



# Planning Update November 2024

- **Agenda**
- Development Management Team Structure
- Biodiversity Net Gain introduction
- Changes to Agricultural Permitted Development Rights
- Housing Land Supply and implications for planning.
- Q&A inc programme for future meetings

**Andy Wood – Director of Place**

**Ed Freeman – Assistant Director of Planning Strategy and Development Management**

**Wendy Ormsby – Development Manager. Nick Wright – Economy Practice Manager. Rob Edis – Building Control Manager**

<b>Cranbrook and new Communities</b>	<b>West</b>	<b>Central</b>	<b>East</b>	<b>Householder</b>
Thea Billiter – Team Leader	Vacant Post – Team Leader	Gareth Stephenson – Team Leader	Jeremy Ebdon – Team Leader	Emerald McGuire-Febey
James Brown – Senior Planner	Paul Golding – Senior Planner	Nigel Barratt – Senior Planner	Charlie McCullough – Senior Planner	Zoe Gage (4 days)
Liam Fisher – Senior Planner	Lynne Shwenn – Senior Planner (3 days)	Jill Himsworth – Planning Officer	Andrew Digby – Senior Planner	Jack Richards
Ben Chesters – Senior Planner	Jamie Quinton – Senior Planner	Callum Moir – Planning Officer	Marjorie Planner – Planning Officer	Tina Song-Ashdown
Chris Hariades – Landscape Architect	Nicola White – planning Officer	Jacqueline Webster – Planning Enforcement Officer	David Cocker – Planning Enforcement Officer	Matt Gerry - Technical Officer
Kenji Shermer – Urban Designer	Stephen Sartain – Planning Enforcement Officer			
<b>Conservation</b>		<b>Planning Obligations</b>		
Sarah Leete-Groves – Conservation officer		Jonathan Smith – Team leader		
Maureen Pearce (2 days) – Conservation officer		Carolle House – CIL Officer		
Trina Rees – Conservation support officer		John Llewellyn - CIL Officer		
Susan Brooks – Conservation officer		Melissa Wall – S106 Monitoring Officer		
		George Paddon – Support Officer		
		Yashna Badal - S106 Monitoring Officer (agency)		
		Mary-Ellen Munnely - CIL Officer (agency)		



- **Biodiversity Net Gain (BNG)**
  - What is BNG?
  - What applications are subject to the BNG requirement?
  - What is the biodiversity gain condition?
  - What is the biodiversity gain hierarchy?
  - What is the biodiversity gain plan?
  - How do you measure BNG?
  - How do you secure BNG?

A photograph of a bat in flight, its wings spread wide, against a dark background. The bat is positioned on the left side of the frame. In the upper left corner, there are several green leaves, some in focus and some blurred. The overall scene is dimly lit, highlighting the bat's form and the texture of its wings.

- **What is BNG?**

- 10% net gain measured against baseline habitat biodiversity value
- Net gain requirement means in effect 110% BNG provision (replacement of what is lost + 10%)
- Schedule 7A Town and Country Planning Act forms basic framework for regime



- **What is Exempt?**

- Application made pre-12 February 2024
- Section 73 applications (VAR)
- Section 73A applications (Retrospective)
- De minimus impact
- Householder applications
- Biodiversity gain site development
- Self and custom build
- Development order



- **What is the BNG Condition?**
- Paragraph 13(1) of Schedule 7A TCPA
- Paragraph 13(2):
  - “(2)The condition is that the development may not be begun unless-
    - (a)a biodiversity gain plan has been submitted to the planning authority (see paragraph 14), and
    - (b)the planning authority has approved the plan.”
  - Modified in the case of phased development
  - **Cannot be formally submitted before permission is granted**



- **What is the BNG Hierarchy?**

- Article 37A of the Town and Country Planning (Development Management Procedure) (England) Order 2015

- Onsite habitats which have a medium, high and very high distinctiveness (a score of four or more according to the statutory metric), avoiding adverse effects from development and, if adverse effects cannot be avoided, mitigating those effects; then

- In relation to all onsite habitats which are adversely affected by the development, adverse effects should be compensated by prioritising, in this order of priority where possible:

- enhancement of existing onsite habitats,
- creation of new onsite habitats,
- allocation of registered offsite gains and finally
- purchase of statutory biodiversity credits.



- **How do you Secure BNG?**

- Onsite but not significant: Normal landscaping conditions

- Onsite and significant: either:

- Condition
- S.106
- Conservation covenant

- Offsite:

- S.106
- Conservation covenant


- Statutory credit generated when purchased.





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## **Recent changes to Agricultural Permitted Development**



- **Class Q –Agricultural buildings to Residential**

- Number of dwellings increased from 5 to 10
- Floorspace increased from 865m<sup>2</sup> to 1000m<sup>2</sup>
- Cap reduced from 465m<sup>2</sup> to 150m<sup>2</sup> per dwelling
- Nationally Described Space Standards apply
- No longer solely used for agriculture (Clarkson's Clause?)
- Timestamp moved to 24th July 2023 if active (otherwise 10 years)
- Suitable existing access to a public highway
- Single storey extensions to rear by 4m if hard surfaced on or before 24th July 2023
- Protrusions up to 20cm for windows, doors, cladding etc



- **Class R - Agricultural buildings to a "flexible use"**

- Previously use classes B8 (storage and distribution)

- C1 (hotels)

- E (commercial business or service)

- F.2(c) (outdoor sport or recreation)

- And agricultural training

- Now adds Use Class B2 (raw goods, excluding livestock, produced and sold on site)

- Floorspace increased from 500m<sup>2</sup> to 1,000m<sup>2</sup>

## Part 6, Class A – Increase in size of agricultural buildings (>5ha)

- For any building erected, extended or altered
- Ground area limit increased from 1,000m<sup>2</sup> to 1,250m<sup>2</sup>

## Part 6, Class B – Increase in size of agricultural extensions (<5ha)

- For any building extended or altered
- Cubic content limited increased from 20% to 25%
- Ground area limit increased from 1,000m<sup>2</sup> to 1,250m<sup>2</sup>





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## • Housing land Supply

- Five year Housing Land Supply
- Tilted balance: Presumption in favour of sustainable development/ NPPF 4/5 years
- Local Plan Review
- Neighbourhood Plan allocations
- Housing Position Statement
- Housing delivery

Any  
Questions?

