

The Biodiversity Gain Requirements (Exemptions) Regulations 2024

Biodiversity Net Gain (BNG) Exemption Statement

For:	Change of use of existing agricultural buildings to a small-scale dog day care facility (Sui Generis), including associated parking and operational use
Planning Reference:	PL/2026/0281
At:	Garside Farm, Bentgate Street, Milnrow, Rochdale, OL16 4NU
Completed By:	Peter Purcell, Director, Cadence Architecture Ltd
Date of Exemption Statement Completion:	23 July 2026

Article 7 ('General requirements: applications for planning permission including outline planning permission') of Part 3 of The Town and Country Planning (Development Management Procedure) (England) Order 2015, as amended by Regulation 5 of Part 4 of The Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 has introduced national validation prerequisites for planning applications relating to Biodiversity Net Gain (BNG).

Schedule 14 of the Environment Act 2021 introduced the concept of BNG into planning legislation, stating that "the biodiversity gain objective is met in relation to development for which planning permission is granted if the biodiversity value attributable to the development exceeds the pre-development biodiversity value of the onsite habitat by at least [10%]".

Schedule 14 of the Environment Act 2021 additionally mandates that biodiversity gain objectives will be achieved through the imposition of planning conditions, thus constituting a post-permission process.

However, certain types of development for which planning permission is required are exempt from biodiversity net gain requirements and planning conditions. These are outlined in The Biodiversity Gain Requirements (Exemptions) Regulations 2024.

The development proposals for this application meet the following exemption criterion from the Regulations:

Section 4 of The Biodiversity Gain Requirements (Exemptions) Regulations 2024, also known as the "de minimis exemption", states the following: the biodiversity gain planning condition does not apply in relation to planning permission for development which (Condition 1) does not impact an onsite priority habitat, and (Condition 2) impacts less than 25 square metres of onsite habitat that has a biodiversity value greater than zero, and less than 5 metres in length of onsite linear habitat.

Section 5: The Exemption Criterion Claimed

This application relates to a change of use of existing agricultural buildings (a barn, wooden shed, and site cabin) to a small-scale dog day care facility, together with a single new section of yard fencing linking the existing outdoor dog play area to the existing outdoor exercise field. No new buildings, extensions, or external alterations of any kind are proposed as part of this application.

The site does not contain any priority habitats listed under the Government's List of priority habitats and species in England ('Section 41 habitats and species') for public bodies, landowners and funders to use for biodiversity conservation, a copy of which can be found at the following website: <https://www.gov.uk/government/publications/habitats-and-species-of-principal-importance-in-england>

The only physical works proposed under this application are the erection of a new section of fencing, approximately 2.2 metres high, within the existing yard area between the outdoor dog play

area and the outdoor exercise field. This fence will be installed within land that is already enclosed, hardstanding, or managed amenity grassland associated with the site's existing operational use, and does not extend into, or affect, any area of priority habitat or habitat of biodiversity value greater than zero.

Consequently, the area affected by the development can be described as consisting of habitats classified under the UK Habitat Classification, as detailed in Appendix 2 of The Small Sites Metric (Statutory Biodiversity Metric) User Guide (2024), as follows:

- Urban – Developed land; sealed surface (“Impermeable Hardscape”), comprising the existing hardstanding yard area
- Urban – Modified grassland, comprising the existing managed outdoor exercise field

None of the habitat classifications within the application site boundary have a biodiversity value exceeding zero, as can be verified in the Government's Small Sites Metric (Statutory Biodiversity Metric) User Guide and Calculation Tools (2024). Consequently, the proposed development impacts less than 25 square metres of onsite habitat that has a biodiversity value greater than zero, and does not affect any onsite linear habitat exceeding 5 metres in length, thereby meeting Condition 2 of Section 4 of The Biodiversity Gain Requirements (Exemptions) Regulations 2024.

As a result, the proposed development is exempt from biodiversity net gain requirements and planning conditions under the de minimis rule of Section 4 of The Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Section 6: Statement

The application site comprises an existing agricultural building, wooden shed, and site cabin, set within a fenced and gated yard, with an adjoining outdoor exercise field to the rear. The buildings were converted from agricultural use to their current dog-related use approximately five years ago, and the site has been used continuously for dog day care and dog training purposes since that time.

The application proposes no external alterations to any of the existing buildings. The only proposed physical change is a new section of yard fencing, of the same materials and height as the existing boundary fencing already in place, linking the outdoor dog play area to the outdoor exercise field. This fence will be erected within the existing hardstanding and managed grassland areas already associated with the site's operational use, and will not extend the site's built footprint or affect any habitat of biodiversity value.

The accompanying drawings (164ROC-101 Existing Site Plan and 164ROC-104 Proposed Site Plan) and photographs submitted with this application show the existing and proposed extent of the site and the location of the proposed fence, confirming that the works fall within the de minimis threshold.

Section 7: Evidence

The following documents, submitted alongside this Exemption Statement, provide supporting evidence for the exemption claimed:

- Existing Site Plan (164ROC-101), showing the existing hardstanding yard, outdoor dog play area, and outdoor exercise field
- Proposed Site Plan (164ROC-104), showing the location of the proposed new fence line
- Site photographs, showing the existing condition of the yard, fencing, and exercise field
- Planning Statement, submitted alongside this application, setting out the wider planning context and justification for the proposal

Section 8: Measurable Net Gains for Nature Conservation

Whilst the development is exempt from statutory Biodiversity Net Gain (BNG) requirements, the site benefits from the retention of the adjoining outdoor exercise field as open, managed grassland, and the existing boundary hedgerows and fence lines provide continued habitat connectivity for local

wildlife. No habitat is lost or fragmented as a result of this application, and the existing landscape character of the site, set within the wider Green Belt, is unaffected by the proposed works.