

## PLANNING COMMITTEE – Thursday 18 June 2026

**26/0325/RSP – Part Retrospective: Erection of raised terrace area including associated steps, landscaping and plant room following alterations to existing rear patio, plant room and hard surfacing at Sandalwood, 7a Wolsey Road, Moor Park, Northwood, HA6 2HN.**

Parish: Batchworth Community Council  
Expiry of Statutory Period: 24.04.2026  
Extension of Time Agreed: 23.06.2026

Ward: Moor Park and Eastbury  
Case Officer: Alannah Stringer

Recommendation: That Part Retrospective Planning Permission be approved subject to conditions.

Reason for consideration by the Committee: The application has been brought in to committee at the request of Batchworth Community Council and Moor Park 1958 Ltd, given concerns and objections over impact on neighbours and ongoing planning enforcement.

To view all documents forming part of this application please go to the following website:  
[26/0325/RSP | Part Retrospective: Erection of raised terrace area including associated steps, landscaping and plant room following alterations to existing rear patio, plant room and hard surfacing | Sandalwood 7A Wolsey Road Moor Park Northwood Hertfordshire HA6 2HN](#)

### 1 Relevant Planning and Enforcement History

- 1.1 20/2292/FUL - Part single, part two storey rear extension, first floor side extension, loft conversion including increase in ridge height, rear dormer windows to the rear, erection of porch, alterations to fenestration, render to exterior, new rear patio and alterations to driveway - Permitted - 30.12.2020.
- 1.2 **21/1370/FUL** - Variation of Condition 2 (Approved Plans) of planning permission 20/2292/FUL: (Part single, part two storey rear extension, first floor side extension, loft conversion including increase in ridge height, rear dormer windows to the rear, erection of porch, alterations to fenestration, render to exterior, new rear patio and alterations to driveway) to include alterations to fenestration - Permitted - 27.07.2021.
- 1.3 21/2425/FUL - Variation of Conditions 2 (Approved Plans) and 4 (Materials) of planning permission 21/1370/FUL: To include additional rear dormer, alterations to fenestration and change to materials - Permitted and implemented (with the exception of the rear patio and fenestration changes) - 10.01.2022.
- 1.4 22/0566/RSP - Part Retrospective: Formation and raising of terrace to rear garden and introduction of privacy screen - Withdrawn - 21.04.2022.
- 1.5 22/1309/RSP – Part Retrospective: Alterations to raised rear patio and rear garden levels including addition of plant room, boundary treatment and installation of privacy screens – Refused - 01.03.2023, for the following reason:

*R1: The raised rear patio including the plant room results in unacceptable levels of overlooking to the neighbouring property at No.9 Wolsey Road which significantly erodes their privacy levels and therefore has a detrimental impact on their living conditions. In addition the proposed introduction of privacy screens by virtue of their siting, height and nature combined with the scale of the raised patio results in an un-neighbourly and overbearing form of development which would have a harmful impact on the visual amenity of the neighbouring occupiers at No.9 Wolsey Road. The development is therefore contrary*

*to Policy 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).*

- 1.6 23/0747/RSP - Part Retrospective: Part single, part two storey rear extension, first floor side extension, loft conversion including increase in ridge height, rear dormer windows to the rear, erection of porch, alterations to fenestration, render to exterior and alterations to driveway. Permitted 22.08.2023.
- 1.7 25/1700/FUL - Demolition of the existing plant room building and construction of replacement plant room with pitched roof and erection of steps and new glazed balustrade. TRDC exercised its statutory power to decline to determine planning application. 10.10.2025.
- 1.8 25/1872/FUL - Alterations to existing rear patio and plant room - subsequent to dismissed Appeals ref: APP/P1940/C/23/3327298 and APP/P1940/D/23/3320782 to include removal of the existing plant room building and construction of alternative plant room with pitched roof together with alterations to existing raised access / patio areas / steps and new glazed balustrade. New boundary screening. TRDC exercised its statutory power to decline to determine planning application. 06.11.2025.
- 1.9 21/0167/COMP: Enforcement Investigation: Works not in accordance with planning permission 21/1370/FUL including land level alterations and erection of air conditioning units. An enforcement notice has been served and upheld at appeal. The notice has not been complied with and is subject to an on-going legal investigation.

## **2 Description of Application Site**

- 2.1 The application site contains an extended two storey detached dwelling located on the northeastern side of Wolsey Road within the Moor Park Conservation Area.
- 2.2 The dwelling is a modern infill development between No.7 and No.9. The streetscene of Wolsey Road comprises detached dwellings of varied architectural design, located on relatively large plots. The application dwelling is however constructed close to the southeastern boundary. The land levels of the site drop from the front to the rear and the rear amenity space provision contains a number of mature trees.
- 2.3 The neighbouring property to the southeast (No.9) is also constructed close to the common boundary. No.9 sits forward of the rear most point of the application dwelling and is set on a slightly lower land level. The neighbouring property to the northwest, No.7, is set in a significant distance from the flank boundary, has a similar rear building line to the rear most point of the application dwelling and has a large bay window in the flank elevation facing the application site.
- 2.4 The unauthorised raised patio, plant room and associated concrete steps and surrounding concrete base remain in situ; however, it is of note that works are underway to remove the surrounding concrete base and concrete steps, as observed during site visits undertaken by several officers.

## **3 Description of Proposed Development**

- 3.1 This planning application seeks part retrospective planning permission for the erection of raised terrace area including associated steps, landscaping and plant room following alterations to existing rear patio, plant room and hard surfacing.
- 3.2 The raised patio in situ measures 1.4m in height, 4.2m in depth and 13.1m in width; there is a recessed raised patio to the rear of the side extension which is approximately 1.4m in height and abuts the existing plant room which would also be demolished as a result of the

proposal. The alterations to the patio include the removal of the existing concrete steps (as required by the enforcement notice) and installation of a set of concrete steps sited centrally, which provide access to the land level of the garden lawn. To the flanks of the raised patio 1.8m mixed native hedging is proposed. Glass balustrades would also extend the depth of the patio to the flank adjacent to No.7 Wolsey Road, and partially to the rearmost edge.

- 3.3 The application proposal includes the removal of the unauthorised concrete base/hardstanding, and alterations to the land levels where the concrete base is situated. At present, the concrete base is raised marginally above the garden level and raps around the raised patio to the recessed side extension. The proposed alterations to land levels include the removal of the built-up composite, and reduction in height of the land levels by between approximately 0.5m and 0.1m, to lower than the pre-existing level.
- 3.4 The application proposes the removal of the unauthorised plant room, and the installation of a plant room abutting the southeast flank of the raised patio, which would measure approximately 1.5m in width, 13m in depth and a maximum height of 2.4m. The plant room would set in from shared boundary with the adjacent neighbour by approximately 6.2m. As above, the raised patio abutting the recessed side extension would be removed and replaced with steps down to the ground level from the rear elevation.
- 3.5 The table below compares the proposed development, to the previously approved development, and the unauthorised development in situ.

<b>Current Proposal (26/0325/RSP)</b>	<b>Previously Approved Patio (20/2292/FUL)</b>
<p><b>Raised Patio Measurements:</b></p> <p>Depth 4.2m. Width 13.1m <b>Max. Height 1.4m*</b></p> <p><i>The depth would be reduced to 4.2m as a result of the removal of the two sets of concrete steps and projection.</i></p> <p>Screening: Mixed native hedging permanently maintained at a min. height of 1.8m. Glass balustrades.</p>	<p><b>Raised Patio Measurements:</b></p> <p>Approved Depth 5.2m. Approved Width 13.6m Approved Height 1m.</p> <p>Screening: Raised planters and 1.8m high close boarded timber fencing.</p>
<p><i>*It is acknowledged that the height of the raised patio as originally approved was 1m (as per the Officer's Report and the Inspectors Decision). Notwithstanding this, as shown on the comparative plans and expanded upon within the Overview/ Principle of Development Section of this report, the raised patio as proposed and as originally approved is set to (and projects at a level from) the ground floor level of the dwelling.</i></p>	
<p><b>Raised Patio to Rear of Ground Floor Garage:</b></p> <p>Wholly removed and replaced with steps down to the lower ground level.</p> <p>Steps:</p> <p>Max Height: 1.4m Max Depth: 1.5m.</p>	<p><b>Raised Patio to Rear of Ground Floor Garage.</b></p> <p>A 1.4m deep raised area sited to the rear of the side projection.</p>
<p><b>Concrete steps:</b></p>	<p><b>Concrete Steps:</b></p>

<p>Located to the centre of the raised patio. Height approx. 1.4. Depth (projecting from rear of raised patio) approx. 1.5m. (Concrete steps in situ to be demolished).</p>	<p>Located to the centre of the raised patio. Height approx. 1m Depth approx. 1.8m (projecting 0.6m beyond rear elevation of raised patio)</p>
<p><b>Lower hardstanding/ concrete base:</b></p> <p>Concrete base in situ wholly removed; land levels reduced to below pre-existing level; application proposes hardstanding in L-Shape with new lawn between hardstanding and boundary with No.9 and lawn re-laid to rear of raised patio.</p>	<p><b>No lower hardstanding/ concrete base:</b></p> <p>Hardstanding/ pathway extending from flank of host dwelling to rear of garden, running along the shared boundary with No. 9 Wolsey Road approved.</p>
<p><b>Plant Room:</b></p> <p>Width 1.5m Depth 6.5m</p> <p>Monopitch Roof: Eaves Height 2m Ridge Height 2.4.</p> <p>Distance to shared boundary with No. 9 Wolsey Road: 6.2m.</p>	<p><b>No Plant Room</b></p> <p>Raised level of patio to the rear of the main aspect of the dwelling extends 1.4m beyond flank towards No.9 Wolsey Road (approved). Set approx. 2.3m from shared boundary.</p>
<p><b>Land Levels/ Alterations:</b></p> <p>Land level reduced to below pre-existing.</p>	<p><b>Land Levels/ Alterations:</b></p> <p>Alterations to land levels approved.</p>

3.6 To better understand the differences described above, plan extracts are included in the **Overview/ Principle of Development** Section of this report [**paras 8.1.1 – 8.1.9**].

3.7 Following ongoing discussions with the agent and owners, amended plans were submitted during the course of the application which:

- Corrected discrepancies on the plans
- Amended the proposed hedging to mixed native hedging
- Removed a substantial portion of the lower hardstanding abutting the boundary of 9 Wolsey Road.
- Clarified the land level alterations and proposed a reduction in the land level between 9 Wolsey Road and the raised patio to below the pre-existing levels.

#### **4 Consultation**

4.1 National Grid (Gas): No response received.

4.2 Batchworth Community Council:

Response 1: 07.04.26 [No Objection]

*BCC discussed and noted this application.*

Response 2: 23.04.26 [Updated Comments – Objection and Call In]

*UPDATED Consultee Comment from Batchworth Community Council:*

*Upon reflection and review BCC very strongly objects to this application. It is another application in a saga that has been ongoing since the approved application 20/2292/FUL was not complied with.*

*Patio and garden levels along with other changes were not in accordance with the approved plans and designs. This was highlighted by TRDC with an enforcement notice 21/0167/COMP.*

*In 2022 a retrospective application 22/1309/RSP to permit the raised patio was refused. An appeal against the refusal in 2023 (23/0021/REF) was dismissed as was an appeal against the 23/0034/ENFNOT against the raised patio enforcement notice.*

*This new application is another attempt to circumnavigate the planning rules and processes. Nothing has changed since the patio was built unlawfully in 2022-23. It is still unlawful and the applicant has scant regard for neighbours' privacy. This application must be refused and any further attempt should be dismissed until the enforcement is acted upon.*

#### 4.3 Moor Park 1958 Ltd:

*The Committee had Objections to this application on the following grounds and wish to CALL IN, unless the Officers are minded to refuse.*

*The Directors of Moor Park (1958) Limited note the contents of this application and that some steps have been made to address some of the observations of the Inspector in the recent Appeal Decisions dismissing the application and upholding the Enforcement Notice. However, the major issues still exist and accordingly we strongly object to this proposal.*

*It is noted that the plant room has been moved to be slightly further away from the boundary with No 9 and the roof format has been changed so that it would not be accessible as a flat roof, however it is also noted that whilst the Inspector was concerned by the increase in the height of the patio beyond that previously approved, which was thought to be between 0.4m to 0.63m higher than previously approved this has not been addressed and the increase in depth of the patio by 1.4m has not been addressed either.*

*The Inspector identified the loss of privacy to No.9 as a result of the patio not being in accordance with the approved plans and raised concerns about the suggestion of privacy screening and the impact this would have on neighbours. It is noted that the current application, on some plans does not have privacy screening, however the proposed rear elevation still shows screening on the sides! However, on the Proposed South Elevation it would appear that 'hedging' is being provided on top of the patio. This is supported by the site and floor plans. No information has been provided as to how an adequate depth of soil is going to be provided to maintain such planting, nor how such planting will be maintained with an adequate supply of moisture as the hedging is not being planted in the ground.*

*It is also not understood that distance steps extend out into the garden from the patio has been reduced in from those that exist, but it is not understood how this is being achieved as the height of the patio itself has not been reduced.*

*It is not considered that the current application has addressed the major concerns raised by the Inspector in his Decision letter with respect to loss of privacy to neighbours, and with conflicting information being provided on the plans and lack of information relating to how hedging is to be maintained situated on top of the patio and going to be maintained and not die and be lost, and the patio not being reduced to its originally approved depth permission we object to the proposal.*

## 5 **Public/Neighbour Consultation**

- 5.1.1 Number consulted: 6.
- 5.1.2 No of responses received: 2
- 5.1.3 Site Notice: Posted: 03.04.2026. Expired: 25.04.2026.
- 5.1.4 Press notice: Published: 03.04.2026
- 5.1.5 Summary of responses: 1 Objection:

*Concerns were raised regarding the following:*

- *Significant negative impact on neighbouring amenity by virtue of overlooking which would also negatively impact the well-being of neighbours.*
- *The level of overlooking would be greater than that established in the fallback position.*
- *The development would be overbearing and visually intrusive and a lack of screening between the properties along the boundary (damaged hedge)*
- *The proposed development is a dominant expansion of the rear patio area which results in unacceptable levels of harm to neighbouring properties.*
- *It is requested the new rear patio area to the rear of the ground floor garage is removed as this will have a significant impact on the residential amenity of No. 9.*
- *Significant concerns regarding increased footfall and more frequently used vantage points along the boundary resulting in greater overlooking.*
- *Concerns regarding maintenance of the proposed hedging/ screening – the use of hedging for screening is against local policy and cannot be relied upon to prevent overlooking.*
- *No.9 Wolsey Road is at a lower land level and the 'new raised patio' area would result in direct overlooking, and would likely be used for socialising and events.*
- *The cumulative impact of unlawful works have resulted in significant detriment and should be considered in the planning balance, these include:*
  - *Walk out area to rear on to roof.*
  - *No obscure glass to side elevation*
  - *4 panel windows rather than a 3 panel window on the front elevation which overlooks the bathroom*
  - *Depth of patio is 1.4m greater and 2.5m wider than approved*
  - *Height of patio is 0.5m higher than approved.*
- *In addition, the land levels have been raised across the garden*
- *Damage to the hedge to the shared boundary resulting in greater overlooking. Reliance on screening to this shared boundary should be afforded no weight as the hedge is not within the ownership of the applicant.*
- *The development would be in clear contravention of the Council's policies and should be refused.*

## **6 Reason for Delay**

- 6.1 Amended plans received to omit a proportion of the hardstanding between the raised patio and shared boundary with No. 9 Wolsey Road, and to clarify the alterations to land levels (reduction in land level).

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

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

In December 2024 the National Planning Policy Framework was updated. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. 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).

S72 of Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving or enhancing the character or appearance of conservation areas.

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 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, CP3, CP9, CP10, 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, DM3, DM6, DM13 and Appendices 2 and 5.

The Batchworth Neighbourhood Plan 2023-2038 (Referendum Version, January 2025). Relevant policies include Policies BW GB1 and BW DE1 and Appendix 1 (Design Code). Moor Park is defined as Character Area 5.

The Moor Park Conservation Area Appraisal (2006)

## 8 Planning Analysis

### 8.1 Overview/ Principle of Development

8.1.1 Planning permission was granted under planning application 20/2292/FUL for various works and extensions to the house. The previous description of the development (where relevant to the development proposed within the current application) is included below:

*The development would also include **alterations to land levels to the rear and creation of a raised patio to the rear. The patio and raised planter area would project a total of 5.2m beyond the rear line of the extension and have a width of 13.6m to cover the width of the main aspect of the dwelling. A 1.4m deep raised area would be sited to the rear of the side projection.***

8.1.2 During the course of the build, a complaint was received which alleged that the works were not in accordance with the planning permission 21/1370/FUL, including land level alterations and erection of air condition units. An Enforcement Case was opened (Council Ref. 21/0167/COMP). Following a number of site visits, several breaches of planning control were identified by Officer's, which the Owners have since attempted to formalise via several planning applications.

8.1.3 Two further applications for variations to the above approved scheme were approved (application references 21/1370/FUL and 21/2425/FUL; however, these did not include amendments to the raised patio, steps or landscaping).

8.1.4 Following ongoing correspondence with the owner(s) and agent(s), a part-retrospective planning application 22/0566/RSP for alterations to raised rear patio and rear garden levels including addition of plant room, boundary treatment and installation of privacy screens was submitted, and subsequently refused on 01 March 2023 due to the impact on neighbouring amenity (see para 1.5 for the full reason for refusal).

8.1.5 Following the refusal of the application, an Enforcement Notice was served on 25 July 2023 which set out two options for the required actions:

#### Option 1

1. *Remove the enclosed plant room, raised rear patio including associated concrete steps (x2) and concrete base (as shaded in blue on the attached photographs).*
2. *Following compliance with the above step, remove from the Land all debris and waste materials resulting from the above requirements.*

#### Option 2

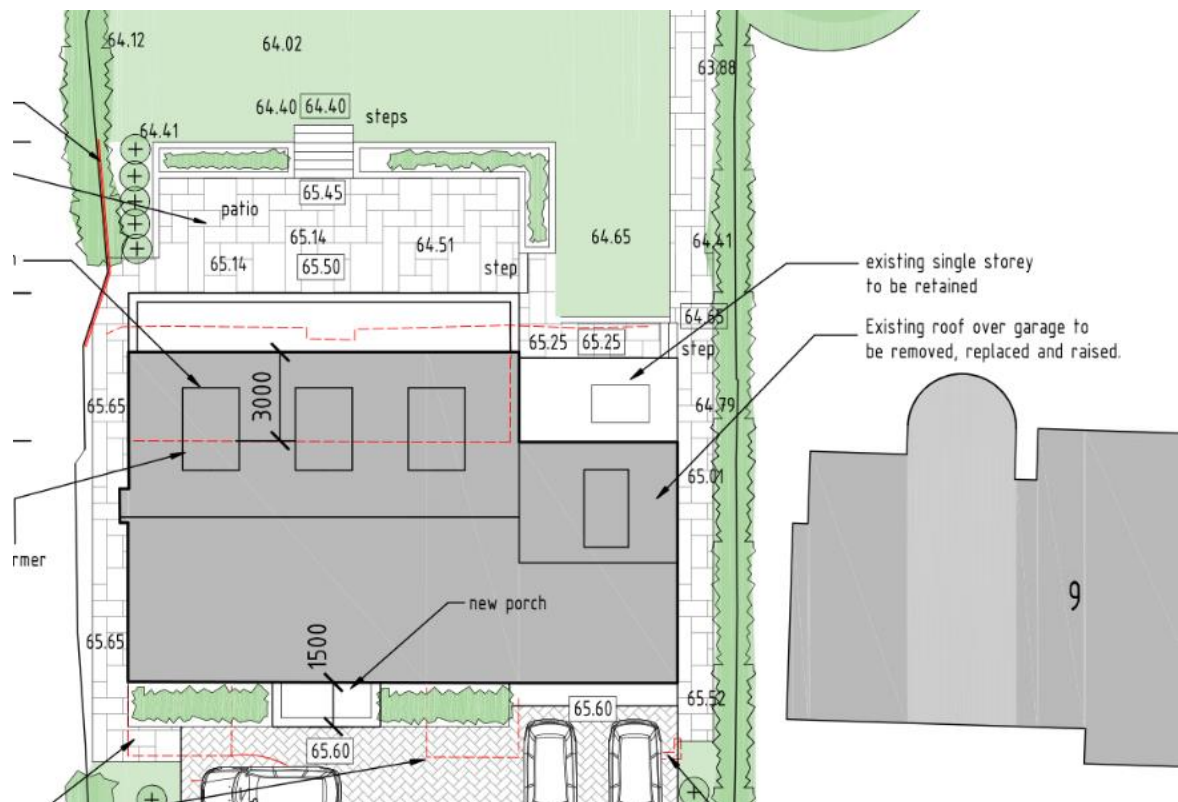
1. *Remove the plant room, concrete steps (x2) and concrete base (as shared in blue on the attached photographs).*
2. *Following compliance with Step 1 above, construct a raised patio so it fully accords with the approved plans that form part of the Planning Permission: drawing reference 1360/P/2 M (Proposed Floor Plans and Elevations) and 1360/P/3 H (Proposed Site Layout and Location Plan).*

3. Following compliance with the above Steps, erect a 1.8m high timber privacy screen for the length of the patio and planters as shown by the solid red line on the attached drawing reference 1360/P/3 H (Proposed Site Layout and Location Plan)
4. Following compliance with the above Steps, remove from the land all debris and waste materials resulting from the above requirements.

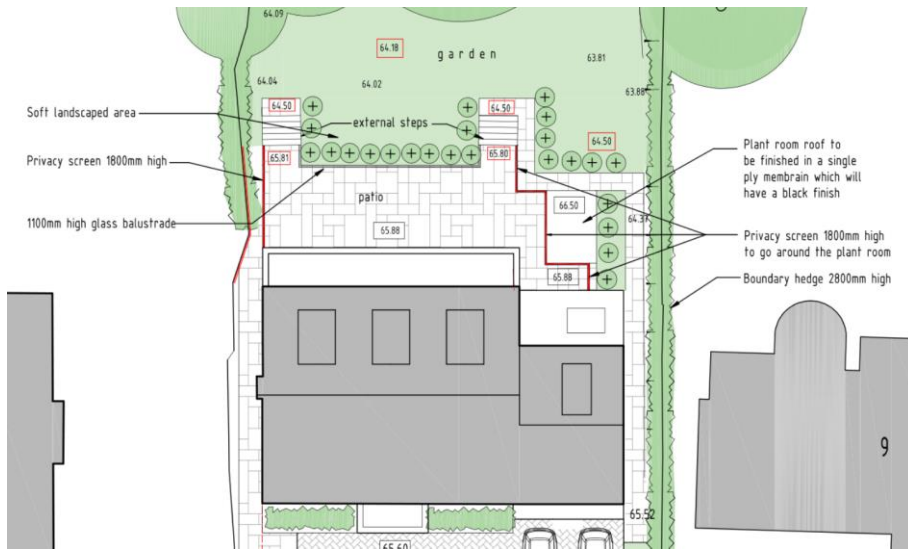
8.1.6 In turn, the applicants subsequently appealed the decision to refuse planning permission (22/1309/RSP) and the enforcement notice (21/0167/COMP). Both appeals were dismissed, and the enforcement notice was upheld, on 03 June 2025. The appeal decision is appended to this report.

8.1.7 **Within the Inspector's Decision**, the main issue highlighted was the effect of the development on the living conditions of the occupiers of the neighbouring property, No.9 Wolsey Road, giving particular regard to the impact on privacy and outlook.

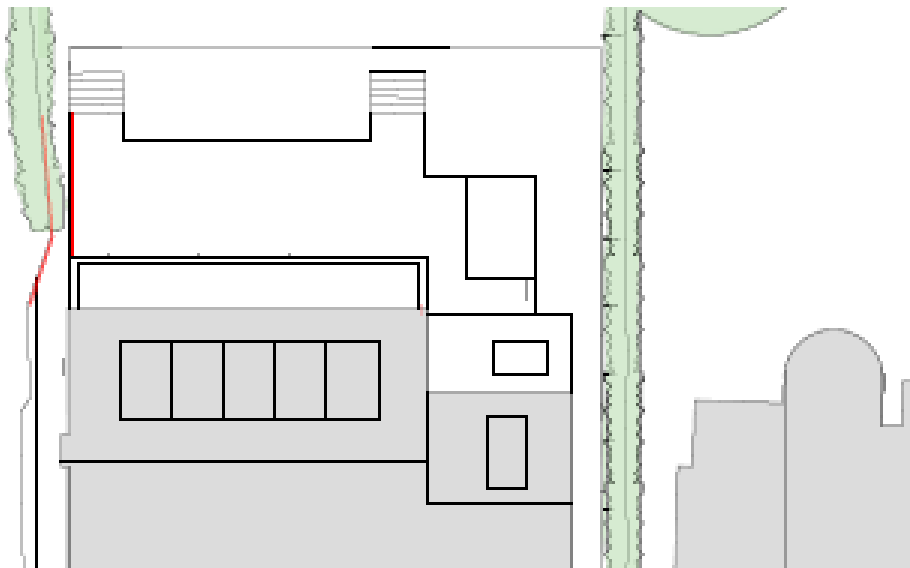
8.1.8 **The extracts from plans and photographs below** illustrate the differences between the proposed development, previously approved development, and the unauthorised development in situ:



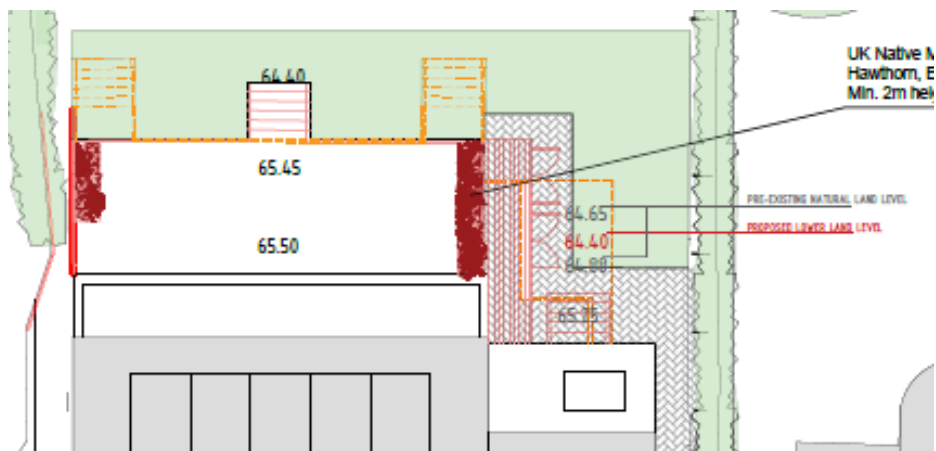
1 - Raised Patio Approved under 21/2425 (20/2292/FUL)



2 - 22/1309/RSP Proposed Site Plan - Refused



3 - Existing Site Plan 26/0325/RSP

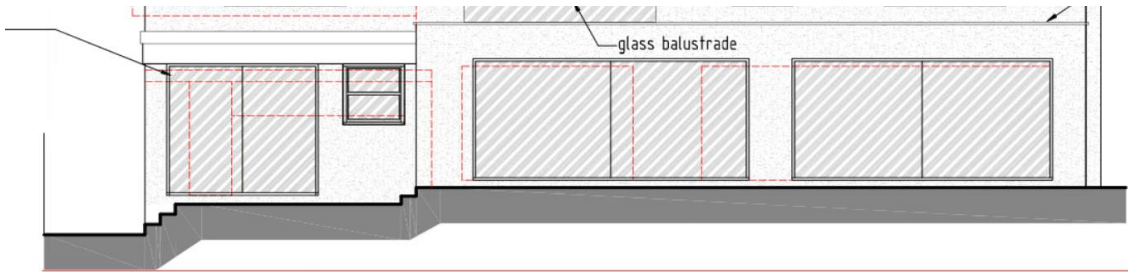


4 - Proposed Site Plan 26/0325/RSP

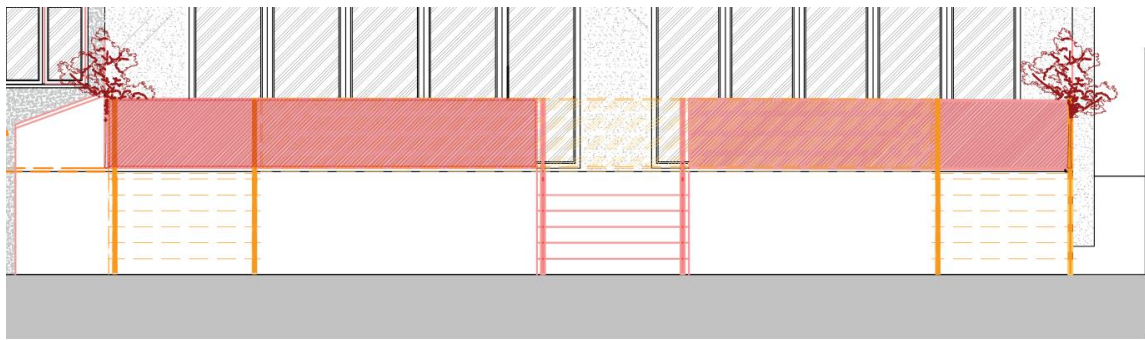
8.1.9 As a raised patio has previously been granted, as described at the beginning of this report, **it is considered that the principle of the acceptability of a raised patio to the rear of**

**the dwelling has been established.** In addition, the Enforcement Notice is in place and requires the applicants to construct the patio as indicated via Figure 1 above. As such, **it is considered that the previously approved raised patio and screening is a material planning consideration and would form the baseline of assessment.**

8.1.10 Furthermore, with regards to the height of the raised patio, it is also considered that the principal of a raised patio level with the floor level of the rear extension has also been established, as indicated on the plans below:

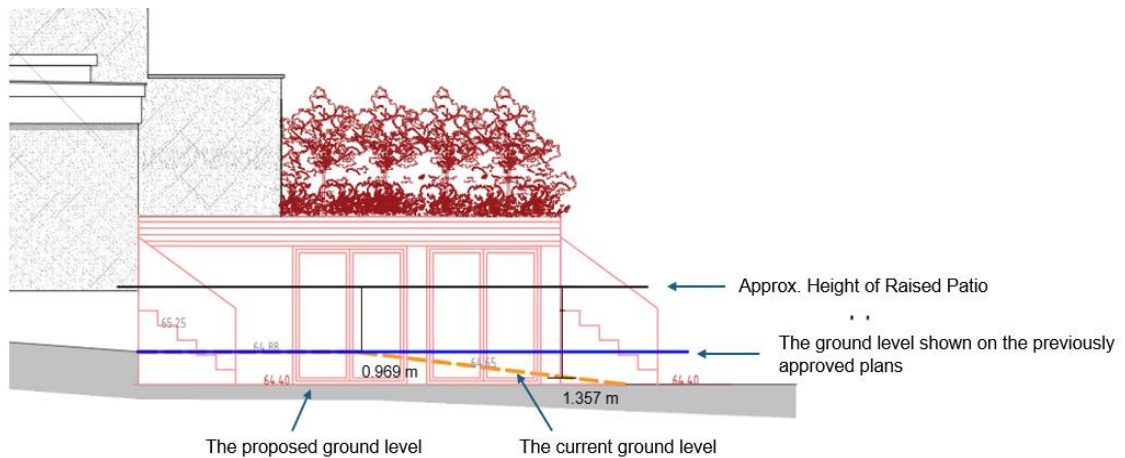


5 - Raised Patio Near to Floor Level [Proposed Rear Elevation] 21/2425 (20/2292/FUL)



6 - Raised Patio Near to Floor Level [Proposed Rear Elevation] 26/0325/RSP

8.1.11 The discrepancies between the previously approved height and the proposed height (and height in situ) appears to be related to the adjacent land levels, as can be seen on the comparison between the previously approved and proposed plans below:



\*Officer annotation of the proposed plans submitted with the current application.

## 8.2 Design and Impact on the Host Dwelling, Street Scene and Conservation Area

- 8.2.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness. Policy CP12 of the Core Strategy states that development should '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.
- 8.2.3 With specific regard to the proposed development, the Design Criteria within Appendix 2 of the DMP LDD (2013) sets out guidance for extensions to properties. Generally, extensions must not be excessively prominent, respect the character of the dwelling and street scene and not result in a loss of light to, or overlooking of, neighbours.
- 8.2.4 Policy DM3 of the Development Management Policies LDD relates to Conservation Areas and advises that development should preserve or enhance the character and appearance of the Conservation Area. The Moor Park Conservation Area Appraisal is also relevant and provides specific advice in order to retain the special character and appearance of the area.
- 8.2.5 Policy BW DE1 sets out that new development in the Batchworth Neighbourhood Plan area shall be based upon a design-led approach to development underpinned by good practice principles and reflecting a thorough site appraisal and respond positively to guidance and principles established in the Batchworth Neighbourhood Design Code.
- 8.2.6 A number of comments have been received during the course of the application; however, these primarily relate to the perceived impact on neighbouring amenity and do not relate to the design and impact on the host dwelling, street scene or Conservation Area. The raised patio including associated steps, landscaping and plant room following alterations to existing rear patio, plant room and hard surfacing would be sited wholly to the rear of the property. Whilst the Conservation Officer has not been formally consulted on this application, no previous objections have been raised to the principal, siting or scale of the previously approved (20/2292/FUL) raised patio by either Moor Park 1958 Ltd or the Conservation Officer. The proposed patio, steps, plant room and hard surfacing would be located wholly to the rear of the property and would broadly reflect the character and design of the host dwelling. Furthermore, it is of note that there was a pre-existing patio in situ prior to the original development being undertaken, and the patio as approved via planning application 20/2292/FUL was of a similar siting, scale and design, albeit 0.4m lower in height. As such, no objections are raised to the proposed alterations to the raised patio, and it is not considered that this element of the development would result in harm to the special character or appearance of the Moor Park Conservation Area.
- 8.2.7 The proposed plant room would be of a limited scale and would extend approximately 1.5m from the flank of the raised patio towards the southwest boundary. The plant room would have a monopitch roof, and it is considered that the plantroom would largely blend into the overall existing and proposed development, as such it is not considered that such harm would result from this element of the proposal on the grounds of character. Furthermore, the proposed planting would soften the appearance of the plant room, patio and associated hardstanding, and the plant room would be set in from the adjacent shared boundary by approximately 6.2m, such that although the application site is at a slightly elevated land level comparative to the neighbouring property, it is not considered this would result in overtly prominent development. The impact of the proposed development on neighbouring properties is considered explicitly in the following section.

8.2.8 In summary, the proposed development would not result in any adverse harm to the character or appearance of the host dwelling, street scene or wider area. The development would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy (2011) and Policy DM1, DM3 and Appendix 2 of the Development Management Policies LDD (2013) and the Batchworth Neighbourhood Plan 2023-2038 (Referendum Version, January 2025).

### 8.3 Impact on 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 of disposition of privacy, prospect, amenity and garden space'.

8.3.2 Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in the loss of light to the windows of neighbouring properties nor allow overlooking and should not be excessively prominent in relation to adjacent properties.

8.3.3 A number of concerns have been raised regarding the perceived unneighbourly impact of the proposed development, which are set out from Para. 4.2 – 5.1.5 of this report. A brief overview of the objections and the main areas of concern raised by Batchworth Community Council, Moor Park 1958 Ltd and Neighbours are set out below for ease of reference:

1. Non-compliance with enforcement notice and previous planning permissions; application is an attempt to circumvent enforcement and planning procedures.
2. The proposed patio is higher and of a greater depth than the previously approved application 20/2292/FUL.
3. Plans are inaccurate/ conflicting.
4. Hedging maintenance is unclear and landscaping cannot be relied upon for screening.
5. Unacceptable levels of harm to neighbouring amenity by virtue of overlooking and prominence; exaggerated by footfall and socialising/events to lower patio.
6. Lower patio and plant room should be removed in its entirety.

8.3.4 With specific regard to (1) – as set out in the Relevant Planning and Enforcement History section of this report, TRDC has previously exercised its statutory powers to decline to determine a planning application twice in 2025 (applications 25/1700/FUL and 25/1872/FUL). Following further revisions to the proposal, it was considered that the current proposal was sufficiently different to the development in situ such that the application could proceed to validation and assessment to be determined in line with Local and National Policies and all other material planning considerations. Further to the submission of the application, additional amendments were requested and received, which has resulted in the removal of a substantial proportion of the lower patio area adjacent to the boundary abutting No.9 Wolsey Road. It is also of note that Enforcement Notice remains active and has not been withdrawn and is being dealt via the proper procedures and practices via Planning Enforcement Officer's. As established within the Overview/ Principle of Development section of the report, the works required by the Enforcement Notice will form a material planning consideration in the determination of this application.

8.3.5 With specific regard to (2), as set out within the table within Section 3: Description of Proposed Development of this report, the proposed patio which is located to the rear of the main aspect of the dwellinghouse would have a depth of approximately 4.2m which is approximately 1m shorter than the raised patio previously approved via application (20/2292/FUL); the height of the proposed patio would appear approximately 0.4m greater

in height than that which was previously approved due to the alterations to the adjacent garden land levels (which are depicted within the Overview/Principle of Development Section of this report), and the overall width would be approximately 0.5m less than approved.

- 8.3.6 It is acknowledged in accordance with (3) that the original plans submitted were inaccurate with differing depths shown, and the landscaping/ screening inaccurately depicted across different plans. Following ongoing discussions with the applicant and agents, amended plans have been provided which clarify these discrepancies.
- 8.3.7 Points 4 – 6 will be addressed in the following analysis.
- 8.3.8 As above, the current proposal would appear approximately 0.4m greater in height given the alterations to the adjacent land levels; however, the patio would be approximately level with the ground level of the rear extension, as previously approved. In addition, the proposed patio would be 1m shorter in depth; the distance from the adjacent boundary to No.9 Wolsley Road would be approximately 7.4m, which is the same as that which was previously approved. With regards to the increase in height, the Inspector for the Planning Appeal 3327298 and 3320782 set out in their Decision to dismiss the appeals and uphold the enforcement notice, the following:

*11. 'Having viewed the development and its surroundings from the raised patio and having viewed the development from the indoor and outdoor space to the rear of the neighbouring property, No. 9, I consider that the significant height of the raised rear patio provide those who use it the opportunity to overlook the neighbouring property. Furthermore, being flat roofed, the plant room provides an elevated platform on which to stand or site and this would further exacerbate this situation. While there is natural screening in place, this does not alleviate the issue particularly when the distance between the appeal development and the neighbouring property is limited.*

*12. Overall, I find that the appeal development erodes the neighbouring occupier' personal space and is harmful to their privacy, particularly as both the conservatory and patio are positioned close to the common boundary with the appeal site. While, as suggested by the appeal, the use of the plant room roof could cease by the installation of a privacy screen, and use of screening may well mitigate the loss of privacy to a degree, this would likely have a negative impact on the amount and quality of natural light to No.9. Furthermore, the proposed introduction of 1.8m privacy screens, by virtue of their positioning atop the raised patio and their collective height, would result in an unneighbourly and overbearing form of development which would have a harmful impact on the outlook of the neighbouring occupiers, particularly those at No.9.*

*13. While I consider that the increase in the height of the garden levels between 0.3m and 0.6m does not facilitate overlooking... the development as a whole is contrary to Policy...'*

- 8.3.9 The Officers Report for the original proposal (20/2292/FUL) set out the following regarding the raised patio and associated screening:

*The development includes a raised patio to the rear of the dwelling. The proposed raised patio would have a height of approximately 1m above the existing adjacent land levels. The proposed patio would be set in approximately 7.4m from the boundary with No.9 which would prevent unacceptable overlooking into this neighbouring property. The patio aspect to the rear of the southwestern elevation would be of the same height as existing and would be of a depth that would only provide access and would not permit unacceptable overlooking into No.9. In relation to No.7 the proposed patio would be set higher and closer to the boundary with this neighbouring property. The plans indicate fencing that would prevent overlooking into*

*No.9 however that fencing did not exist on site and is not shown on the proposed floor plans and would be required to be constructed along the flank of the patio. As such, any planning permission would require details of a screen to be submitted prior to first occupation to prevent overlooking from the patio into No.7. The screen would be set in from the common boundary and only cover a depth of 2.7m thus would not harm to the Conservation Area or amenities of the neighbouring properties.*

8.3.10 The key differences between the refused scheme and the proposed development are set out below:

- Plant Room Proposed: Set 6.2m from boundary; monopitch roof, narrow (roof inaccessible).  
Plant Room Refused: Set 3.2m from boundary; flat roof (acts as patio extension)
- Raised Patio Proposed: Set 7.4m from boundary; mixed native hedging screening; patio to rear of garage demolished/removed. 1.4m height. Max depth 4.2m.  
Raised Patio Refused: 5.9m from boundary; 1.8m timber screening; raised patio to rear of garage sited approx. 3.6m from boundary. 1.4m height. Max depth 5.2m.
- External Steps Proposed: Centrally located.
- External Steps Refused: Located abutting the flanks of the raised patio.

8.3.11 As part of the application, the existing walk out area to the rear of the patio doors to the southwest side extension at the ground floor would be removed and replaced with steps down to a lowered ground level. It is considered that the stairs would act as a passing point between the dwelling and the garden and would not allow for unacceptable or continued levels of overlooking towards No. 9 Wolsey Road. Given the location of the proposed steps, it is not considered that this would result in harm to No. 7 Wolsey Road.

8.3.12 At the bottom of the stairs, it is proposed that the land level is reduced by between approximately 0.5m and 0.1m and an L-Shaped hardstanding walkway is proposed. This walkway would wrap around the bottom of the stairs from the flank of the property and would then run parallel to the proposed plant room. Given that the proposed walkway would extend approximately 0.7m beyond the rear of the proposed steps and extend 1.2m beyond the plant room towards the shared boundary with No.9 Wolsey Road, it is not considered that this element of the proposed would result unacceptable levels of overlooking. As set out in the Inspectors Decision, an extract of which is included above, the height of the garden level was not considered to result in overlooking; further to this, the application proposes that a lowered ground level is re-instated to ensure any perceived impact is mitigated. Whilst concerns that this area would be used for socialising, the scheme has been amended so that the patio area adjacent to the boundary with No.9 Wolsey Road is proposed to be wholly removed and replaced with lawn, which would further reduce the perception of overlooking from this area. Although the future use of the lawned area cannot be confirmed, the removal of the patio is considered to sufficiently mitigate the perception of overlooking from the lowered vantage point. It is also noted that the previously approved application allowed a hardstanding footpath to extend the entire depth of the boundary, and it is considered that the proposal would be a material improvement on these circumstances.

8.3.13 Abutting the raised patio a narrow plant room is proposed. The plant room would front towards the neighbouring boundary; however, the room is not habitable and would comprise of plant equipment for the functioning of the dwelling (i.e. gas and electrics), and therefore no overlooking would occur as a result of the location of the plant room. It is also considered that the set back from the boundary and design of the plant room is such that it would not appear overbearing nor prominent. The proposed plant room would result in the removal of the existing unauthorised plant room, and would not have roof access, which would ensure that there are no walk-out or accessible raised levels within 7.4m of the shared boundary with No.9.

- 8.3.14 The proposed alterations to the raised patio would result an increased set back from the adjacent shared boundary to a maximum distance of 7.4m. This is as per the distance which was previously approved via application 20/2292/FUL. Whilst the proposed raised patio would maintain a depth of 4.2m, this would be representing a 1m decrease in depth compared to the aforementioned permission. Given the decrease in depth, and that the perceived increase in height of 0.4m relates primarily to alterations in land levels and would be similarly situated as per the previously approved plans, the development is not considered to result in such harm by virtue of overlooking, subject to a condition which ensures that sufficient screening is installed to the flank boundary of the raised patio.
- 8.3.15 Although it is acknowledged that the height of the raised patio contributed to the Inspector's reasons to dismiss the appeal, the discrepancies in height have been explored above, and a substantial proportion of the patio between the flank of the rear extension and the shared boundary with 9 Wolsey Road would be removed as a result of the proposal such that the circumstances are materially different, and the raised patio would be set in some additional 3m from the shared boundary. Given the material change in circumstances, and the proposed screening, it is not considered that the proposed development would result in materially greater harm than the previously approved proposal, which is a material planning consideration and establishes the principal of development. Furthermore, whilst comments stating that hedging cannot be relied upon for satisfactory screening, the proposed mixed native hedging is considered to be sufficient for the purposes of preventing overlooking, subject to a condition that this is implemented prior to the first use of the patio and given the increased distance from the shared boundary. In addition to the above, the concrete steps in situ are to be demolished and replaced with central steps which would create additional mitigation to the perception of mass and overlooking.
- 8.3.16 As such, it is considered that the proposed scheme is materially different to that which was previously refused and would represent a material improvement with regard to screening comparative to the previously approved application. In addition, the proposed alterations are also considered to represent an overall improvement on the works required by the enforcement notice.
- 8.3.17 In summary, the proposed development would not result in any adverse impact on the residential amenity of any neighbouring occupier, and the development would therefore be acceptable 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).

#### 8.4 Biodiversity

- 8.4.1 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.
- 8.4.2 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 document. 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. A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected because of the application.
- 8.4.3 In summary, the proposed development is acceptable in accordance with Policy CP9 of the Core Strategy (adopted 2011) and Policy DM6 of the Development Management Policies document (adopted 2013).

## 8.5 Mandatory Biodiversity Net Gain

- 8.5.1 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).
- 8.5.2 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.

## 8.6 Trees and Landscaping

- 8.6.1 Policy DM6 of the DMP 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. The application site is located within a Conservation Area and there are protected trees within 5m of the proposed land level alterations and zones where demolition is required to take place to relay lawn. As such, it is considered appropriate to attach a pre-commencement condition requiring the submission of Tree Protection Plan to be approved in writing by the Local Planning Authority.
- 8.6.2 Furthermore, given that the installation of native hedging is required for screening purposes to adequately safeguard neighbouring amenity, it is also considered appropriate to attach a condition requiring the submission of a soft landscaping and maintenance plan including details of all proposed species, their initial planting height and future maintenance (to ensure the planting is maintained at a level above 1.8m for the landscaping on the raised patio) within 14 days of the granting of any subsequent permission. The requirement of submission within 14 days is considered reasonable and appropriate given the harm resulting from the existing development which is required to be removed by the active Enforcement Notice (of which the compliance date has been exceeded), and that which would result from the proposed raised patio without satisfactory screening.

## 8.7 Rear Amenity

- 8.7.1 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.
- 8.7.2 The proposed development would not increase the number of bedrooms nor alter the amount of amenity space retained. As such, the application is acceptable in this regard.

## 8.8 Highways and parking provision

- 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 No alterations are proposed to the existing parking arrangements, and no additional bedrooms are proposed as part of this application. As such, the application is acceptable in this regard.

## 9 Recommendation

9.1.1 That **PART RETROSPECTIVE PLANNING PERMISSION BE GRANTED** subject to the following conditions:

C1 The development hereby permitted which has not taken place as of yet shall be carried out in accordance with the following approved plans: 5755 PL003 - REV F, 5755 PL001 - REV D, 5755-PL002 REV C.

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 Within 14 days from the date of the decision, a soft landscaping and maintenance plan including details of all proposed species, their initial planting height and future maintenance (to ensure the planting is maintained at a level above 1.8m) for the landscaping on the raised patio shall be submitted to and approved in writing by the Local Planning Authority.

All landscaping works required by the agreed soft landscaping and maintenance plan shall be carried out within THREE MONTHS from the date of the decision hereby permitted and shall be maintained thereafter including the replacement of any trees or plants which die, are removed or become seriously damaged or diseased in the next planting season with others of a similar size or species as initially agreed within the soft landscaping and maintenance plan.

Reason: In order to safeguard the residential amenities of No.9 and to ensure that all elevated landscaping is satisfactorily maintained in the interests of the visual amenity of the area, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM3, DM6 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C3 No operations (including tree felling, pruning, demolition works, soil moving, temporary access construction, or any other operation involving the use of motorised vehicles or construction machinery) whatsoever shall commence on site in connection with the development hereby approved until the branch structure and trunks of all trees shown to be retained and all other trees not indicated as to be removed and their root systems have been protected from any damage during site works, in accordance with a scheme designed in accordance with BS5837:2012, to be submitted to and approved in writing by the Local Planning Authority.

The protective measures, including fencing, shall be undertaken in full accordance with the approved scheme before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained as approved until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.

Reason: This condition is a pre commencement condition to ensure that no development takes place until appropriate measures are taken to prevent damage being caused to trees during construction and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C4 Within 3 months from the date of decision, the following actions shall be undertaken:

a) The existing lower patio/ concrete base, plant room, concrete steps and raised

patio to the rear of the side extension, as shown on the Existing Site Plan [Drawing No. 5755-PL001 Rev D] and Existing Elevations [Drawing No. 5755-EX003 Rev A] shall be physically removed.

- b) Following compliance with the above, all debris and waste materials resulting from the above requirements are to be removed from the application site and disposed of lawfully.
- c) Following the completion of step a), the proposed raised patio will be made good, as shown on the following plans: 5755 PL003 - REV F, 5755 PL001 - REV D, 5755-PL002 REV C.
- d) Following the making good of the raised patio as per step c), the land levels will be physically reduced to the approved land level and lower hardstanding altered and lawn re-laid, as shown on 5755 PL001 - REV D plan.
- e) On completion of the above steps, the proposed glass balustrades and mixed native planting (screening) shall be physically installed and maintained in perpetuity as illustrated on 5755 PL003 - REV F, 5755 PL001 - REV D, 5755-PL002 REV C plans.

C5 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 prevent the building being constructed in inappropriate materials in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

#### 9.12 **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 £145 per request (or £43 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 01438 879990 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) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this ([cil@threerivers.gov.uk](mailto:cil@threerivers.gov.uk)). If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions IF relief has been granted.

Following the grant of planning permission by the Local Planning Authority it is accepted that new issues may arise post determination, which require modification of the approved plans. Please note that regardless of the reason for these changes, where these modifications are fundamental or substantial, a new planning application will need to be submitted. Where less substantial changes are proposed, the following options are available to applicants:

{b (a)} Making a Non-Material Amendment

{b (b)} Amending the conditions attached to the planning permission, including seeking to make minor material amendments (otherwise known as a section 73 application).

It is important that any modifications to a planning permission are formalised before works commence otherwise your planning permission may be unlawful and therefore could be subject to enforcement action. In addition, please be aware that changes to a development previously granted by the LPA may affect any previous Community Infrastructure Levy (CIL) owed or exemption granted by the Council. If you are in any doubt whether the new/amended development is now liable for CIL you are advised to contact the Community Infrastructure Levy Officer (01923 776611) for clarification. Information regarding CIL can be found on the Three Rivers website (<https://www.threerivers.gov.uk/services/planning/community-infrastructure-levy>).

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. Further information on how to incorporate changes to reduce your energy and water use is available at: <https://www.threerivers.gov.uk/services/environment-climate-emergency/home-energy-efficiency-sustainable-living#Greening%20your%20home>

- 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>.