block plan drawn by Hungerford Design, received 23 January 2025.3. Application form <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3	<p>Materials</p> <p>The materials to be used in the development hereby permitted shall be as specified on the plans or the application forms. Where stated that materials shall match the existing, those materials shall match those on the existing development in colour, size and texture.</p> <p>Reason: To ensure that the external materials respect the character and appearance of the area. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).</p>

Informatives

1	Community Infrastructure Levy (CIL) is a levy charged on most new development to pay for new infrastructure required as a result of the new development. CIL will be
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	<p>charged on residential (C3 and C4) and retail (A1 - A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of net floorspace (including extensions) or when a new dwelling is created (even if it is less than 100 square metres).</p> <p>CIL liability will be formally confirmed by the CIL Charging Authority under separate cover following the grant of any permission. More information is available at www.westberks.gov.uk/cil</p>
2	<p>Damage to footways, cycleways and verges</p> <p>The attention of the applicant is drawn to the Berkshire Act, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the verge arising during building operations.</p>
3	<p>Damage to the carriageway</p> <p>The attention of the applicant is drawn to the Highways Act, 1980, which enables the Authority to recover expenses due to extraordinary traffic.</p>
4	<p>BIODIVERSITY NET GAIN</p> <p>The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:</p> <p>(a) a Biodiversity Gain Plan has been submitted to the planning authority, and</p> <p>(b) the planning authority has approved the plan.</p> <p>The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be West Berkshire District Council.</p> <p>There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.</p> <p>Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.</p> <p>EXEMPTIONS AND TRANSITIONAL ARRANGEMENTS</p> <p>The following are the statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.</p> <ol style="list-style-type: none"> 1. The application for planning permission was made before 12 February 2024. 2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.

<p>3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and</p> <p>(i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or</p> <p>(ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.</p> <p>4. The permission which has been granted is for development which is exempt being:</p> <p>4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:</p> <p>i) the application for planning permission was made before 2 April 2024;</p> <p>ii) planning permission is granted which has effect before 2 April 2024; or</p> <p>iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).</p> <p>4.2 Development below the de minimis threshold, meaning development which:</p> <p>i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and</p> <p>ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).</p> <p>4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.</p> <p>4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).</p> <p>4.5 Self and Custom Build Development, meaning development which:</p> <p>i) consists of no more than 9 dwellings;</p> <p>ii) is carried out on a site which has an area no larger than 0.5 hectares; and</p> <p>iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).</p> <p>4.6 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or</p>
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<p>parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.</p> <p>* "original planning permission means the permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.</p> <p>APPLICABLE EXEMPTION</p> <p>The exemption that is considered to apply to this application is: Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.</p> <p>IRREPLACEABLE HABITAT</p> <p>If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.</p> <p>The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.</p> <p>The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.</p> <p>THE EFFECT OF SECTION 73D OF THE TOWN AND COUNTRY PLANNING ACT 1990</p> <p>If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.</p> <p>Those circumstances are that the conditions subject to which the section 73 permission is granted:</p>
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	<p>i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and</p> <p>ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.</p> <p>PHASED DEVELOPMENT</p> <p>If the permission which has been granted has the effect of requiring or permitting the development to proceed in phases, the modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 would apply if the permission were subject to the biodiversity gain condition.</p> <p>In summary: Biodiversity gain plans would be required to be submitted to, and approved by, the planning authority before development may be begun (the overall plan), and before each phase of development may be begun (phase plans).</p>
6	<p>This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development which improves the economic, social and environmental conditions of the area.</p>