



## **BIODIVERSITY NET GAIN EXEMPTION STATEMENT**

**99 Atbara Road, Teddington, TW11 9PA**

**Planning application for the erection of a new detached dwelling  
following the demolition of the existing dwelling**

**PREPARED BY  
FIONA JONES BSc (Hons) BTP MRTPI**

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## 1.0 Introduction

- 1.1 The statement below is provided to demonstrate that if planning permission is granted at 99 Atbara Road in Teddington for the erection of a new detached dwelling (following the demolition of the existing building), that it would not be subject to the biodiversity gain planning condition as set out in paragraph 13 (general condition of planning permission) of Schedule 7A to the Town and Country Planning Act 1990. The reason for this is because the house is a self build/custom build house and is thus exempt from needing to comply with the Biodiversity Gain Requirements.

## 2.0 Legislation

- 2.1 The Biodiversity Gain Requirements (Exemptions) Regulations 2024 came into force on 12<sup>th</sup> February 2024 and set out the following for Self-build and custom build applications within section 8:

(1) The biodiversity gain planning condition does not apply in relation to planning permission for development which—

(a) consists of no more than 9 dwellings;

(b) is carried out on a site which has an area no larger than 0.5 hectares; and

**(c) consists exclusively of dwellings which are self-build or custom housebuilding.**

(2) In this regulation “self-build or custom housebuilding” has the same meaning as in section 1(A1) of the Self-build and Custom Housebuilding Act 2015(a).

[our emphasis]

- 2.2 The definition set out in 1(A1) of the Self-build and Custom Housebuilding Act 2015(a) (which was inserted by section 9(1) of the Housing and Planning Act 2016) is as follows:

*In this Act “self-build and custom housebuilding” means the building or completion by—*

*(a) individuals,*

*(b) associations of individuals, or*

*(c) persons working with or for individuals or associations of individuals, of houses to be occupied as homes by those individuals.*

*(A2) But it does not include the building of a house on a plot acquired from a person who builds the house wholly or mainly to plans or specifications decided or offered by that person.*

### **3.0 National Planning Policy Guidance (NPPG)**

3.1 Paragraph: 016 Reference ID: 57-016-20210208 of the NPPG provides the following guidance:

*The Housing and Planning Act does not distinguish between self-build and custom housebuilding and provides that both are where an individual, an association of individuals, or persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals.*

*In considering whether a home is a self-build or custom build home, relevant authorities must be satisfied that the initial owner of the home will have primary input into its final design and layout.*

*Off-plan housing, homes purchased at the plan stage prior to construction and without input into the design and layout from the buyer, are not considered to meet the definition of self-build and custom housing.*

*The Community Infrastructure Levy Regulations 2010 allow for certain development such as self-build and custom build housing to apply for an exemption from the levy and guidance provides a definition of self-build and custom build housing for that purpose. Self-build and custom build multi-unit and communal schemes can also qualify for the exemption where they meet the required criteria.*

### **4.0 Whether this application is for a Self Build Home**

4.1 In this case, the land is owned by Mr and Mrs McDaid. In 2022, they approached Extension Plans Architects to design them a home which would replace their existing non-energy efficient home. The house has been designed with the layout to Mr and Mrs McDaid's instructions.

4.2 Within the Community Infrastructure Levy Form, the applicants confirmed at question 5 for Exemption or Relief that they wish to claim for a self build exemption for a whole

new house and will submit Form 7 following the grant of planning permission and prior to the commencement of development.

- 4.3 As set out above, the applicants have demonstrated that this is a self-build / custom build home, as the initial owners of the home have had primary input into the final design and layout.
- 4.4 It is therefore concluded that this application should be exempt from a biodiversity net gain condition.