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Introduction

Private gardens face numerous pressures that are contributing to their loss and, in turn, to declining biodiversity. A key issue is the limited power of local councils to protect these spaces. Private gardens fall under permitted development rights, allowing homeowners to alter them in many ways without seeking planning permission. Councils also have restricted authority to manage or inspect gardens without the owner's consent. In addition, frequent changes in ownership make it difficult to secure long-term commitments to biodiversity.

Despite these challenges, there are potential solutions. While the situation may seem bleak, eight options are outlined below (in alphabetical order). These consider reforms to legislation, adaptations to council policy, and better recognition of the ecosystem services that gardens provide. Used together, these approaches could help shift public perception and lead to a significant change in how gardens are valued.

1. Conservation Areas Regulations 1990

Conservation Areas are designated to preserve the historic or architectural character of a place, which is largely defined by its visual appearance. This is why permission is required to manage trees, as they are prominent and visible features. If other visible habitats, such as ancient hedges, ponds, or species-rich wildflower lawns formed a key part of the character of front gardens, it is possible they could be protected in a similar way or required to be replaced if removed.

2. Countryside Stewardship Programme

Countryside Stewardship provides financial incentives to farmers and land managers to improve biodiversity, water quality, and the wider environment through different payment schemes. A similar model could be applied to homeowners (called Urban Stewardship Programme) by offering incentives to encourage more sustainable management. These could include grants, bill rebates, or other financial rewards for actions such as replacing hard surfaces with vegetation, planting native species, or creating wildlife habitats. Non-financial incentives, such as training, advice, and public recognition (e.g. through the National Gardening Scheme), could help encourage behaviour change and demonstrate that public access is possible where there are appropriate incentives.

3. Listed buildings Regulations 1990

Current legislation protects historic buildings that possess unique architectural value, are in good condition, and contribute to local character. The setting of a listed building is also protected under this legislation, and this can include the surrounding garden space. However, features such as mature specimen trees are only covered if they form part of the original design and were in place before 1948. Council officers have the authority to enter private property to inspect listed buildings.

A similar approach could potentially be extended to historic wildlife features—such as ancient trees, meadows, ponds, and ancient woodland—allowing them to be inspected



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(by ecology officers) and safeguarded in a comparable way. It may be necessary to amend existing terminology to encompass a wider scope of features, including the legalisation title.

4. The Energy Performance of Buildings (England and Wales) Regulations 2012

Current legislation requires landowners to improve the energy efficiency of their homes to reduce costs for occupants, with an Energy Performance Certificate (EPC) mandated for every property. A similar model could be introduced, either voluntarily or as a requirement, for a property's external spaces, assessing their value for biodiversity. This could take the form of a Biodiversity Performance Certificate (BPC). The certificate would use clear criteria and a simple visual rating system, like an EPC, to indicate both the current and potential biodiversity value of a property. It could be displayed in a front window to raise awareness and encourage neighbouring homeowners to join in. There may also be scope for trained or active residents to assess front gardens, as these are visible from the public highway and often face different pressures compared to back gardens. With an appropriate framework in place, due diligence could be supported by local volunteers, helping to carry out assessments and maintain standards at a community level.

5. The Localism Act 2011

Current legislation allows local communities to influence development through the Local Plan process, yet efforts to secure stronger protection for garden land are often hindered by enforcement challenges. The introduction of Neighbourhood Nature Reserves (community NNRs) would offer a more flexible, community-led framework for safeguarding green space. These reserves recognise that gardens change over time as homeowners move and that permitted development rights can gradually reduce vegetation. By planning at a landscape scale such as through garden clusters, this approach would allow individual gardens to evolve while maintaining an overall network of green infrastructure. It would aim to ensure that a meaningful proportion of natural features are retained, while still allowing some gardens to incorporate features like artificial lawns or paving without conflict. Incentives would likely be needed to encourage participation, such as national recognition awards for the best community NNRs.

6. Tree Preservation Orders, Part VIII of the Town and Country Planning Act 1990

Current legislation protects the amenity value of trees within the built environment, typically focusing on large, mature specimens or younger trees in good condition that will provide long-term benefits. This proposal suggests extending such protections through the introduction of "Habitat Protection Orders" (HPOs). These orders would cover entire gardens or specific habitats, in a similar way to how individual trees or woodlands are currently safeguarded. To qualify, habitats would need to be clearly defined and of ecological significance, such as wildlife-rich ponds, species-rich meadows, or ancient hedgerows.



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HPOs could also help recognise the importance of mature hedges in urban areas, particularly where they fall outside the scope of the Hedgerow Regulations Act 1997—often because they are shorter than the 20-metre threshold.

7. Rights of Nature Movement

This emerging legislative movement advocates recognising rivers as living entities that require protection beyond existing environmental laws, which have often failed to prevent pollution and over-extraction. The proposal is to grant legal recognition to rivers in urban areas, enabling their catchments to be managed in ways that support healthy ecosystems. Under this framework, every householder would have a mandatory duty to maintain their property in a way that helps absorb rainwater, reduce pesticide use and repair mis-connections, thereby reducing sewage overflows into river systems.

8. Single use carrier bags charges order 2015

Current legislation reduces plastic waste by imposing a small charge on supermarket carrier bags. A similar approach could be used to help mitigate flooding by introducing a fee for paving over front gardens. At the same time, offering a modest reduction in water bills could encourage homeowners to remove existing hard surfaces.

Final Thoughts

There is inconsistency in how non-statutory nature reserves are designated. Features such as living roofs and small green spaces are often recognised, while private gardens are typically excluded. Private gardens can be viewed as small-scale equivalents of farmland, privately managed but still ecologically significant. In London boroughs, gardens can account for 20–30% of total land area. It can therefore be argued that a full understanding of nature recovery is not possible without considering both the existing and potential value of private gardens.

I hope you have found these ideas thought-provoking. They are intended as initial concepts and will require further development to reach a stage suitable for wider consideration. However, they are designed to spark meaningful discussion and, ideally, to reach those with the influence and expertise to refine and advance them into policy, legislation, or voluntary initiatives. Ultimately, the aim is to contribute to a broader shift in how private gardens are valued as an essential part of nature recovery.

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