



Appeal Decision

Site visit made on 20 January 2026

by F P Tinsley MA (Hons) MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 February 2026

Appeal Ref: 6001490

3-4 Bowgate, Gosberton, Spalding, Lincolnshire PE11 4ND

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr A Murfet against the decision of South Holland District Council.
 - The application reference is Ref: H08-0846-25
 - The development proposed is 'Erection of an additional detached dwelling pursuant to approval of application H08-0183-24 for 2 dwellings (plot subdivision)
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant submitted a revised drawing (AM-PD-BP-25-02-P03 - Block Plan) during the application process showing an additional car parking space to the front of the proposed dwelling. This updated a previous proposal to provide two car parking spaces and followed comments from the highways authority. I have determined the appeal on the basis that three car parking spaces would be provided with the proposed development.

Main Issues

3. The main issues in this appeal are:
 - the effect of the proposed development on the character and appearance of the area; and
 - whether suitable provision is made for Biodiversity Net Gain (BNG) having regard to the statutory framework.

Reasons

Character and Appearance

4. The area surrounding the appeal site is characterised by predominantly linear residential development, displaying a range of architectural styles from different periods. The built form comprises a mixture of mainly detached and semi-detached dwellings and associated buildings including garages. High Street, immediately to the east of the appeal site, is a major route passing through the village of Gosberton. Bowgate, to the south, has a more suburban character. Properties are set within a variety of plot sizes, with no consistent building line or defined setback from High Street, whereas development along Bowgate exhibits greater uniformity.

Front and rear gardens are typical throughout the area, and most properties benefit from off-street parking.

5. The corner plot location places the appeal site in a prominent position. This prominence is accentuated by the curvature of Bowgate as it approaches High Street, which results in the appeal site projecting slightly forward of the prevailing straight linear form of development along Bowgate. The appeal site is currently undeveloped and appears to have been partially cleared of vegetation, although significant boundary planting has been retained. It appears formerly to have been part of a large garden area associated with the adjacent property to west. Informal access to the appeal site is presently taken from High Street. Planning permission has been granted for the construction of two dwellings immediately to the north of the proposed dwelling. These dwellings front onto High Street and are of a similar design to the proposal. It is proposed that the appeal proposal would share the access with the permitted dwellings onto High Street.
6. The proposed two-storey dwelling would front onto High Street, and its principal elevation would continue the building line established by the permitted dwellings to the north. The southern side elevation is secondary in character but would address Bowgate. Whilst the building would be located forward of the predominant existing building line along Bowgate, in this context, it would be an appropriate response to the curvature of Bowgate as it approaches High Street.
7. Taking these factors together, the design, orientation and positioning of the proposed dwelling would be sympathetic with the surrounding diverse built environment. Moreover, the street scene plans illustrate that sufficient distance would remain between the proposed dwellings and those close by such that the sense of spaciousness would be retained. Coupled with boundary hedgerows and garden planting, verdancy would also be achieved. Hence, the proposal would preserve the important attributes of the local character. On that basis, its relative prominence would not undermine the quality of the street scene.
8. I conclude that the proposed development would not harm the character and appearance of the area. Accordingly, there would be no conflict with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019 (the Local Plan), which seek to ensure that proposals create distinctive places that are in keeping with the area. The proposal would also be consistent with Paragraph 135 of the National Planning Policy Framework (the Framework), which seeks to maintain and protect the prevailing character and setting of areas together with the importance of securing well-designed, attractive and healthy places.

Biodiversity Net Gain (BNG)

9. Under the Environment Act 2021 and Schedule 7A of the Town and Country Planning Act 1990 (as amended), mandatory BNG applies to the development of small residential sites where applications have been made on or after 2 April 2024. Small residential sites are defined as residential development where the number of dwellings is between 1 and 9 on a site of an area 1 hectare or less, or if the number of dwellings is unknown, the site area is less than 0.5 hectares.
10. Unless an exemption applies, planning permission is deemed to have been granted subject to the condition that the biodiversity objective of delivering at least a 10% increase in biodiversity value is met. That value is measured against the pre-development biodiversity value of the site. Therefore, unless an exemption

applies applications for planning consent are required to provide minimum baseline information about the site's biodiversity.

11. The Town and Country Planning Act 1990 provides exemptions for development granted through a development order, urgent Crown development, or development of such other descriptions as may be specified by the Secretary of State. The Biodiversity Net Gain Requirements (Exemptions) Regulations 2024 set out a number of specific exemptions.
12. Where an exemption is claimed, a planning application must be accompanied by a statement explaining why the exemption applies. The statement submitted in this case asserts that the proposal is exempt from the Biodiversity Net Gain (BNG) requirement on the basis that it would affect less than 25 square metres (5 m by 5 m) of on-site habitat and less than 5 metres of on-site linear habitat, such as hedgerows. It is noted that the boundary hedge is excluded from the red line boundary, other than at the location of the already approved site access.
13. The de minimis exemption applies only where development does not affect any onsite priority habitat and impacts less than 25 sq m of onsite habitat with a biodiversity value greater than zero. It is evident from the submitted plans that the application site extends significantly beyond 25 sq m, and the footprint of the proposed dwelling also substantially exceeds this threshold. This is evident from the submitted plans, which indicate a dwelling with a gross internal area of 107.46 sq m and a ground-floor footprint of approximately half of that figure.
14. The appellant further contends that an exemption applies because the appeal site benefits from an extant planning permission for the erection of two dwellings, granted prior to the introduction of mandatory BNG (Ref. H08-0183-24). That permission is subject to a biodiversity enhancement condition. The current application proposes the subdivision of an approved plot to provide two dwellings rather than a single dwelling, served by the access approved under the earlier consent. Application H08-0183-24 was supported by a biodiversity checklist, and an Ecological Appraisal of the site was undertaken by Hillier Ecology. It is stated that the additional dwelling would be located within the approved garden area of the plot and that no loss of habitat would result, noting that changes to site levels are required as part of the approved scheme to mitigate flood risk.
15. The Planning Practice Guidance (PPG) states that where activities undertaken to implement, or in connection with, a planning permission are carried out after 25 August 2023 and result in a reduction in the biodiversity value of onsite habitat, the pre-development biodiversity value of that habitat is to be taken as the value immediately before those activities are carried out.
16. The appeal site currently comprises undeveloped land which may possess habitat of biodiversity value. Notwithstanding the existence of an extant planning permission for the construction of two dwellings on the site, granted prior to the introduction of the requirement to submit a Biodiversity Net Gain (BNG) assessment, the proposal before me constitutes a standalone development proposal. It could be implemented independently of planning permission Ref: H08-0183-24 which is yet to be implemented and the BNG requirements in respect of the application and appeal before me now have not been addressed.
17. Based on the limited information provided, I am not satisfied that the claimed exemption, as described above, applies. Although the PPG advises that it is

generally inappropriate to refuse an application solely on the grounds that the biodiversity gain objective will not be met, it remains necessary to consider whether a BNG condition would be capable of being successfully discharged. As the proposed development would not benefit from an exemption, the BNG requirement would apply. In the absence of sufficient supporting information detailing the baseline biodiversity value of the appeal site, I cannot be satisfied that the BNG condition could be met.

18. In conclusion, the proposed development would fall within the scope of the statutory framework for BNG, and it is not demonstrated that an exemption applies. The failure to meet the mandatory requirements of that framework undermine the Government's national objectives for development to have a positive impact on biodiversity. This is a material consideration of substantial weight which counts against allowing the proposal. In addition, it would conflict with Policy 28 of the Local Plan (2019) which, amongst other things, seeks to ensure that all developments provide an overall net gain for biodiversity.

Other Matters

19. The appeal site lies within the setting of Bowgate House, No. 7 Bow Gate, which is a Grade II listed building. Bow Gate House is a late-eighteenth-century dwelling, altered during the nineteenth century, and displays a number of notable architectural features, including stucco detailing, a pantile roof and raised brick coped gables. Its significance is derived primarily from its architectural interest and historic fabric.
20. My site observations indicate that the proposed development would preserve the spacious and verdant character of the domestic development that surrounds the listed building. Hence, it would have a neutral impact on the listed building and its setting and would not harm the features of special architectural or historic interest which it possesses. This conclusion is broadly consistent with the comments of the Council's Conservation Officer.

Conclusion

21. Although I did not find harm in relation to the character and appearance of the area, the proposal would undermine important objectives to improve biodiversity. Hence, there is conflict with the development plan when taken as a whole. Furthermore, the failure to comply with the statutory framework for BNG is a material consideration which has substantial weight.
22. For the reasons given above the appeal is dismissed.

F P Tinsley
INSPECTOR