



Appeal Decision

Site visit made on 28 May 2025 by M Long BA (Hons) MSc MRTPI

Decision by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 June 2025

Appeal Ref: APP/N0410/D/25/3363642

1 Bayley Crescent, Burnham, Buckinghamshire SL1 7EF

- 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 Mrs Sidra Mehmood against the decision of Buckinghamshire Council.
 - The application Ref is PL/24/3555/FA.
 - The development proposed is described as 'erection of part single, part two storey extension to the principal elevation; replacement of entrance door to the side; and provision of vehicular access'.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. At the point of submitting the appeal in April 2025, the supporting evidence suggested a Bat Emergence Survey had been commissioned to take place during May 2025. Furthermore, following the submission of the appeal, the appellant sought to submit additional evidence. However, the Householder Appeal Service (HAS) follows 'The Part 1 procedure' as set out in the Procedural Guide: Planning appeals – England (PG). It is a fast-track service with a clear timetable for submission of documents. As confirmed in the PG, the initial appeal representations should make up the full case. Having made their appeal, the appellant will not normally be able to send any further material unless further information or response is requested by the Inspector.
4. In contrast to appeals made under 'The Part 2 procedure', a HAS appeal does not include opportunity for the Council or other interested parties to comment or make further representations beyond those made at the planning application stage. Therefore, it would have been procedurally unfair to have accepted a late submission of evidence in this instance. As such, the appeal has been assessed and determined on the basis of the material provided by the appellant at the point of submitting their appeal.

Main Issue

5. The main issue is the effect of the proposed development on protected species.

Reasons for the Recommendation

6. The Office of the Deputy Prime Minister Circular 06/2005 (Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System), paragraph 99 states that ‘it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision’.
7. The Preliminary Roost Assessment (November 2024) (PRA), provided by the appellant, sets out that the appeal dwelling has a ‘low potential’ for roosting bats due to the low number of available roosting locations. While no direct observations of bats were made, the PRA confirms that it is not uncommon for there to be no visible signs of bats when they roost in crevices. The PRA therefore recommends one emergence survey in line with good practice to confirm whether bats roost in these features, and if they do, to inform the best approach to mitigation, compensation and licensing. This can only indicate that the qualified ecologist that carried out the PRA considers that there may still be a reasonable likelihood of the species being present and affected by the development.
8. The Council’s Ecology Officer also recommends that a single emergence survey is undertaken in line with the Bat Conservation Trust (BCT) Bat Surveys for Professional Ecologists Good Practice Guidelines (4th Edition).
9. It has been suggested that the recommended survey could be secured through a pre-commencement condition. However, Circular 06/2005 is clear that the need to ensure ecological surveys are carried out should only be left to coverage under planning conditions in exceptional circumstances. No exceptional circumstances have been put forward and I do not have sufficient information to be satisfied that if bats are identified through the recommended further survey, that any potential harm to protected species could be avoided or mitigated. A condition requiring post-decision survey work to be undertaken would therefore be inappropriate and I must therefore take a precautionary approach.
10. The appellant contends that the submission of the PRA followed pre-application advice from the Council and should be considered sufficient. However, as the PRA recommends a further emergence survey, the onus was on the appellant to resolve any outstanding matters in this regard so that they could be taken into account as part of the planning application process.
11. I conclude that the proposed development has the potential to cause harm to protected species. As such, there would be conflict with Core Policy 9: Natural Environment of the South Bucks Local Development Framework Core Strategy: Development Plan Document (2011) which seeks to prevent new development that would harm nature conservation interests. It would also be contrary to the clear intentions of the National Planning Policy Framework and Circular 06/2005 to avoid significant harm to biodiversity.

Conclusion and Recommendation

12. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

M Long

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

M Russell

INSPECTOR