

## PLANNING COMMITTEE - Thursday 7 November 2024

**24/1161/FUL – Change of use of land to residential use in association with Fortunes Farm including extension and conversion of existing stable block to home office and gym at FORTUNES FARMHOUSE, HIGH ELMS LANE, ABBOTS LANGLEY, WATFORD, HERTFORDSHIRE, WD25 0JY**

Parish: Abbots Langley Parish Council                      Ward: Leavesden  
Expiry of Statutory Period: Agreed extension      Case Officer: Lauren Edwards  
11.11.2024.

**Recommendation:** That PLANNING PERMISSION BE GRANTED

Reason for consideration by the Committee: The agent for this application is a Three Rivers District Council Ward Councillor.

To view all documents forming part of this application please go to the following website:

[24/1161/FUL – Conversion and extension of existing stable block to home office and gym at FORTUNES FARMHOUSE, HIGH ELMS LANE, ABBOTS LANGLEY, WATFORD, HERTFORDSHIRE, WD25 0JY \(threerivers.gov.uk\)](https://www.threerivers.gov.uk/24/1161/FUL-%20Conversion%20and%20extension%20of%20existing%20stable%20block%20to%20home%20office%20and%20gym%20at%20FORTUNES%20FARMHOUSE,%20HIGH%20ELMS%20LANE,%20ABBOTS%20LANGLEY,%20WATFORD,%20HERTFORDSHIRE,%20WD25%200JY)

### 1 Update

1.1 This application was deferred by members at the planning committee meeting held on 12 September 2024. Concerns were raised by members in relation to the use of the building and as such additional information was sought. The agent for this application has provided some additional information with regards to the proposed use. This is summarised below:

- The applicants have a Pharmaceutical business and run a number of care homes.
- The proposed building is to support the management of these businesses.
- An existing office is provided in the main dwelling however the sensitive nature of the information requires separate spaces which is not conducive to the open nature of the family home.
- The outbuilding would allow each of the applicants to take immediate sensitive calls without the need to 'usher' the other out the room.
- On an ad hoc basis (once or twice a year) representatives from their pharmaceutical business would attend the site and discussions be held in the meeting room.
- Individual office space will also accommodate physical sensitive data that needs to be stored.
- The applicants go out on visits etc during the day and therefore for ease have proposed parking by the building to save walking down the main driveway.
- The detached nature of the building would support family living by 'work' being removed from the home.

1.2 Officers maintain the view that the proposed building would not be used to support a separate commercial business and can be controlled by condition as set out below. Whilst it is acknowledged that there could be some external visitors this would be infrequent and would not, as a matter of fact and degree, result in a material change of use or creation of a separate commercial use. External visitors would not be uncommon to a home office on

an infrequent basis. Were the nature of the use to change/escalate in the future condition C4 would be enforceable and express planning permission would be required. However on the basis of the information submitted it is considered that the use would be ancillary in nature.

## **2 Relevant Planning History**

- 2.1 08/1087/FUL - Erection of single storey building consisting of four stables and one hay store with associated hardstanding and waste storage – Refused for the following reason:

*R1 The proposed development would, by reason of its length, depth and extent of hard standing inappropriately spread urbanising development across the site to the detriment of the openness of the Metropolitan Green Belt contrary to Policies GB1 and GB7 of the Three Rivers Local Plan 1996 – 2011.*

*R2 The proposed development would by reason of its proximity to the adjacent Oak tree, detrimentally prejudice the continued survival of this tree identified as having local amenity value contrary to Policy N15 of the Three Rivers Local Plan 1996 – 2011.*

## **3 Description of Application Site**

- 3.1 The application site is a large triangular shaped plot located on the northern side of High Elms Lane, Abbots Langley. The application site has long driveway leading from High Elms Lane to the main dwelling. The main dwelling is a two storey detached dwelling with gable features and characterful detailing. The site has an existing tennis courts and garden to the north east within the curtilage of the dwelling.
- 3.2 To the south of the dwelling and east of the access is a parcel of land separated from the main curtilage by fencing. This land contains an existing detached wooden stable building and does not fall within the residential planning unit of the application site.
- 3.3 The application site is located within the Metropolitan Green Belt.

## **4 Description of Proposed Development**

- 4.1 The application seeks full planning permission for the change of use of land to residential use in association with Fortunes Farm including conversion and extension of existing stable block to home office and gym.
- 4.2 The proposal includes the infilling of the existing eaves overhang to increase the footprint of the main building. The existing open sections between the main portions of the existing building would also be infilled (these gaps are currently contained under one continuous roof form but are open sided). New pitched roofed canopies would be constructed over the two entrance doors.
- 4.3 PV panels would also be added to the eastern roofslope.
- 4.4 The building would be converted for use as a gym, store and home office. A row of new paving slabs would be laid around the perimeter of the building.
- 4.5 Two new parking spaces would also be provided to the south of the building which would be accessed from the main driveway.
- 4.6 Amended plans have been received to omit porch projections and to show the extent of hardsurfacing around the building. Furthermore the red line of the application site has been amended to solely pertain to the building and a small area around its perimeter. Post and rail fencing is also proposed around the edge of the red line boundary. The development description has been updated and a 21 day re-consultation undertaken.

## **5 Consultation**

### **5.1 Statutory Consultation**

5.1.1 Abbots Langley Parish Council: Had no comment to make.

5.1.2 National Grid:

*No objection, informative note required*

*We have received a notification from the LinesearchbeforeUdig (LSBUD) platform regarding a planning application that has been submitted which is in close proximity to our medium and low pressure assets. We have no objection to this proposal from a planning perspective, however we need you to take the following action.*

*What you need to do*

*To prevent damage to our assets or interference with our rights, please add the following Informative Note into the Decision Notice:*

*Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.*

*If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting [cadentgas.com/diversions](http://cadentgas.com/diversions)*

*Prior to carrying out works, including the construction of access points, please register on [www.linesearchbeforeudig.co.uk](http://www.linesearchbeforeudig.co.uk) to submit details of the planned works for review, ensuring requirements are adhered to.*

### **5.2 Public/Neighbour Consultation**

5.2.1 Number consulted: 3                      No of responses received: 1

5.2.2 Summary of response:

- The previous owner of the site has confirmed that they only used the stables for their own animals.

5.2.3 Site Notice: Expired 31.08.2024.

5.2.4 Press notice: Not required.

5.2.5 Summary of Responses: [No responses received]

## **6 Reason for Delay**

6.1 No Delay.

## **7 Relevant Planning Policy, Guidance and Legislation**

### **7.1 Legislation**

Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise as set out within S38(6) Planning and Compulsory Purchase Act 2004 and S70 of Town and Country Planning Act 1990).

The Localism Act received Royal Assent on 15 November 2011. The Growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

The Environment Act 2021.

## **7.2 Planning Policy and Guidance**

### National Planning Policy Framework and National Planning Practice Guidance

In December 2023 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits unless there is a clear reason for refusing the development (harm to a protected area).

### The Three Rivers Local Development Plan

The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP9, CP10, CP11 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM2, DM6, DM13 and Appendices 2 and 5.

### Other

The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

## **8 Planning Analysis**

### **8.1 Impact on Metropolitan Green Belt**

- 8.1.1 The application site is located within the Metropolitan Green Belt.
- 8.1.2 The fundamental aim of the Green Belt Policy is to prevent urban sprawl by keeping land permanently open and the essential characteristics of Green Belts are their openness and their permanence.
- 8.1.3 Paragraph 142 of the NPPF states that the Government attaches great importance to Green Belts. The essential characteristics of Green Belts are their openness and permanence. With regard to extensions to buildings in the Green Belt the NPPF stipulates that provided extensions or alterations of a building do not result in a disproportionate addition over and

above the size of the original building it would not be inappropriate. Inappropriate development by definition is harmful to the Green Belt.

- 8.1.4 The requirements of the NPPF are considered to reflect adopted policies of the Three Rivers District Council Local Plan. Core Strategy Policy CP11 sets out that there is a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purposes of including land within it. Policy DM2 of the Development Management Policies document relates to development within the Green Belt and sets out that extensions to buildings in the Green Belt that are disproportionate in size (individually or cumulatively) to the original building will not be permitted. The building's proximity and relationship to other buildings and whether it is already, or would become, prominent in the setting and whether it preserves the openness of the Green Belt will be taken into account.
- 8.1.5 Policy DM2 accords with the NPPF in relation to requirements for extensions to buildings. This policy also seeks to preserve openness and safeguard against encroachment for the re-use of buildings.
- 8.1.6 Paragraph 154 of the NPPF states that a Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt. However, it states that exceptions to this are:
- a) Buildings for agriculture and forestry;
  - b) Provision of appropriate facilities (in connection with the existing use of land or change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it
  - c) The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original buildings**
  - d) The replacement of a building, provided that the new building is in the same use and not materially larger than the one it replaces
  - e) Limited infilling in villages
  - f) Limited affordable housing for local community needs under policies set out in the Development Plan (including policies for rural exception sites) and;
  - g) Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) which would:
    - Not have a greater impact on the openness of the Green Belt than the existing development; or
    - Not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the Local Planning Authority.
- 8.1.7 Paragraph 155 of the NPPF also allows for certain other forms of development provided they preserve openness. These are:
- a) mineral extraction;
  - b) engineering operations;**
  - c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;

**d) the re-use of buildings provided that the buildings are of permanent and substantial construction;**

**e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and**

f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order

8.1.8 The proposal includes an extension to the existing building which is understood to be original. However, this would infill the existing eaves overhang and connect the existing three main sections of the building. As such the extensions would infill within the existing extent of the building. Therefore, the extensions would not be disproportionate to the original building. The extensions are, in isolation, therefore considered to be appropriate and as such would not impact openness.

8.1.9 The proposal also includes the conversion of the building into a home office, gym and store. A condition would be added to ensure the gym/home office is only used by the occupants of Fortunes Farm thus would limit the potential for any excessive intensification of its use. Whilst the building lies outside of the residential planning unit and therefore cannot be considered as an ancillary building overall the use would be comparable to this. The proposed hardstanding would be contained close to the footprint of the building and therefore would not give rise to encroachment of urbanising form into the open part of the site. As such the re-use of the building would therefore preserve openness and therefore would meet the exception of Paragraph 155 (d).

8.1.10 As the existing parcel of land on which the existing building is sited does not form part of the residential planning unit it cannot be considered as an ancillary building to the residential use. Thus change of use of the building and land are required. The NPPF allows for this so long as the proposal would preserve openness. For the reasons outlined above the use of the building would preserve openness and the extent of hardsurfacing would also be limited. As part of the application the red line boundary has been altered to pertain solely to the building and the immediate area around its perimeter. Post and rail fencing would be installed on the inward field side of the red line to prevent the spilling of residential usage into the open part of the field thus limiting the impact on openness and safeguarding the most open parcel of land from encroachment. A condition would secure the installation of the fencing and the red line extent would restrict the use of the remaining part of the field from becoming residential curtilage without express planning permission.

8.1.11 The proposed parking space would be considered as an engineering operation. Whilst it would include the addition of hardstanding this is not considered excessive in the context of the site such that there would be any significant adverse impact on openness.

8.1.12 In summary, the proposed development would meet the exceptions as set out within the NPPF and would therefore not comprise inappropriate development in the Green Belt. Overall would comply with Policy CP11 of the Core Strategy (October 2011), Policy DM2 of the Development Management Policies Document (October 2013) and the NPPF (December 2023).

8.2 Design and Impact on Character and Appearance of the host dwelling and wider streetscene.

8.2.1 Policy CP1 of the Core Strategy seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy relates to design and states that in seeking a high standard of design, the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'conserve and enhance natural and heritage assets'.

- 8.2.2 Policy DM1 and Appendix 2 of the Development Management Policies Local Development Document (adopted July 2013) set out that development should not lead to a gradual deterioration in the quality of the built environment, have a significant impact on the visual amenities of the area and that extensions should respect the existing character of the dwelling, particularly with regard to the roof form, positioning and style of windows and doors, and materials.
- 8.2.3 The proposal includes the extension of the eastern elevation of the building such that it would infill the existing eaves overhang and the existing gaps between the 3 main stable blocks. It is noted that some views of the building are possible from High Elms Lane. However the building remains set back over 20m into the site. Given this in addition to the infill nature of the extensions and that overall the building would retain a rural appearance without excessive glazing, subject to the use of matching materials, it is not considered that the resultant building would appear incongruous within the context of the site or area.
- 8.2.4 The new hardstanding would be contained to close to the perimeter of the building therefore mitigating any undue urbanising appearance. Furthermore the parking spaces would not appear as incongruous additions within the residential setting of the site.
- 8.2.5 The proposed building would be converted to a home office, store and gym. Whilst the rooms would be larger than an average home office or gym the ancillary nature of the use would need to be considered as a matter of fact and degree. When considered in the context of the size of the application site and dwelling the accommodation provided would be proportionate. The home office would support the homeowner's business to allow them to work from home. As set out above the red line boundary of the application site has also been amended to contain the change of use of land solely to the building and its immediate perimeter to safeguard excessive encroachment of residential usage into the open field and maintain the appearance of the use as being akin to an ancillary building. Having regard to this, and the additional information provided and set out in the 'Update' section at the start of this report, the proposed use is considered acceptable.
- 8.2.6 In summary, the proposed development would not result in any adverse harm to the character or appearance of the host dwelling or streetscene. The development would be acceptable in this regard in accordance with Policies CP1 and CP12 of the Core Strategy (2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (2013).
- 8.3 Impact on amenity of neighbours
- 8.3.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space' and Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in loss of light to the windows of neighbouring properties nor allow overlooking and should not be excessively prominent in relation to adjacent properties.
- 8.3.2 The closest residential neighbours to the building are located adjacent to the application dwelling which is some 70m from the building itself and Orchard House which is located approx. 50m to the south across High Elms Lane. Given the separation distances and that the proposal does not result in any significant increase in the infill nature of the proposed extensions it is not considered that the proposed development would result in any unacceptable harm to neighbouring amenity.
- 8.3.3 As such the development would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy (2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (2013).
- 8.4 Rear Garden Amenity Space Provision

8.4.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of amenity and garden space. Section 3 (Amenity Space) of Appendix 2 of the Development Management Policies document provides indicative levels of amenity/garden space provision.

8.4.2 The proposal would not result in the provision of any additional bedrooms or loss of existing amenity space.

#### 8.5 Wildlife and Biodiversity

8.5.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.

8.5.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies LDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application. The application is accompanied by a biodiversity checklist which states that no protected species or biodiversity interests will be affected as a result of the application. The Local Planning Authority is not aware of any records of protected species within the immediate area that would necessitate further surveying work being undertaken.

#### 8.6 Mandatory Biodiversity Net Gain

8.6.1 Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% of biodiversity value. This is subject to exemptions, and an exemption applies in relation to planning permission for a 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).

8.6.2 The applicant has confirmed that if permission is granted for the development to which this application relates the biodiversity gain condition would not apply because the application relates to householder development.

#### 8.7 Trees and Landscaping

8.7.1 Policy DM6 of the Development Management Policies LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.

8.7.2 The application site is not located within the Conservation Area nor are there any protected trees on or near the site. It is noted that there are a number of mature trees on site however owing to the infill nature of the proposed extensions and location of the proposed parking spaces south of the most significant trees it is not considered reasonable to require the submission of further details in this respect.

#### 8.8 Highways, Access and Parking

8.8.1 Core Strategy Policy CP10 (adopted October 2011) requires development to make adequate provision for all users, including car parking. Policy DM13 in the Development



Management Policies document (adopted July 2013) states that development should make provision for parking in accordance with the Parking Standards set out within Appendix 5.

- 8.8.2 The proposal would not result in the creation of any additional bedrooms. The existing driveway/frontage of the dwelling provides adequate parking however the proposal does include the provision of two additional parking spaces which would increase the site's overall provision of on site parking.

## **9 Recommendation**

- 9.1 That PLANNING PERMISSION BE GRANTED subject to the following conditions:

- C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004.

- C2 The development hereby permitted shall be carried out in accordance with the following approved plans: SK-100D and SK-101D

Reason: For the avoidance of doubt and in the proper interests of planning and in the interests of the visual amenities of the locality and the residential amenity of neighbouring occupiers, in accordance with Policies CP1, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM2, DM6, DM8, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

- C3 Unless specified on the approved plans, all new works or making good to the retained fabric shall be finished to match in size, colour, texture and profile those of the existing building.

Reason: To ensure that the external appearance of the building is satisfactory in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C4 The extended and converted building hereby permitted as a home office, domestic storage and gym, shall not be occupied or used at any time other than incidental to the enjoyment of, and ancillary to, the residential dwelling located on the site (as enclosed within the blue line on drawing number 2393-SK-101 Rev D).

Reason: The creation of a separate and independent unit or commercial use would not comply with Policies CP1, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM2 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C5 Prior to the first occupation of the development hereby permitted the fencing shall be installed as more particularly shown on plan number SK-101D. The fencing shall be retained in that condition thereafter.

Reason: To prevent the spilling of residential usage into the open part of the field thus limiting the impact on openness and safeguarding the most open parcel of land from encroachment in accordance with Policy CP11 of the Core Strategy (adopted October 2011) and Policy DM2 of the Development Management Policies LDD (adopted July 2013).

- 9.2 Informatives

- I1 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £116 per request (or £34 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 0208 207 7456 or at [buildingcontrol@hertfordshirebc.co.uk](mailto:buildingcontrol@hertfordshirebc.co.uk) who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at [www.hertfordshirebc.co.uk](http://www.hertfordshirebc.co.uk).

Community Infrastructure Levy (CIL) - If your development is liable for CIL payments, it is a requirement under Regulation 67 (1) of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work.

- 12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority suggested modifications to the development during the course of the application and the applicant and/or their agent submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- 14 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition") that development may not begin unless:
  - a) a Biodiversity Gain Plan has been submitted to the planning authority, and
  - b) the planning authority has approved the plan.

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 Three Rivers District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not apply.

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 the following statutory exemption or transitional arrangement is considered to apply.

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.

Where the local planning authority considers that the permission falls within paragraph 19 of Schedule 7A to the Town and Country Planning Act 1990, 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 apply.

Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun, and, if subject to phased development, before each phase of development may be begun.

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.

More information can be found in the Planning Practice Guidance online at <https://www.gov.uk/guidance/biodiversity-net-gain>.

- 15 Due to the presence of National Grid apparatus in proximity to the application site, the Applicant should contact National Grid before any works are carried out to ensure National Grid apparatus is not affected by any of the proposed works. Further 'Essential Guidance' can be found on the National Grid website at [www.nationalgrid.com](http://www.nationalgrid.com) or by contacting National Grid on 0800688588.