

BNG Exemption Statement

The Biodiversity Gain Requirements (Exemptions) Regulations 2024 (SI No. 47) sets out the exemption. Specifically:

Self-build and custom-build applications.

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(1).

The BNG exemptions regulations only refers to the definition of the Self-Build and Custom Housebuilding Act 2015 (as amended). The CIL regulations definition of self-build is not relevant to the exemption. Whether a person is on the self-build register is not relevant. There are no time limits to the initial period of occupation by the self-builder.

The Self-build and Custom Housebuilding Act 2015 (as amended) definition is:

1(A1) 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.

Based on the wording of the Act it can be said that

- second homes and holiday homes do not qualify
- caravans and pitches do not qualify
- extensions and refurbishments do not qualify (not building a new home)
- and homes designed to be sold off plan do not qualify.

The exemption criteria is straightforward, ie, 9 or fewer dwellings, site less than .5 ha, AND exclusively self and custom build application.

We confirm that all three BNG exemption criteria are fulfilled, and that this application for a single dwelling to be constructed as per the Self-build Act.