

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(1)	25/00233/HOUSE Inkpen	06/04/25	Demolition of existing rear extensions, garage and home office. New two storey rear extension and single storey side extension with new open porch. New garage with store over. New landscaping work. Trapps Hill Cottage, Trapps Hill, Inkpen, Hungerford Mr and Mrs Davies

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=SR9APARD0OX00>

Recommendation Summary:	The Development Control Manager be authorised to GRANT conditional permission.
Ward Member(s):	Councillor Gaines Councillor Benneyworth Councillor Vickers
Reason for Committee Determination:	Ward Member Call-in
Committee Site Visit:	15 th May 2025

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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 Permission is sought for a two-storey rear extension with a single storey side extension, a relocated front entrance, a new garage with a store over and new landscaping works at Trapps Hill Cottage, Inkpen.
- 1.3 The application site lies in the open countryside in policy terms and within the North Wessex Downs National Designated Landscape (NWDNL, previously NWDAONB).

2. Planning History

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

Application	Proposal	Decision / Date
24/00871/HOUSE	Demolition of existing rear extensions, garage and home office. New two storey rear and side extension with new open porch. New garage with store over. New landscaping work.	Withdrawn due to identification of house as a non-designated heritage asset and required review.

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 the 3rd March 2025 on the road fronting the site. A deadline for representations of the 24th March 2025 was posted. Notification in the Newbury Weekly News was posted 13th February 2025
- 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.

Consideration	Applicable to proposal	Material to decision	Refer to paragraph(s)
Community Infrastructure Levy (CIL)	No	No	3.4
New Homes Bonus	No	No	3.5
Affordable Housing	No	No	N/A
Public Open Space or Play Areas	No	No	N/A
Developer Contributions (S106)	No	No	N/A
Job Creation	No	No	N/A

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> CIL is not relevant to the application as no additional floorspace is involved.

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 **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.
- 3.11 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.
- 3.12 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. The Committee will need to take this matter into account when considering this application.

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.

Inkpen Parish Council.	Objection. Due to the scale of the proposed development
Adj. Parish Council West Woodhay	No objections.
Highways:	No objections raised. No conditions proposed.
Council Archaeologist	<p>Thank you for your consultation of 07/02/2025 on the above planning application, following the withdrawal of an earlier proposal at this cottage, 24/00871/HOUSE. This application will involve significant works to a building regarded as a non-designated heritage asset, once listed at the old Grade III.</p> <p>The applicants have commissioned a built heritage statement which is welcome, and is in line with recommendations made previously. The assessment and accompanying photographs indicate that there is much of interest within this building, which is why it is rather surprising that the Executive Summary says, Trapps Hill Cottage is of low local significance and has a low level of historic and aesthetic value. I do not agree with this conclusion, but I also note that p16 of the statement has a different sentence with added brackets, Trapps Hill Cottage is a heritage asset of low (local) significance only, and says that its significance is primarily derived from its architectural and historic interest as a seventeenth/eighteenth century rural workers cottage with later nineteenth and twentieth century alterations. This is a more accurate summary. I accept that Trapps Hill Cottage is not of national heritage significance, and that many changes have been made to it, but a surprisingly good amount of information about the buildings likely origins and features has been noted by the statements author.</p> <p>The statement has highlighted several aspects of the buildings fabric and evolution, including a flint south facing</p>

	<p>façade; the thatched roof, still surviving under a later roof covering; a timber frame, some original doors and a catslide roof of two different pitches. It is suggested that the cottage may have originally been a single dwelling of one and a half storey; the report considers that the bulk of the original property has remained largely intact.</p> <p>The designs submitted with the previous application were slightly different, but the current proposal is still for a greatly enlarged dwelling which will alter the character of this vernacular estate cottage. The heritage statement considers that there will be some degree of harm, and I believe the design and alterations that are proposed ideally require Conservation input. This might be provided through a statutory amenity society. However, I accept that some change will be required to Trapps Hill Cottage, as with all historic buildings, to ensure its future survival.</p> <p>If the demolition, extension and alteration of this building is felt to be appropriate, then I think it is important that the works do not contribute to a significant loss of character or to the loss of historic information. The author of the heritage statement noted that the survey of the property was entirely non-invasive, and I believe that opening up the building is likely to reveal more information about its evolution and date.</p> <p>Should planning approval be likely then I would advise that a condition should be appended to any permission to ensure that the structure is adequately recorded, and that historic information is not destroyed as part of the development process without record</p>
Ecology	<p>We have reviewed the ecological information submitted in support of this planning application and advise that sufficient information has been provided.</p> <p>If planning permission is granted, we advise conditions securing ecological avoidance and mitigation measures are attached.</p>
Tree Team	No objections, informative or condition suggested.

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, CS10, CS13, CS14, CS19, of the West Berkshire Core Strategy 2006-2026.
- Policies SP1, SP2, SP7, SP8, SP9, DM11 of the Local Plan Review Examination 2025.

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- North Wessex Downs AONB Management Plan 2019-24
- WBC Quality Design SPD (2006)

Emerging local plan

5.3 The Local Plan Review (2023-2041) is now at an advanced stages of preparation following the publication of the Examination Inspector's report on April 2025. Whilst they do not currently have full weight, regard has been given to the emerging policies in the Local Plan Review, in accordance with paragraph 49 of the NPPF. To the extent that they relate to this application, the emerging policies are generally consistent with the current development plan policies, and therefore do not materially alter the recommendation of this householder application prior to adoption of the LPR.

6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of development
- Design, Character and Appearance
- Impact on neighbouring amenity
- Highways
- Ecology

Principle of development

6.2 The application site is located outside the settlement boundary, within the North Wessex Downs National Landscape (formally AONB). The dwelling is a non-designated heritage asset within a large plot with agricultural land to the rear. The car parking and access are located to the north-east. A public footpath runs from the east to the south of the application site. The dwelling is located along Rooksnest Lane a classified road.

6.3 Policy ADPP1 of the West Berkshire Core Strategy states that West Berkshire's main urban areas will be the focus for most development and that in the open

countryside only appropriate limited development will be allowed, focused on addressing identified needs and maintaining a strong rural economy. Most development will be within or adjacent to the settlements included in the settlement hierarchy and related to the transport accessibility of the settlements (especially by public transport, cycling and walking) their level of services and the availability of suitable sites for development.

- 6.4 Policy CS1 Delivering New Homes and Retaining the Housing Stock of the West Berkshire Core Strategy states that new homes will be located in accordance with the settlement hierarchy outlined in the spatial strategy and area delivery plan policies as indicated above.
- 6.5 Policy C1 Location of New Housing in the Countryside of West Berkshire Council's Housing Site Allocation DPD states that there is a presumption against new residential development outside of the settlement boundary. Exceptions to this are limited to rural exception housing schemes, conversions of redundant buildings, housing to accommodate rural workers, extension to or replacement of existing residential units and limited infill in settlements in the countryside with no defined settlement boundary.
- 6.6 Policy C6 of the West Berkshire Council Housing Site Allocations Development Plan Document (2006-2026) (DPD) allows for the construction of extensions to existing permanent dwellings subject to certain criteria.
- 6.7 Therefore, the principle of extension to an existing dwelling within the countryside is acceptable.

Design, Character and Appearance

- 6.8 Development should be designed having regard to the character of the area in which it is located taking account of the local settlement and building character. It should also have regard to 'Quality Design' – West Berkshire Supplementary Planning Document, Conservation Area Appraisals, and community planning documents such as Parish Plans and Town and Village Design Statements, the design principles on the rural environment.
- 6.9 The NPPF is clear that good design is indivisible from good planning; it attaches great importance to the design of the built environment. Policy CS14 Design principles state how proposals should demonstrate a high-quality design that respects and enhances the area and makes a positive contribution to the quality of life in West Berkshire. It should respond positively to the wider context it is placed in, not just the immediate area. CS19 Historic Environment and Landscape Character seeks proposals to respond appropriately in terms of location, scale and design reflecting a holistic approach to the local distinctiveness, sensitivity, and diversity of locations.
- 6.10 Policy C6 of the Housing Site Allocations Development Plan Document states that there is a presumption in favour of proposals for the extension of existing permanent dwellings, provided that the scale of the enlargement is subservient to the original dwelling and designed to be in character with the existing dwelling.

6.11 Policy C6 relates to extension of existing dwellings within the countryside and seeks to prevent the over development of sites in the countryside and requires certain criteria to be met; these include;

- the scale of the enlargement is subservient to the original dwelling and is designed to be in character with the existing dwelling; and
- it has no adverse impact on the setting, the space occupied within the plot boundary, on local rural character, the historic interest of the building and its setting within the wider landscape; and
- the use of materials is appropriate within the local architectural context; and
- there is no significant harm on the living conditions currently enjoyed by residents of neighbouring properties.

6.12 Whilst the proposal does seek to significantly increase the overall footprint of the dwelling and is not necessarily considered to be subservient to the original dwelling this is balanced against the design which takes influence from the historic character and appearance of the non-designated heritage asset. In addition, it helps ensure the retention of a significant amount of original fabric whilst allowing the building to extend and adapt to modern day living. The alternative would be for its demolition and replacement which would result in the total loss of this non-designated heritage asset.

6.13 Whilst the proposal would be larger it is well designed with key features and materials retained and the overall view from the road remaining almost as existing. Whilst it is a shame to remove the characteristics of the cat slide roof, the reference to it is to remain via the design of the proposed extension and porch to the new access to the dwelling.

6.14 The removal of the outbuilding to the western side of the existing dwelling would result in the footprint being absorbed within the proposed extensions. The proposed garage building on balance is acceptable as it is well designed in a traditional rural character and is considered to be proportionate for the proposed scale of the dwelling.

6.15 Following the previous withdrawn application and guidance from the pre-application enquiry, this application is accompanied by a comprehensive Built Heritage Assessment which provides details of internal and external works and assesses the proposed changes as having a neutral impact on the significance of the building. Your officers concur with this assessment.

Neighbouring Amenity

6.16 Policy CS14 notes that development must have respect and enhance the character and appearance of the site area and make a positive contribution to quality of life in West Berkshire. Neighbouring amenity impact is assessed through looking at whether the development would overbear, overshadow, overlook or have an unacceptable impact on living conditions or sunlight and daylight received.

6.17 The nearest dwelling is Trapps Hill House, approximately 80 metres away. The proposal is not considered to result in a significant impact on neighbouring

amenity due to the distance of the neighbouring dwelling. No letters of representation have been received.

Highways

- 6.18 The Highways officer has not raised any concerns over the proposal and has not proposed specific conditions as there is sufficient parking within the site.
- 6.19 It is considered that the application accords with the advice in policy CS13 in the WBCS and the application should not be refused on any access/highways grounds.

Ecology

- 6.20 The ecological officer has reviewed the ecological information submitted in support of this planning application and advise that sufficient information has been provided. Conditions have been requested ensuring compliance with submitted ecological information ecological enhancements and the submission of a copy of the EPS Licence.

7. Planning Balance and Conclusion

- 7.1 The current scheme is supported by your planning officer and is considered to be acceptable in design and appearance with no highways implications to resolve. The proposal complies with policy and will ensure the property reflects the existing character of the locality with no demonstrable harm to the visual character of the NWDNL if approved.
- 7.2 For the reasons given above it is considered that the proposal does accord with the criteria of the National Planning Policy Framework and development plan policies and is therefore 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.	Commencement of development The development hereby permitted shall be begun before the expiration of three years from the date of this permission. 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).
2.	Approved plans The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:

	<p>Proposed Plans, Elevations and Sections ref: 1326/AG(0)01 rev B received 04.02.2025</p> <p>Proposed Site Plan, Garage Plans, Elevations and Sections ref: 1326/AG(0)03 received 04.02.2025</p> <p>Built Heritage Statement by rpsgroup v1 received 04.02.2025</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3	<p>Ecological measures</p> <p>All ecological measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment & Bat Survey Report (November 2024, Windrush Ecology Limited), as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.</p> <p>Reason: To ensure the adequate safeguarding of protected species in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006- 2026.</p>
4	<p>Ecological Enhancements</p> <p>All the ecological enhancement recommendations in the Ecological Impact Assessment & Bat Survey Report (November 2024, Windrush Ecology Limited), the enhancements should be evidenced by means of photographs of the features in-situ submitted to the local planning authority.</p> <p>Reason: To enhance biodiversity in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026 and to ensure compliance with the condition.</p>
5	<p>Submission of a copy of the EPS licence</p> <p>The works at Trapps Hill Cottage shall not in any circumstances commence unless the Local Planning Authority has been provided with a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the specified activity/development to go ahead.</p> <p>Reason: To ensure the adequate safeguarding of protected species in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026. This strict protection condition helps to ensure that a developer will apply for an EPS licence and, if they do not, can be prevented in advance from undertaking the activities that might jeopardize the protected species, before the species is harmed. The use of planning conditions for this purpose has been established through case law and is also recommended in government.</p>

6	<p>Materials</p> <p>The materials to be used in the development hereby permitted shall be as specified on the plans, supporting information and 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), Supplementary Planning Guidance 04/2 House Extensions (July 2004), and Supplementary Planning Document Quality Design (June 2006).</p>
7	<p>Tree protection</p> <p>No development (including site clearance and any other preparatory works) shall commence on site until a scheme for the protection of trees to be retained is submitted to and approved in writing by the Local Planning Authority.</p> <p>Such a scheme shall include:</p> <ul style="list-style-type: none"> - a plan showing the location and type of the protective fencing. <p>All such fencing shall be erected prior to any development works. At least 2 working days notice shall be given to the Local Planning Authority that it has been erected.</p> <p>It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority.</p> <p>No activities or storage of materials whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.</p> <p>Note 1: The protective fencing should be as specified in the BS5837:2012 at Chapter 6 and detailed in figure 2.</p> <p>Note 2: Ground Protection shall be as paragraph 6.2.3.3. of the same British Standard.</p> <p>A pre-commencement condition is necessary because insufficient detailed information accompanies the application; tree protection installation measures may be required to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.</p> <p>Reason: Required to safeguard and to enhance its setting within the immediate locality to ensure the protection and retention of existing trees and natural features during the construction phase in accordance with the NPPF</p>

	and Policies ADPP1, (ADPP5 if within NWD National Landscape), CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.
8	<p>Building recording</p> <p>No demolition/ site works/ development shall take place within the application area until the applicant has secured the implementation of a programme of building recording in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall incorporate and be undertaken in accordance with the approved statement.</p> <p>Reason: To ensure that an adequate record is made of this building of architectural, historical and archaeological interest.</p>

Informatives

1.	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. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has secured and accepted what is considered to be a development which improves the economic, social and environmental conditions of the area.
2.	<p>BNG – Not required</p> <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> <p>1. The application for planning permission was made before 12 February 2024.</p>

<p>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> <p>3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and (i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or (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: i) the application for planning permission was made before 2 April 2024; ii) planning permission is granted which has effect before 2 April 2024; or 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: 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 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: i) consists of no more than 9 dwellings; ii) is carried out on a site which has an area no larger than 0.5 hectares; and 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 parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.</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.

APPLICABLE EXEMPTION

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.

IRREPLACEABLE HABITAT

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.

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.

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.

THE EFFECT OF SECTION 73D OF THE TOWN AND COUNTRY PLANNING ACT 1990

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.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- 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.

PHASED DEVELOPMENT

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

	<p>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>
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