



Appeal Decision

Site visit made on 15 July 2025

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 August 2025

Appeal Ref: APP/V1260/W/24/3358155

Marina Court, 34 Banks Road, Poole BH13 7QE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Leopold Land Ltd against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is APP/24/00906/F.
 - The development proposed is to demolish garage to create a vehicular access and erect a detached bungalow.
-

Decision

1. The appeal is invalid, and no further action will be taken on it.

Preliminary Matters

2. My concerns in respect of the validity of the appeal were set out in correspondence to the appellant and the Council on 29 July 2025. Comments were received from both main parties and these have been taken into account.

Reasons for invalidity

3. On 12 February 2024, the provisions of the Environmental Act 2021 relating to biodiversity net gain (BNG) came into force for major development, and on 2 April 2024 this was extended to include smaller sites.
4. Under Article 7(1A) of the Town and Country Planning (Development Management Procedure) Order 2025 all applications for planning permission submitted after those dates are required to be accompanied by certain information relating to BNG. The information required includes a statement as to whether the applicant believes, if granted, the planning permission would be subject to the biodiversity condition. The application must also be accompanied by a completed biodiversity metric calculation tool, showing the baseline biodiversity value of the on-site habitat and various other related details which are listed in full in sub-paragraph (c) of the above Article.
5. On the application form the appellant declared that the Biodiversity Gain Condition set out in the Article would apply. The form also states the biodiversity value of the site and the date the value was calculated. The form indicates that supporting information titled 'BNG Documentation' accompanied the application, although no further detail is provided.
6. In the correspondence with the main parties it appears that whilst some BNG documentation was provided via the online planning portal the biodiversity metric

calculation tool was submitted by post. The Council contend that the biodiversity metric calculation tool was not received by them, and the appellant is unable to demonstrate that it was indeed sent and received by the Council. It appears that during the validation process, and despite additional plans and a tree survey being requested, there was no such request for the biodiversity metric calculation tool from officers.

7. I acknowledge that the application was accepted and validated by the Council, however, the Council's position as to validity is not binding upon the Secretary of State. On the evidence before me the absence of the required BNG information means that the application as submitted to the Council was invalid.
8. An invalid application may not lawfully be determined and subsequently any appeal relating to such an application is also invalid.
9. I note the appellant's comments in respect of proceeding with the appeal. However, in such circumstances, it is not possible to issue a decision, because a finding of invalidity precludes any actual decision from being made.

Conclusion

10. For the reasons set out above I find the appeal to be invalid. No further action on it will therefore be taken.

B Thandi

INSPECTOR