3 Moat Lane, Perry, Cambridgeshire:

EXEMPTION: Householder Application

REASON FOR SELECTING EXEMPTION: The application is exempt from the general Biodiversity Gain Condition as set out by Regulation 5 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024. I state the following is true: I confirm that the development is for an existing dwellinghouse to improve the enjoyment of the dwellinghouse; I confirm that the dwellinghouse does not include any flats and is not a flat within a building; and I confirm that the application is not for a change of use or an application to change the number of dwellings in a building.

The application thus conforms with the definition of Householder Application set out in article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and is eligible for the exemption set out in Regulation 5"

# ELIGIBILITY OF A HOUSEHOLDER DEVELOPMENT FOR AN EXEMPTION FROM THE SCHEDULE 7A GENERAL BIODIVERSITY GAIN CONDITION

A Report by Joe's Blooms Ltd.

## Introduction

1. This report by Joe's Blooms Ltd sets out why an application for planning permission is eligible for an exemption from the general biodiversity gain condition ("mandatory biodiversity gain objective" or "objective"). Joe's Blooms is a company that specialises in helping developments comply with the mandatory biodiversity gain objective.

2. Throughout this document, the mandatory biodiversity gain objective is as set out in paragraph 13 ("general condition of planning permission") of Schedule 7A of The Town and Country Planning Act 1990 (as amended).

3. This report should be accompanied by a set of reasons for why the applicant believe they are exempt - this reason will have been generated based on the results of an assessment made by the applicant using Joe's Blooms' "Exemption Checker" service. Based on the information provided by the applicant (summarised in the Annex), **their application should be exempt from the general biodiversity gain condition by virtue of its compliance with Regulation 5 of The Biodiversity Gain Requirements (Exemptions) Regulations 2024.**

## Background on the application and the mandatory biodiversity gain objective

4. The development is located in England. Under the relevant regulations, every application for planning permission, which is first made after 12 February 2024 for major sites and 2 April 2024 for minor sites, for the development of land in England has to be granted subject to the development's compliance with the mandatory biodiversity gain objective.[1]

5. The only exemptions that are permitted are those that are set out directly in paragraph 17 of Schedule 7A of The Town and Country Planning Act 1990 (as amended) or regulations that are produced by the Secretary of State under that paragraph. Government documentation states that applicants who believe they are eligible for an exemption for Biodiversity Net Gain should provide reasons (and, where appropriate, evidence) for the exemption, enabling the local planning authority to consider whether the proposal is

[1] See (i) paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended); (ii) Regulation 3 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024; and (iii) Regulation 2 of The Environment Act 2021 (Commencement No. 8 and Transitional Provisions) Regulations 2024.

genuinely exempt at the validation stage. This report is intended to serve as evidence to support the reasons given by the applicant.

**Eligibility for a "Householder applications" exemption under Regulation 5 of The Biodiversity Gain Requirements (Exemptions) Regulations 2024**

6. Paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 (as amended) includes provisions for exemptions from the mandatory biodiversity gain objective, which provides for exemptions for "development of such... description as the Secretary of State may by regulations specify." Such regulations were issued under The Biodiversity Gain Requirements (Exemptions) Regulations 2024.

7. Regulation 5 of The Biodiversity Gain Requirements (Exemptions) Regulations 2024 states:

*"The biodiversity gain planning condition 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."*

8. The applicant was asked to provide relevant information about their development, including whether they conform with the definition of a householder application as set out in Article 2(1) of The Town and Country Planning (Development Management Procedure) (England) Order 2015, which states:

*"“Householder application” means— (a) 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, or (b) an application for any consent, agreement or approval required by or under a planning permission, development order or local development order in relation to such development… but does not include an application for change of udoes not include an application for change of use or an application to change the number of dwellings in a buildingse or an application to change the number of dwellings in a building*

9. Furthermore, Article 2(1) states that *“"dwellinghouse” does not include a building containing one or more flats, or a flat contained within such a building”*

10. Based on this information, and on the information provided by the applicant, it is the opinion of Joe's Blooms Ltd. that the development is exempt from the mandatory

biodiversity gain objective under Regulation 5 of The Biodiversity Gain Requirements (Exemptions) Regulations 2024:

a) The application for planning permission meets the criteria of being either for (a) an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse, or (b) an application for any consent, agreement or approval required by or under a planning permission, development order or local development order in relation to such development'; and
b) The application meets the criteria of not including any flats and not being a flat within a building; and
c) The application does not include an application for change of use or an application to change the number of dwellings in a building

11. It is our further assessment that no further reason or evidence is required to demonstrate the applicant's eligibility for an exemption for the mandatory biodiversity gain objective set out in Schedule 7A of The Town and Country Planning Act 1990.

**Disclaimer**

12. This report is provided as a supplementary source of information to accompany a set of reasons for an exemption from the BNG objective. That set of reasons was based on an assessment of the information provided by the applicant and is predicated on that information being complete and accurate.

13. This report only considers the development's eligibility for an exemption from mandatory Biodiversity Net Gain as set out under Schedule 7A of the Town and Country Planning Act 1990 (as amended). It does not consider other requirements beyond the mandatory Biodiversity Net Gain, which the development may or may not need to comply with, including requirements that may, notwithstanding the provisions of paragraph 17 of Schedule 7A, require the development to comply with elements of a different biodiversity net gain regime.

14. Joe's Blooms Ltd makes no warranty on the truthfulness or otherwise of the information that was provided by the applicant. Joe's Blooms Ltd are happy to discuss the contents of this report and the judgement reached in it. Questions can be sent to exemptionqueries@joesblooms.com and will be replied to within five working days.

**JOES BLOOMS LTD.**

**Annexe: Specific Circumstances of the Development**

| **General Eligibility for the General Biodiversity Net Gain Condition** | |
|---|---|
| Is the application for planning permission for development exempt by virtue of being located in England? | No |
| Is the application exempt because it was first made after 12 February 2024 (2 April 2024 for minor sites)? | No |
| **Specific exemptions from the General Biodiversity Net Gain Condition** | |
| Is the application for planning permission a householder application within the meaning of Article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015? | Yes |

*Please note that only one exemption has to be classed as "Yes" in order for the application to be exempt from the general Biodiversity Gain Condition.*