



Appeal Decision

Site Visit made on 25 May 2021

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 June 2021

Appeal Ref: APP/A4710/W/21/3268884

**Stone Leigh House, Palace House Road, Hebden Bridge, West Yorkshire
HX7 6HW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr and Mrs Roper against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref 20/01047/HSE, dated 8 September 2020, was approved on 8 December 2020 and planning permission was granted subject to conditions.
 - The development permitted is two storey rear extension.
 - The condition in dispute is No 5 which states that: *'Prior to the completion of the walls of the development hereby permitted a single permanent bat roosting feature shall be installed within the fabric of the development as close to the south facing roofline as possible (but not directly above any windows or doors) and so shall be retained'*.
 - The reason given for the condition is: *'In the interests of conservation and to protect the ecological species and in order to ensure compliance with Policy NE17 of the Replacement Calderdale Unitary Development Plan'*.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The address of the appeal site on the application form is 'Fairfield, Stoneleigh', from the evidence before me, this appears to be incorrect. I have therefore taken the site address from the Council's decision notice for clarity.

Background and Main Issue

3. The appeal property is a two-storey semi-detached dwelling located within a predominantly residential area. Planning permission was granted for a rear two-storey extension setting out a number of conditions to make the proposed development acceptable. I observed at the time of the site visit construction works are taking place to facilitate the two-storey rear extension.
4. The appellant now wants to vary condition 5 of the permission 20/01047/HSE, which requires that a single permanent bat roosting feature is installed within the approved two-storey extension. The reason given is that the appellant would want to follow advice from their own report, rather than complying with condition 5. This would mean removing condition 5 and replacing with a condition to place bat boxes within the garden or along the woodland edge owned by the appellant, although no specific wording has been put forward for the condition.

5. The main issue is therefore whether the condition in dispute is reasonable and necessary in regard to local and national planning policies in the interests of protecting and safeguarding biodiversity, having particular regard to bats.

Reasons

6. Policy NE17 – Biodiversity Enhancement of the Replacement Calderdale Unitary Development Plan, 2009 (RCUDP), sets out that development will be required where appropriate to enhance biodiversity. Conditions will be attached to (i) protect, maintain and enhance biodiversity; (ii) protect, restore and manage features of ecological importance and important species and their habitats; and (iii) create new wildlife habitats, especially where they will link Wildlife Corridors or isolated habitats or create buffer zones.
7. The Council's Countryside Services Officer identified that there were potential bat roosting features that may be affected by the proposed works, limited to a small number of crevice dwelling bats and any adverse impact could be avoided by mitigation measures. This included incorporating a permanent bat roosting feature into the new build.
8. The appellant has provided a '*Preliminary Bat Roost Assessment Report*¹'. The report appears to have been undertaken following the grant of permission rather than at the request of the Council. This is identified from the date of the decision notice and date of the survey/report. Nonetheless, this report sets out that a daytime survey was completed and concluded that no evidence was recorded to suggest bats were roosting within the building and it is of negligible potential for roosting. It acknowledges that due to the location of the property, surrounded by grassland, ancient and semi natural woodland and the River Calder, bat foraging potential is high.
9. The survey was only undertaken during daytime hours and visually undertook for one hour within the building itself. It recommends that the installation of two Greenwoods Echo habitats two chamber bat boxes or Kent bat boxes on trees within the garden or along the woodland edge would provide roosting potential for the local bat population. However, it does not set out the reasons why the bat boxes should be installed on trees rather than integrated into the building.
10. Furthermore, I have not been provided with any substantive evidence or details of the exact location of where the appellant intends to put the bat boxes or justification of the suitability of the type of bat boxes put forward. This appears to be generalised to '*within the garden or along the woodland edge owned by the householder*'. Whilst, the Council indicate that the proposed lifetime of both Kent and Greenwood boxes would be restricted in comparison to a single integrated box on the development.
11. Moreover, the site area is defined as to which the application relates². This is shown edged in red, on the accompanying plans, while other land in the same ownership but not being developed has been outlined in blue. Therefore, the woodland area suggested by the appellant would be outside of the red line of development as identified on the approved plans.

¹ Batworker.com, dated 10.12.2020

² PPG Paragraph: 017 Reference ID: 22-017-20141017, revised 17 10 2014

12. I acknowledge that the appellant has sought a professional paid report and would prefer to follow it. However, without such information, justifying a new location or why it is not acceptable for a single bat box to be integrated into the development, I consider that condition 5 and the restriction of the location and type of bat box is necessary and reasonable in order to safeguard the protected species.
13. Accordingly, I have had regard to the Planning Practice Guidance (PPG) and given the condition mitigates, protects and safeguards biodiversity, I conclude that the condition is reasonable and necessary in the interests of protecting bats. As such, I consider that the condition imposed by the Council in relation to the bat box is reasonable in all other aspects and would ensure compliance with Policy NE17 of the RCUDP and Paragraph 175 of the National Planning Policy Framework.

Conclusion

14. For the reasons given above I conclude that the appeal should be dismissed.

K A Taylor

INSPECTOR