

24/02150/FUL

Applicant Mr & Mrs James and Arwen Spencer

Location Church Close House, 50 Main Street, Kinoulton, Nottinghamshire
NG12 3EN

Proposal Demolition of outbuildings, Proposed one and two-storey extension works, associated internal alterations, solar panels, vehicular gate new pedestrian entrance with gate and pillars

Ward Nevile And Langar

THE SITE AND SURROUNDINGS

1. The application relates to a traditional two storey detached red brick dwelling located within a generous plot with a garden to the west and rear. There are various detached outbuildings and a garage to the rear of the dwelling. The site is positioned centrally within the village. The Grade II* Listed St Lukes Church is located to the east. The Grantham Canal is located west of the site. The site is located in Flood Zone 1 (low flood risk). The dwelling is identified as a non-designated heritage asset
2. The plans and details of the proposal can be found [here](#).

DETAILS OF THE PROPOSAL

3. The application seeks planning permission for single and two storey rear extensions with a broadly inverted 'L' shaped footprint, projecting c.12.8 metres beyond the rear of the existing extended dwelling and c.18.4 metres beyond the original rear wall of the dwelling. This would comprise two storey and single storey pitched roof additions and a single storey flat roof element towards the rear that would project c.9.2 metres from the east side of the main extension. The two storey extension would be faced in heritage brickwork and the single storey extensions would be faced in a mix of brickwork and black grey metal cladding. A set of replacement 1.5 metre high gates are proposed at the entrance to the property.
4. The plans have been amended a number of times, and significantly, during the course of the application to omit the originally proposed attached car port, reducing the width of the side-projecting extension by 6.19 metres. The overall depth of the extensions has been reduced by 3 metres.

SITE HISTORY

5. 97/01098/FUL- Two storey extension, rear porch. Approved in 1997.
6. 12/00930/OUT- 4 dwellings with access road. Refused in 2012.

REPRESENTATIONS

Ward Councillor(s)

7. The Ward Councillor (Cllr Combella) submitted comments on 19th February 2025 in objection to the proposal, as the extent of the new footprint appears to be greater than the existing and as such is overbearing on the character of an important village house. Concerns regarding the impact upon the Grade II St Lukes Church.
8. Further comments were received on 17th November 2025 commenting that the extension planned towards the church would not be in keeping with the current building and the impact on the church remains.
9. Further comments were received on 19th March 2026 objecting to the application with the information to hand and the recent conservation comments.

Town/Parish Council

10. Kinoulton Parish Council submitted comments on 15th October 2025 noting that the property is identified as a non-designated heritage asset and the Parish is supportive of the Conservation Officer's conclusions of 26th August 2025. Taken together with the scale of the proposed extension the Parish Council object to the proposal as submitted.
11. Further comments were received on 24th November 2025. Following the consideration of revised plans the Parish Council continues to support the view of the Conservation Officer.
12. Further comments were received on 18th March 2026. They continue to support the view of the Conservation Officer regarding the revised plans.

Statutory and Other Consultees

13. The Canal and Rivers Trust has no comment to make on the proposal.
14. The Borough Council's Environmental Health Officer does not object. An informative note is recommended in relation to hours of working and in relation to an asbestos demolition survey.
15. The Borough Council's Environmental Sustainability Officer considers the surveys to have been carried out in accordance with good practice. An update survey would be required prior to the commencement of works. Buildings on the site have been confirmed as bat roosts. In addition, two trees (T4-T5) would require further assessment if impacted by the development. A Natural England licence would be required and this should be highlighted in a note to applicant attached to any permission. A mitigation strategy would be required as detailed in the consultee response, this should be a condition of any permission. The applicants ecological consultant states that it is unlikely that Great Crested Newts are present on site, however the site falls within an amber risk area for GCN and reasonable avoidance measures would be required as part of a Construction and Ecological Method Statement. Ecological enhancement measures as recommended by the ecological consultant should be implemented. No nationally or locally designated sites are likely to be impacted by the works. It is unlikely that the development would have a detriment impact on populations of protected species subject to the implementation of the

recommendations detailed in the consultee response. Biodiversity Net Gain would not apply as it is a householder application.

16. The Borough Council's Conservation Officer submitted comments on 26th August 2025 objecting to the proposal. In summary, whilst the removal of existing structures to facilitate extensions is likely to be acceptable, given that these are later additions/ structures, there are concerns regarding the proposed extensions in terms of the layout, plan form, scale and materials. The extensions would not appear subservient to the dwelling as detailed further within the consultee response, resulting in a negative effect on the significance of the dwelling as a non- designated heritage. The development would result in 'less than substantial' harm to the significance and setting of the neighbouring listed church due to the visual competition from the extensions and the visual change to the context of the church.
17. The Conservation Officer submitted further comments on 3rd November 2025 considering that whilst the revisions to the plans appear to be an improvement on the original submission, the layout, form and design would impact on the dwelling and extensions remain too large and not subordinate to the Non-Designated Heritage Asset. The previous comments regarding the NDHA and the harm to the significance of the neighbouring listed church remain.
18. The Conservation Officer submitted further comments on 12th March 2026, commenting that the revisions made are not sufficient to alleviate the previous concerns. Whilst the bulk of the northern end of extension has been reduced and the garage removed, an L-shaped form remains which cannot be supported and is considered inappropriate to the original dwelling and the previous considerations regarding the impact on the NDHA and harm to the listed church remain, this being at the lower end of the 'less than substantial' scale of harm. Removal of the projecting element to the west beyond the kitchen/ living area would avoid harmful impacts arising from the layout, form and design.

Local Residents and the General Public

19. One representation received in objection to the proposal with comments summarised as follows:
 - a. extensions not sympathetic or in keeping with the village, the adjacent church or the house itself
 - b. footprint too large compared to the original house
 - c. modern section much more visible from the road and especially the church
 - d. need revisions to be more sympathetic to the character of the property.
20. The full comments received from all consultees can be found [here](#).

PLANNING POLICY

21. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (LPP1) and the Local Plan Part 2: Land and Planning Policies (LPP2). Other material considerations include the National Planning Policy Framework (NPPF) (2024), the National Planning Practice Guidance (the Guidance), and the Rushcliffe Design Code which was adopted on 1st September 2025.

Relevant National Planning Policies and Guidance

22. The relevant policies from the NPPF are:
 - Paragraph 11c)
 - Chapter 2 (Achieving sustainable development)
 - Chapter 4 (Decision-making)
 - Chapter 12 (Achieving well- designed places)
 - Chapter 15 (Conserving and enhancing the natural environment)
 - Chapter 16 (Conserving and enhancing the historic environment).
23. A copy of the National Planning Policy Framework 2024 can be found [here](#).
24. A copy of the Planning Practice Guidance can be found [here](#).
25. As the proposal has the potential to have any impact on the setting of heritage assets, there is specific legislation which also forms a material consideration, which is as follows. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Relevant Local Planning Policies and Guidance

26. The relevant policies from the LPP1 are:
 - Policy 10 (Design and Enhancing Local Identity)
 - Policy 11 (Historic Environment)
 - Policy 17 (Biodiversity).
27. The relevant policies from the LPP2 are:
 - Policy 1 (Development Requirements)
 - Policy 19 (Development Affecting Watercourses)
 - Policy 28 (Conserving and Enhancing Heritage Assets)
 - Policy 37 (Trees and Woodlands)
 - Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network).
28. The policies in the Core Strategy and Local Plan Part 2 are available in full along with any supporting text [here](#).

APPRAISAL

29. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

Heritage

30. The application dwelling is considered to comprise a Non-Designated Heritage Asset (NDHA) and therefore the development falls to be considered under paragraph 216 of the NPPF which states: *The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*
31. The proposed demolition works to facilitate the extension relate to later additions to the rear of the dwelling along with the removal of outbuildings, which are also later additions. It is not considered that their removal would harm the non-designated heritage asset, and the removal of the outbuildings in particular can be seen as beneficial given the siting and appearance of these buildings.
32. With regard to the proposed extensions, the Conservation Officer has expressed concerns regarding the plan form, scale and design of the proposed extensions, which would represent a departure from the relatively compact footprint of the original dwelling.
33. The originally submitted plans proposed a two storey rear extension of a matching ridge height and similar scale to the existing dwelling, and a large single storey rear extension. Having regard to the Conservation Officer's comments, discussions have taken place with the applicant and agent during the course of the application and the plans have been amended through various iterations. The two storey element has been reduced in height and depth, with part of the ridgeline stepped down to single storey height. The single storey element of the extension has been reduced in depth, and the attached car port element has been omitted, thereby reducing the scale of the side-projection.
34. Whilst the extensions would be of a sizable footprint, it is not considered that the revised proposal would compete with the original dwelling in terms of its scale and massing, thereby retaining a degree of subservience.
35. The Conservation Officer's comments are noted regarding the L-shaped plan form of the proposed extensions. Concerns have been raised that this would effectively form a courtyard feature which would not be characteristic of the host property. Concerns were also raised regarding the proposed facing materials.
36. Whilst the plan form and materials palette would contrast with the dwelling, the extensions would be clearly legible as a later addition rather than a continuation of the existing traditional built form due to the contemporary design and facing materials. Furthermore, the proposed additions would be clearly read as subservient to the host dwelling as a result of the step down in roof heights.
37. The Conservation Officer has raised concerns with the landscaping, planting and gravelled areas which they consider to belong to a courtyard form. It should however be noted that the landscaping shown on the submitted layout

plan does not form part of the description of development and these works could be carried out without requiring planning permission. Furthermore this would be read in the context of the later additions which would provide context for the more modern appearance.

38. The extensions would have limited visibility from the public realm given that the side-projection would be set back approximately 27 metres from the public highway. The vegetation to the front boundary of the site also provides significant screening. The proposed extension would be contained to the rear, leaving the front elevation of the non-designated heritage asset largely unaffected. With this in mind it is not considered that the extensions would detract from the prominence and significance of the frontage dwelling.
39. In considering a 'fallback position', utilising permitted development rights a single storey flat roof outbuilding of up to 3 metres in height could potentially be constructed on a similar footprint as the proposed extension, provided a gap is maintained between the outbuilding and existing dwelling, without requiring full planning permission. This would result in a similar plan form of development to which the Conservation Officer raises concerns about. Given the nature of what is being applied for, such an outbuilding could provide a similar type of accommodation in terms of the gym/office, but would potentially result in a less joined up overall form of development. The proposal is therefore considered to be a preferential form of development to any such fallback position.
40. Some harm would arise to the NDHA as a result of the removal of built fabric to form the extension. However, NDHAs do not have the same level of protection as Listed Buildings and this could again be carried out under permitted development or through a prior approval process. Furthermore, there would be benefits of the scheme through the demolition of the existing outbuildings which would be replaced by a more cohesive form of development. In applying a balanced judgement it is not considered that the limited harm to the NDHA and its significance, when taking into account the benefits and justification of the scheme, would justify a refusal of planning permission. To ensure that the positive benefits of the existing outbuildings being removed, a condition is considered reasonable to ensure that these are removed prior to the new extensions being first brought into use.
41. The Grade II* Listed St Lukes Church is located to the east of the site. Paragraph 213 of the NPPF states that any harm arising to a designated heritage asset should require clear and convincing justification. Where a development would lead to substantial harm to, or total loss of, a designated heritage asset, then permission should be refused unless it can be demonstrated that substantial public benefits can be achieved that outweigh the harm or loss, or that all of the criteria under paragraph 214 can be satisfied. Where a development would lead to less than substantial harm then under paragraph 215 this harm should be weighed against the public benefits of the scheme, including securing its optimal viable use.
42. Through the amendment of the application plans to omit the attached car port element, the proposed single storey extension would be set back approximately 8.8 metres from the boundary with the neighbouring churchyard. In addition, the overall height and bulk of the two storey element of the extension has been reduced. The revised proposal would not encroach upon

the mature boundary trees which provide a degree of screening from the neighbouring church. It is appreciated that tree screening should not be relied upon to make a scheme acceptable. However, given the set-back and reduction in scale of the extension, it is not considered that it would harm the setting and significance of the church should the boundary vegetation fail in the future.

43. The extensions would not be clearly intervisible in public views of the church and having regard to reductions in its scale, it is not considered that the proposed extensions would compete with the listed church or otherwise harm its significance. It is not therefore considered that the development would harm the setting or significance of the church. It would therefore preserve the setting and historic interest of the church as a goal considered to be desirable within Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the proposal is therefore considered positively in relation to the duty under that section of The 1990 Act.

Design and Character of the Area

44. The Rushcliffe Design Code is a material consideration in decision-making. The application type comprises a householder application falling within the 'rural' area type within the Rushcliffe Design Code. The development would comply with the relevant codes as follows:
- 2.1: It is considered that the development would have regard to the area type and the development pattern of the local area as detailed further below
 - 5.1: the extensions would not be within 1 metre of a common boundary
 - 5.2: It is not considered that the development would interrupt the rhythm of the street scene as detailed further below
 - 5.3: The development would not result in a blank gable to the public realm
 - 5.4-5.6: no dormers are proposed.
45. In considering the pattern and rhythm of the street scene, this comprises properties of an individual character, and the site is not within a frontage of properties of a consistent appearance or spacing, with a church to the east and canal to the west. Although the 'L' shaped plan form would not be reflective of the general footprint and form of properties in the vicinity, the side-projecting extension would be a low single storey flat roof structure set back considerably from the highway with frontage vegetation further limiting public views.
46. The single storey flat roof element would be faced predominantly in black/grey metal cladding, although the visible section of the side-projection would feature a projecting bay of heritage brickwork, breaking up the massing of the extension and softening its appearance when viewed from the frontage.
47. An existing garage positioned forward of the proposed side extension is to be demolished and the extension would arguably have a similar or lesser visual prominence from the street scene. The extension would consolidate the built form on the site through the demolition of two outbuildings and a garage.

48. The proposed gates would comprise 1.5 metre timber gates in place of an existing 5-bar gate. It is not considered that this element would be excessive in height or at-odds with the character of the street scene.

Highway Safety

49. As the gates would be a replacement in the same position as the existing, it would not change the existing situation in terms of highway safety. Sufficient parking and turning space remains and the access would remain unaltered. As such, no concerns are raised with respect to highway safety.

Neighbouring Amenity

50. In terms of neighbouring amenity, the dwelling is located within a generous plot with no immediately adjacent neighbouring residential properties to the east or west. The extensions would not give rise to an undue overbearing or overshadowing impact. The development would therefore comply with Policy 1(4) of the LPP2.

Ecology/Bio-diversity

51. The application is accompanied by an ecological survey which confirms a bat roost within the main dwelling 'B1'. The application would require elements of demolition of the rear wall to facilitate the extensions and whilst the roof would be retained, the ecology report identifies that the roost is likely to be impacted by disturbance from the proposed development, due to the proximity of the proposed works to the roost. In addition, a bat roost is identified within outbuilding 'B4' to the west of the dwelling, which is to be demolished as part of the proposal. The work would therefore require a European Protected Species derogation licence.
52. The Borough Council has a legal duty when determining a planning application for a development which may have an impact on protected species. The species protection provisions of the Habitats Directive, as implemented by the Conservation (Natural Habitats Etc.) Regulations 1994, contain three tests which Natural England must apply when determining a licence application. This licence is normally obtained after planning permission has been obtained. However, notwithstanding the licensing regime, the Planning Authority must also consider these tests when determining a planning application. A Planning Authority failing to do so would be in breach of Regulation 3(4) of the 1994 Regulations.
53. To comply with the above legislation, a license can only be granted if the following three tests can be met:-
1. the activity is for a certain purpose
 2. there's no satisfactory alternative
 3. the activity doesn't harm the long-term conservation status of the species.
54. The development would not directly require the removal of the existing roof of the main dwelling within which the roost is located, however the proximity of the works to the roost could give rise to disturbance. The demolition of outbuilding building B4 would result in the loss of a roost.

55. It is not considered that there is a satisfactory alternative to the proposed household extension. The demolition of building B4 is necessary as part of this application to ensure a consolidated built form and to avoid the unnecessarily proliferation of structures within the site.
56. The proposed activity in this instance is the extension of the existing dwelling. Whilst it does not directly serve a public interest, it is a typical form of development in terms of increasing the size of the property to meet the owners needs. Whilst it could be argued that suitable accommodation could be achieved from moving instead of extending, this is not necessarily viable or practicable, particularly in a rural location such as Kinoulton. The nature of the potential to disturb the bat roost is also not considered to be avoidable through an alternative form of development that could achieve the same outcome.
57. Furthermore, the agent has put forward the following benefits of the development:
- Improved living conditions (including increased space, safety, and thermal performance)
 - Upgrading the building to meet modern standards
 - Supporting the long-term viability and continued use of the property.
58. Recommendations for mitigation and reasonable avoidance measures are set out in the ecological assessment. Subject to these measures, it is considered unlikely that the development would have a detrimental impact on populations of protected species.
59. Overall, it is considered that it has been demonstrated that the proposed development is for a certain purpose that is proportionate and that there are no practicable alternatives. It is also considered that subject to compliance with recommended mitigation and avoidance measures the proposal would not harm the long-term conservation status of the species.
60. Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 states that planning permission is deemed to have been granted subject to the "biodiversity gain condition" which means development granted by this notice must not begin unless(a) a Biodiversity Gain Plan has been submitted to the planning authority, and (b) the planning authority has approved the plan. Based on the information submitted in the planning application documents, the Planning Authority considers that this permission is exempt from biodiversity net gain as householder application for planning permission.

Trees/Landscape

61. A tree survey has been provided with the application. Whilst there are a significant number of trees around the site, it is considered that none are sited in such proximity to the proposed development such that it would cause harm to the trees. Protection measures have been recommended within the survey provided and it is considered reasonable and necessary to condition these measures.
62. As discussed earlier, the landscaping proposed could be undertaken without needing planning permission and isn't included within the description of the development.

Surface Water/Watercourse

63. The site falls within Flood Zone 1 (low flood risk), however a small area of the site to the rear north west corner of the dwelling is identified as at risk of surface water flooding. The proposed rear extension would replace an existing rear-projection and it would not result in a significantly greater footprint of built form within the area identified as at risk of surface water flooding. In addition, the application proposes the removal of various outbuildings. The footprint of the proposed extension (c. 141sqm) would be less than the footprint of the existing extension and outbuildings to be removed (c. 161sqm). It is not considered that the development would exacerbate surface water flooding.
64. The Grantham Canal is located west of the site. In considering Policy 19 of the LPP2, the development would not be within 10 metres of this or any other watercourse.

Conclusion

65. Negotiations have taken place during the consideration of the application to address officer concerns regarding the scale and design of the extensions. Amendments have been made to the proposal which in the view of the officer addresses the identified adverse impacts, thereby resulting in a more acceptable scheme. For the reasons set out above it is considered that the development accords with the general national and local planning policies considered above and accordingly the application is before committee with a recommendation to grant planning permission.

RECOMMENDATION

It is RECOMMENDED that planning permission be granted subject to the following condition(s)

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

[To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004].

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

- 9046-01-0001- Site Location Plan
Received on 19th December 2024; and
- 9046-03-0001 PL4- Proposed Site Layout
- 9046-03-0100 PL6- Proposed Floor Plans
- 9046-03-0110 PL4- Proposed Roof Plan
- 9046-03-0200 PL5- Proposed Elevations
- 9046-03-0201 PL3- Proposed Sections
- Demolition plan

Received on 16th February 2026

[To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004].

3. The development hereby permitted shall not proceed beyond damp proof course level until details of the facing and roofing materials to be used on all external elevations have been submitted to and approved in writing by the Borough Council and the development shall only be undertaken in accordance with the materials so approved.

[To ensure a satisfactory appearance of development and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

4. No operations shall commence on site until the existing trees and hedges which are to be retained have been protected in accordance with BS: 5837:2012, details of which shall be first submitted to and approved in writing by the Borough Council. This protection shall be retained for the duration of the construction period. No materials, machinery or vehicles are to be stored or temporary buildings erected within the perimeter of the fence, nor is any excavation work to be undertaken within the confines of the fence without the written approval of the Borough Council. No changes of ground level shall be made within the protected area without the written approval of the Borough Council.

[To ensure a satisfactory appearance of development and to comply with policy 16 (Green Infrastructure, Landscape, Parks and Open Space) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Local Plan Part 2: Land and Planning Policies. This is a compliance pre-commencement condition which has been applied to ensure that the development does not harm the existing trees and their contribution to the character of the area].

5. No operations shall commence (including no demolition) on site until such time that a further bat survey of all buildings has been conducted in the peak season (May to September) immediately prior the planned commencement of works. Any requirements of the surveys shall be implemented thereafter in accordance with the approved details and timings.

[To conserve biodiversity and ensure appropriate mitigation measures in relation to protected species and to comply with policies 1 (Development Requirements) and 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Local Plan Part 2: land and Planning Policies].

6. Prior to the commencement of any alteration of the main dwelling (building B1) as part of the application hereby approved, a Bat Mitigation Strategy shall be submitted to and approved in writing by the Borough Council having regard to the details within the Preliminary Ecological Appraisal.

Thereafter the development shall be carried out in accordance with the details and timings of the mitigation measures as agreed. This shall include the installation of bat boxes in accordance with the agreed specifications and timings and their retention to the agreed specification for the lifetime of the development.

[To conserve biodiversity and to comply with policies 1 (Development Requirements) and 38 (Non-Designated Biodiversity Assets and the Wider

Ecological Network) of the Local Plan Part 2: land and Planning Policies].

7. Prior to the formation of any new areas of hardstanding as shown on drawing 9046-03-0001 PL4, details of the hard surfacing and method of construction within any root protection areas shall be submitted to and approved in writing by the Borough Council. This shall be constructed using a no-dig method of construction within the root protection areas in accordance with the details as approved.

[To ensure a satisfactory appearance of development and to comply with policy 16 (Green Infrastructure, Landscape, Parks and Open Space) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Local Plan Part 2: Land and Planning Policies].

8. The extensions hereby approved shall not be brought into use until the existing outbuildings shown on the schedule of demolition have been removed.

[To ensure a satisfactory appearance of development and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

9. Prior to the commencement of development, an ecological construction method statement incorporating reasonable avoidance measures (RAMs) in regard to Great Crested Newts shall be submitted to and approved in writing by the Borough Council. The works shall only be carried out in accordance with the details as approved.

[To conserve biodiversity and to comply with Policies 1 (Development Requirements) and 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Local Plan Part 2: land and Planning Policies].

Biodiversity Gain Condition

The development granted by this notice must not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan, or
- (c) the development is exempt from the biodiversity gain condition

Based on the information submitted in the planning application documents, the Planning Authority considers that this permission is exempt from biodiversity net gain under Regulation 5 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024 (householder exemption), and as such does not require approval of a biodiversity gain plan before development is begun.

Further information about this statutory condition is set out below within the notes.

NOTES TO APPLICANT

Biodiversity Net Gain Condition

Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 states that planning permission is deemed to have been granted subject to the "biodiversity gain condition" which means development granted by this notice must not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

Under Regulation 5 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024 the statutory biodiversity gain condition required by Schedule 7A to the Town and Country Planning Act 1990 (as amended) does not apply in relation to planning permission for development which:

- is the subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Based on the information submitted in the planning application documents, the Planning Authority considers that this permission is exempt from biodiversity net gain, and as such does not require approval of a biodiversity gain plan before development is begun.

Statutory exemptions and transitional arrangements

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These can be found at Paragraph: 003

Reference ID: 74-003-20240214 of the Planning Practice Guidance, which can be found at <https://www.gov.uk/guidance/biodiversity-net-gain>.

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.

Effect of Section 73(2D) of the 1990 Act

Under Section 73(2D) of the Town and Country Planning Act 1990 (as amended) where -

- (a) a biodiversity gain plan was approved in relation to the previous planning permission (“the earlier biodiversity gain plan”), and
- (b) the conditions subject to which the planning 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 within the meaning of regulations made under paragraph 18 of Schedule 7A, 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.

- the earlier biodiversity gain plan is regarded as approved for the purposes of paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended) in relation to the planning permission.

A mitigation licences from Natural England is likely to be needed for Bats. It is a legal requirement to obtain a licence where a protected species will be impacted.