



Appeal Decision

Site visit made on 26 February 2026

by A James BSc (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 March 2026

Appeal Ref: APP/D5120/W/25/3358449

157 Belvedere Road, Bexley, Bexleyheath DA7 4PA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Singh against the decision of the Council of the London Borough of Bexley.
 - The application reference is 24/01529/OUT.
 - The development proposed is demolition of existing bungalow and erection of 4 houses.
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Decision

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

Preliminary Matters

2. My concerns regarding the validity of the appeal were set out in correspondence sent to the appellant and the Council on 26 February 2026. Comments were received from both main parties and these have been taken into consideration.

Reasons for invalidity

3. On 12 February 2024, the provisions of the Environment Act 2021 relating to biodiversity net gain (BNG) came into force for major developments. This was extended to include small sites on 2 April 2024.
4. Under Article 7(1A) of the Town and Country Planning (Development Management Procedure) Order 2015 ('the DMPO'), all applications for planning permission submitted after those dates are required to be accompanied by certain information relating to BNG, except where one of the exemptions specified in the legislation applies. The information required includes a declaration as to whether the applicant believes the BNG provisions apply to the application, and if not, the reasons why. Where none of the exemptions apply, the application must be accompanied by a completed biodiversity metric calculation, showing the 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. In the case of the present appeal scheme, the biodiversity metric and other biodiversity information required by Article 7(1A) of the DMPO have not been submitted. The application and appeal can therefore only be valid if one of the exemptions is applicable.
6. The appellant stated on the application form that they do not believe that the general biodiversity gain condition would apply as, in their opinion, the development is subject to the de minimis exemption because it is 'not major

development'. However, the application form is dated 10 May 2024, which is after the date that the BNG requirement came into force for small sites.

7. It is the Council's position that the appeal scheme meets the de minimis exemption because it would not result in the loss of 25 square metres or more of on-site habitat, or affect 5 metres or more of linear habitat, or impact any irreplaceable habitat. The appellant has confirmed that they agree with the Council's position.
8. I appreciate that a large proportion of the appeal site is covered with hardstanding and new planting is proposed. However, it is clear from the plans before me and my site visit that the proposal would result in the loss of over 25 square metres of on-site habitat, including existing trees. In particular, existing soft landscaping would be lost to provide the new driveway and parking spaces for the proposed dwellings that would be sited towards the rear of the site.
9. I am aware that the application was accepted and validated by the Council. However, the Council's position as to validity is not binding on the Secretary of State.
10. While the appellant advises that the proposal would exceed the 10% BNG requirement, the absence of the minimum requirements for BNG means that the planning application as submitted to the Council was invalid. An invalid application may not lawfully be determined. It follows that any appeal relating to such an application, is also invalid. Consequently, I am unable to consider the substantive matters of the appeal. It would be open to the appellant to submit a revised valid application to the Council for determination if they wish to pursue this proposal further. Whilst I appreciate that this may be frustrating for the appellant, the legislation is very clear regarding the minimum requirements for BNG information.

Conclusion

11. For these reasons, I find the present appeal to be invalid. No further action on it will therefore be taken.

A James

INSPECTOR