

<b>Application Number:</b>	P/FUL/2024/04028		
<b>Webpage:</b>	<a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>		
<b>Site address:</b>	Plot 3 North Dorset Business Park Rolls Mill Way Sturminster Newton DT10 2GA		
<b>Proposal:</b>	Erection of industrial building		
<b>Applicant name:</b>	Rose Engineering (South West) Ltd		
<b>Case Officer:</b>	Steven Banks		
<b>Ward Member(s):</b>	Cllr Carole Jones		
<b>Publicity expiry date:</b>	19 September 2024	<b>Officer site visit date:</b>	N/A
<b>Decision due date:</b>	19 September 2024	<b>Ext(s) of time:</b>	06/02/2025
<b>No of Site Notices:</b>	2		
<b>SN displayed reasoning:</b>	The site notices were displayed in order to publicise the application.		

#### 1.0 Reason application is going to committee

This application is to be determined by a planning committee because the application site comprises of land which is owned by Dorset Council.

#### 2.0 Summary of recommendation:

Grant planning permission subject to conditions.

#### 3.0 Reason for the recommendation:

- The proposal would create employment.
- The proposal would respect the character of the area.
- The proposal would not have an unacceptable impact on highway safety or the efficiency of the transport network.
- The proposal would not harm biodiversity.
- An acceptable level of residential amenity would result.
- The proposal would not result in an increase in flood risk.

#### 4.0 Key planning issues

Issue	Conclusion
Principle of development	The principle of development is accepted due to the nature and location of the proposal.
Character and appearance	The proposed building, by reason of its form, scale, materials, and positioning, would maintain the distinctive character of the area.

Living conditions	<p>Given the proximity, of the residential properties, to the proposed building, it is recommended that conditions, relating to operating hours and the use of machinery outside of the units of the building, should be imposed on any permission.</p> <p>Subject to the imposition of the recommended conditions, on any permission, the proposal would comply with policy 25 of the Local Plan which aims to protect residential amenity.</p>
Highway Safety	<p>There would not be an unacceptable impact on highway safety or the road network.</p> <p>A sufficient level of parking is proposed.</p>
Flood risk	<p>The proposal, by reason of its nature and design, would not result in an increase in flood risk.</p>
Economic benefits	<p>The proposal, by reason of its nature, would create employment.</p>
Biodiversity	<p>The proposal, by reason of its location, would not harm biodiversity.</p>

## 5.0 Description of Site

The application site comprises of a relatively flat piece of land which forms part of the southern part of the North Dorset Business Park, which can be found to the north of the A357 and approximately 4 miles to the southwest of Sturminster Newton. Industrial units are a notable characteristic of the area surrounding the application site. A container storage yard and scaffolding storage yard can be found within the North Dorset Business Park. Residential development can be found to the southwest of the application site and public right of way N53/70 can be found to the south of the application site.

The site, which measures approximately 0.17 hectares, falls within the settlement boundary of Sturminster Newton.

The application site comprises of a small amount of land which has been assessed as having an annual probability of flooding from surface water of: 1 in 30 (3.3%); 1 in 100 (1%); 1 in 1,000 (0.1%); 1 in 100 (1%), plus a 20% allowance for climate change; and 1 in 100 (1%), plus a 40% allowance for climate change.

The site also comprises of land which has been assessed as being susceptible to flooding from groundwater.

## 6.0 Description of Development

In application P/FUL/2024/04028 it is proposed to construct a building which comprises of five industrial units. The units are identified as 3C, 3D, 3E, 3F and 3G. Unit 3C measures, internally, approximately 252.7 square metres. Unit 3D measures, internally, approximately 123 square metres. Unit 3E measures, internally, approximately 125.3 square metres. Unit 3F measures, internally, approximately 123 square metres. Unit 3G measures, internally, approximately 125.3 square metres. The internal floorspace of the building measures approximately 749.3 square metres. The building measures approximately 31.7m long and 25m wide. The distance between ground level and the eaves of the building is approximately 5.5m. The distance between ground level and the ridge of the proposed building is approximately 7.7m.

It is proposed that the units would fall within Class B and Class E of the Town and Country Planning (use classes) Order 1987 (as amended). This is general industrial use, storage and distribution, and light industrial use.

It is proposed to construct the walls and the roof of the building out of goosewing grey composite panels and merlin grey flashings and edgings. A red brick dwarf wall is also proposed.

It is also proposed to develop 14 spaces for the parking of cars and 6 spaces for the parking of bicycles. It is, further, proposed to plant a hedge, comprising of hawthorn, blackthorn, field maple and green beech, along the southern boundary of the site.

## **7.0 Relevant Planning History**

2/88/1041/54 (Outline) - Decision: GRA - Decision Date: 23/05/1990  
Change of use of agricultural land to general industrial estate

An appeal against a refusal to approve landscaping details (part of condition 1 and condition 7 of 2/88/1041/54) was allowed 22/07/1992. Decision notices have not been located.

2/1990/0153 - Decision: GRA - Decision Date: 25/04/1991  
Layout industrial estate roads and sewers

2/1993/0287 - Decision: GRA - Decision Date: 01/07/1993  
Renewal of planning permission 2/88/1041 to develop land from agricultural to general industrial

2/2012/1614/PLNG - Decision: GRA - Decision Date: 25/04/2013  
Develop land by the erection of Industrial/Commercial Buildings for Class B1, B2 & B8 use with access/parking. (Outline Application to determine access).

2/2015/1638/REM - Decision: GRA - Decision Date: 28/01/2016  
Erect Industrial/Commercial Buildings for Class B1, B2 & B8 use with access/parking. (Reserved Matters application to determine Landscaping; following grant of Outline Planning Permission No. 2/2012/1614).

2/2015/1701/DOC - Decision: DET - Decision Date: 16/12/2015

Discharge of Condition Nos. 7 - Travel Plan; 8 - Design Code; 11 - Landscape maintenance; and 12 - Maximum Building Heights & BREEAM Standards; following grant of Outline Planning Permission No. 2/2012/1614.

## 8.0 List of Constraints

Public Right of Way: Footpath N53/70 - Distance: 4.83

High pressure gas pipeline 1km or less from Regional High Pressure Pipelines (>7 bar) - Distance: 887.6

Groundwater – Susceptibility to flooding - Distance: 0

Site of Special Scientific Interest (SSSI) impact risk zone - Distance: 0

Risk of Surface Water Flooding Extent 1 in 30 - Distance: 0

Risk of Surface Water Flooding Extent 1 in 100 - Distance: 0

Risk of Surface Water Flooding Extent 1 in 1000 - Distance: 0

Surface water flooding - 1 in 100 year event plus 20% allowance - Distance: 0

Surface water flooding - 1 in 100 year event plus 40% allowance - Distance: 0

## 9.0 Consultations

All consultee responses can be viewed in full on the website.

### Consultees

#### 1. **Sturminster Newton Town Council**

No objections.

#### 2. **DC - Rights of Way Officer**

*“Please ensure that a suitable width is left available for Public right of way N53/70 to the south of the property. Minimum of 2m”*

#### 3. **DC - Highways**

No objection subject to the imposition of conditions, relating to: the construction of access, turning and parking areas; the construction of cycle parking; and entrance gates, on any permission

#### 4. **DC - Environment Services – Protection**

No comment.

#### 5. **Scottish And Southern Energy Networks**

*“The application site is part of an embedded network. The site involves land where this company has 11kV High Voltage underground cables and equipment within the substation named Divelish Commercial. This is all portrayed by the above plan (all cables displayed are assumed positions).”*

*Cable tracing should be undertaken for safety and in line with appropriate guidance. No changes should be made within this application that negatively affect this company's assets."*

## **6. Natural England**

No objection subject to securing mitigation.

The application falls within the scope of the Dorset Biodiversity Appraisal Protocol, adopted by your authority which requires the submission of NET approved ecological information for all developments of this nature. Natural England therefore recommends that permission is not granted until supporting ecological information has been approved by the Dorset Council's Natural Environment Team (NET).

## **10.0 Duties**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise.

## **11.0 Relevant Policies**

### **Development Plan**

#### North Dorset Local Plan Part 1 2011 – 2031 (2016)

Policy 1 – Presumption in favour of sustainable development

Policy 2 – Core Spatial Strategy

Policy 3 – Climate Change

Policy 4 – The Natural Environment

Policy 11 – The Economy

Policy 19 – Sturminster Newton

Policy 23 – Parking

Policy 24 – Design

Policy 25 – Amenity

#### North Dorset District-Wide Local Plan (1994-2011)

##### Saved Policies

3.2 – Development on Defined Employment Areas

SN6 – Employment Development Site E/47/2

#### Sturminster Newton Neighbourhood Plan 2016 – 2031 (2019)

Policy 1 – Design and character of buildings and their setting

Policy 8 – Settlement boundary revision

Policy 38 – Land at North Dorset Business Park

### Material Considerations

#### **Emerging Local Plans:**

Paragraph 49 of the NPPF provides that local planning authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

- the extent to which there are unresolved objections to relevant plan policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan are to the policies of the NPPF, the greater the weight that may be given).

### **The draft Dorset Council Local Plan**

The Dorset Council Local Plan Options Consultation took place between January and March 2021. Being at a very early stage of preparation, the relevant policies in the draft Dorset Council Local Plan should be accorded very limited weight in decision making.

### **National Planning Policy Framework**

Paragraph 11 sets out the presumption in favour of sustainable development. Proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent, or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

Other relevant NPPF sections include:

2 – Achieving sustainable development

4 – Decision making

6 – Building a strong, competitive economy

9 – Promoting sustainable transport

11 – Making effective use of land

12 – Achieving well-designed places

14 – Meeting the challenge of climate change, flooding and coastal change

15 – Conserving and enhancing the natural environment

### Other material considerations

Dorset Council Interim Guidance and Position Statement Appendix B: Adopted Local Plan policies and objectives relating to climate change, renewable energy, and sustainable design and construction. December 2023.

## **12.0 Human rights**

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property.

This recommendation is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

## **13.0 Public Sector Equalities Duty**

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:-

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove or minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty.

Officers have not identified any specific impact that the proposed development would have on those with protected characteristics.

#### 14.0 Financial benefits

What	Amount / value
<b>Material Considerations</b>	
Employment created during the phases of the development.	The proposal would require a modest amount of labour from the construction industry during the phases of development. Wages would be paid to those employed. The spending of wages, earned during the phases of development, by those employed, would benefit the economy.
The purchasing of materials and products for the development	The purchasing of materials and products, for the development, would benefit the economy.
Expenditure by occupants of the proposed units	Occupants of the units would make a small contribution, through expenditure, to the viability of local retailers and service providers.
<b>Non Material Considerations</b>	
Tax payments	As per the required payment.

#### 15.0 Environmental Implications

The construction of the building would have a carbon footprint. The production of materials and the transportation of materials would contribute to this footprint.

The occupation of the units would create a carbon footprint. Energy from non-renewable sources would be consumed. It is inevitable that journeys to and from the site would be made by vehicles. Vehicles which use internal combustion engines and battery electric vehicles have carbon footprints.

Sustainability measures could be incorporated into the development.

There would be a requirement for the building to meet the requirements of building regulations, which among other things, require energy efficiency standards to be met.

## **16.0 Planning Assessment**

### Principle

Policy 2 of the Local Plan includes the spatial strategy for North Dorset. It identifies that Blanford (Forum and St. Mary), Gillingham, Shaftesbury and Sturminster Newton are where growth is to be focussed. It is expressed in policy 11 of the Local Plan that the economic development of the four main towns is to be supported by the development of key strategic sites and that the development of the North Dorset Business Park shall be primarily for employment uses. It is identified in policy 19 that Sturminster Newton shall continue to function as the main service centre in the rural west of the district and that economic needs shall be met through the development of the North Dorset Business Park.

Saved policy 3.2 identifies that Business (B1), General Industrial (B2) and Storage/Distribution (B8) uses will be permitted within the defined Employment Area of North Dorset Business Park. Saved policy SN6 requires the restriction of uses, within Area A of the North Dorset Business Park, to B1 (Business) or B8 (Warehousing).

Policy 38 of the Neighbourhood Plan supports employment development, within the North Dorset Business Park. Development which: focuses on business support; concerns education/training; which includes an ancillary retail element for the sale of bulky goods; or development which falls within use classes B1, B2 or B8, is permitted by policy 38.

It is identified in paragraph 85 of the NPPF that decisions should help to create the conditions in which businesses can invest, expand and adapt.

It is proposed to construct an industrial building on the North Dorset Business Park. for general industrial use, storage and distribution, and light industrial use. within Class B and Class E of the Town and Country Planning (use classes) Order 1987 (as amended).

In the interest of ensuring that only development which is appropriate for the business park would take place, it is recommended that a condition restricting the use of the building to uses which fall within general industrial use, storage and distribution, and light industrial use. This is Class B2 and B8 of Part B of Schedule 1 of the Town and Country Planning (use classes) Order 1987 (as amended) and parts (i), (ii), and (iii) of part (c) and parts (i), (ii) and (iii) of part (g) of Class E of Part A of Schedule 2 of the Town and Country Planning (use classes) Order 1987 (as amended).

The proposed development, by reason of its nature, would encourage economic growth, create a condition where businesses could expand, and contribute to a growth in employment. The North Dorset Business Park is a suitable location for this type of development.



The principle of development is accepted due to the nature and location of the proposal. The development would comply with Policy 11 of the North Dorset Local Plan.

#### Character and appearance

Policy 24 of the Local Plan seeks to secure development which would improve the character and quality of the area in which it is located. Policy 1 of the Neighbourhood Plan aspires to secure development which is sympathetic to the character of the area. Part 12 of the NPPF aims to secure well-designed places.

The proposed building measures approximately 31.7m long and 25m wide. The distance between ground level and the eaves of the building is approximately 5.5m. The distance between ground level and the ridge of the proposed building is approximately 7.7m.

It is proposed to construct the walls and the roof of the building out of goosewing grey composite panels and merlin grey flashings and edgings. A red brick dwarf wall is also proposed.

It is also proposed to develop 14 spaces for the parking of cars and 6 spaces for the parking of bicycles. It is, further, proposed to plant a hedge, comprising of hawthorn, blackthorn, field maple and green beech, along the southern boundary of the site.

Industrial units are a notable characteristic of the area surrounding the application site. A container storage yard and scaffolding storage yard can be found within the North Dorset Business Park. Residential development can be found to the southwest of the application site.

The proposed building, by reason of its form, scale, materials, and positioning, would maintain the distinctive character of the area. The proposal complies with policy 24 of the Local Plan and Policy 1 of the Neighbourhood Plan. It also meets the aim of part 12 of the NPPF.

#### Living conditions

Policy 25 of the Local Plan aims to protect residential amenity.

Residential properties can be found, in relatively close proximity, to the southeast of the proposed building.

There would not be an overshadowing or overbearing effect, from the proposed structure, which would harm the amenity of the occupiers of the existing dwellings, due to the size, mass and positioning of the proposed building.

An Environmental Protection Officer, of the Council, in their consultation response, stated, no comment.

Given the proximity, of the residential properties, to the proposed building, it is recommended that conditions, relating to operating hours and the use of machinery outside of the units of the building, should be imposed on any permission.

Subject to the imposition of the recommended conditions, on any permission, the proposal would comply with policy 25 of the Local Plan.

#### Highway Safety

It is stated in paragraph 116 of the NPPF that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios. The Highway Authority did not object to the proposal, on either of these grounds, subject to the imposition of conditions on any planning permission. It is recommended that the conditions should be imposed on any planning permission.

Policy 23 of the Local Plan aims to ensure that development is served by an appropriate level of parking. The Highway Authority did not object to the application, subject to imposition of, the recommended, conditions on any permission, on the grounds that there would be an insufficient level of parking serving the development. The proposal would, therefore, subject to the imposition of the recommended conditions, accord with policy 23 of the Local Plan which, among other things, requires there to be a sufficient level of parking to serve developments.

#### Flood Risk

Policy 3 of the Local Plan requires development to seek to minimise the impacts of climate change overall through avoidance of areas at risk of flooding from all sources and the incorporation of measures to reduce flood risk overall. It is identified in paragraph 170 of the NPPF that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). It is further identified in the paragraph that, where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

Most of the site is at a low risk of flooding with only a small part of the site falling within an area of land which has been assessed as having a high 1 in 30 (3.3%) annual probability of flooding from surface water. The areas identified would not result in issues with access to and from the site. In light of this, it is considered that the proposal, by reason of its nature and design, would not result in an increase in flood risk. Drainage details have been submitted that show that the surface water will be disposed of to the existing surface drainage that serves the wider development. Therefore, the proposal would comply with policy 3 of the Local Plan and paragraph 170 of the NPPF.

#### Biodiversity

Policy 4 of the Local Plan aims to protect environmental assets. Paragraph 187 of the NPPF seeks to enhance the natural environment. In the material submitted a part of the application, it is confirmed that the entire area of the application site comprises of hardstanding. Given the nature of the site, it is considered that the proposal, by reason of its location, complies with policy 4 of the Local Plan and paragraph 187 of the NPPF.

## **17.0 Conclusion**

For the reasons given it is concluded that that the proposal should be granted subject to the conditions below.

**18.0 Recommendation**  
**Grant, subject to conditions.**

Conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

PL03-01 – Received 12/11/2024  
PL03-02 – Received 12/11/2024  
PL03-03 – Received 12/11/2024  
PL03-04 – Received 18/07/2024  
PL03-05 – Received 18/07/2024  
PL03-06 – Received 18/07/2024  
PL03-07 – Received 12/11/2024  
PL03-09 – Received 12/11/2024  
PL03-10 – Received 12/11/2024  
HI1031/300/01/C – Received 18/07/2024  
HI1031/500/01/H – Received 18/07/2024  
PL03-08 – Received 12/11/2024

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The units hereby approved shall be used for purposes within Class B2 and B8 of Part B of Schedule 1 of the Town and Country Planning (use classes) Order 1987 (as amended), or in any equivalent provision to that Class in any statutory instrument revoking and re-enacting that Order, and parts (i), (ii), and (iii) of part (g) of Class E of Part A of Schedule 2 of the Town and Country Planning (use classes) Order 1987 (as amended), or in any equivalent provision in any statutory instrument revoking and re-enacting that Order.

Reason: In order to allow the Council to maintain control of the site.

4. The approved drainage scheme shown on drawing number PL03-07 shall be completed in full before occupation of the development.

Reason: To avoid drainage problems as a result of the development with consequent pollution or flood risk. Reason: To avoid drainage problems as a result of the development with consequent pollution or flood risk.

5. Prior to the commencement of any development hereby approved, above ground level, details of the finished floor levels of the building hereby approved shall have been submitted to and approved in writing by the Local Planning Authority. Such levels shall be relative to an ordnance datum or such other fixed feature as may be agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interest of visual amenity.

6. The walls and the roof of the building shall be constructed out of red brick and goosewing grey composite panels and merlin grey flashings and edgings.

Reason: To ensure a satisfactory visual appearance of the development.

7. Prior to the occupation of the development hereby approved the access, geometric highway layout, turning and parking areas shown on approved plan PL03-03 must have been constructed. Thereafter, these areas must be maintained, kept free from obstruction and made available, for the purpose specified, in perpetuity.

Reason: To ensure the proper and appropriate development of the site and to ensure that highway safety is not adversely impacted upon.

8. Any entrance gates must be hung so that they do not open over the adjacent highway. Thereafter, the gates must be maintained and kept free from obstruction.

Reason: In the interest of highway safety.

9. Prior to the occupation of the development, hereby approved, the cycle parking facilities shown on Drawing Number PL03-3 must have been constructed. Thereafter, the cycle parking facilities must, in perpetuity, be maintained, kept free from obstruction, and made available for cycle parking.

Reason: To ensure the proper construction of the parking facilities and to encourage the use of sustainable modes of transport.

10. The premises shall not be used for the purposes hereby permitted outside the hours of 07:00 to 18.00 on Mondays to Fridays (excluding public holidays) and at no time on Sundays or Public Holidays.

Reason: In the interest of residential amenity.

11. No powered machinery, tools or equipment shall be operated within the application site outside the building hereby approved.

Reason: In the interest of residential amenity.

Informatives:

## **1. NPPF**

In accordance with paragraph 39 of the NPPF, the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development.

The council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service, and
- as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

- The applicant/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.

## **2. Biodiversity Net Gain**

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (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 Dorset Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below. 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 one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.

Development below the de minimis threshold, meaning development which:

- i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

Read more about Biodiversity Net Gain at  
<https://www.dorsetcouncil.gov.uk/w/biodiversity-netgain>

## **Statutory Exemptions and Transitional Arrangements in respect of the Biodiversity Gain Plan**

## Statutory Exemptions and Transitional Arrangements in respect of the Biodiversity Gain Plan

1. The application for planning permission was made before 12 February 2024.

2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.

3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and

(i) the original planning permission to which the section 73 planning permission relates\* was granted before 12 February 2024; or

(ii) the application for the original planning permission\* to which the section 73 planning permission relates was made before 12 February 2024.

4. The permission which has been granted is for development which is exempt being:

4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

i) the application for planning permission was made before 2 April 2024;

ii) planning permission is granted which has effect before 2 April 2024; or

iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates\* was exempt by virtue of (i) or (ii).

4.2 Development below the de minimis threshold, meaning development which:

i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and

ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 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.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- i) consists of no more than 9 dwellings;
- ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.6 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

\* “original planning permission means the permission to which the section 73 planning permission relates” means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.