



Appeal Decision

Site visit made on 7 August 2025

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 August 2025

Appeal Ref: APP/W4705/W/24/3355936

Land at north west side of Potter Brow Road, Baildon, West Yorkshire

- 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 Miss Louise Waller against the decision of City of Bradford Metropolitan District Council.
 - The application reference is 24/03001/FUL.
 - The development proposed is change of use from stable and store to holiday accommodation.
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Decision

1. The appeal is dismissed.

Applications for Costs

2. An application for costs has been made by Miss Louise Waller against the Council. This is the subject of a separate decision.

Main Issues

3. The main issues are:
 - whether the appeal site is an appropriate location for the development proposed with reference to its vulnerability to flooding; and
 - the effect of the proposed development on biodiversity interests.

Reasons

Flood Risk

4. From the submitted evidence, I have no reason to doubt that the proposed development would provide the facilities required for day-to-day private domestic existence. The proposal would therefore result in a residential use of the building, albeit one that would be limited to holiday use by a planning condition should permission be granted. Consequently, the proposal should be treated as the creation of a dwelling for the purposes of applying planning policies.
5. Annex 3 of the National Planning Policy Framework (Framework) and the Planning Practice Guidance (PPG) define dwellings as 'more vulnerable' in terms of flood risk.
6. A Flood Risk Assessment (FRA) has been prepared to support the proposed development. This identifies the appeal site as being within Flood Zone 3 when using the Environment Agency Flood Map for Planning (Rivers and Sea). The FRA

identifies mitigation measures including raising the finished floor levels, flood resistant design measures, and a flood warning and evacuation plan.

7. The Environment Agency's Flood Map for Planning does not differentiate between Flood Zones 3a and 3b. In its consultation response on the planning application, the Environment Agency identifies that the appeal site falls within Flood Zone 3b¹. The Council's Flood Risk team confirms that the appeal site is identified as Flood Zone 3b in the publicly available Bradford Strategic Flood Risk Assessment (SFRA) mapping². I have no clear technical evidence that would lead me to dispute this. Flood Zone 3b is the functional flood plain, comprising land where water from rivers or the sea has to flow or be stored in times of flood. The PPG makes it clear that more vulnerable uses should not be permitted in Flood Zone 3b. The proposed development would not therefore be compatible with this Flood Zone.
8. Consequently, notwithstanding the mitigation measures identified in the FRA, I conclude that the appeal site is not an appropriate location for the development proposed with reference to its vulnerability to flooding. As such, it would conflict with Policy EN7 of the 2017 adopted Local Plan for the Bradford District Core Strategy Development Plan Document (the CS). This policy does not permit development in areas shown as functional flood plain in the Bradford SFRA, except for water compatible uses and essential infrastructure. The proposal would also conflict with the flood risk objectives of the Framework.

Biodiversity

9. A Preliminary Ecological Appraisal (PEA) was submitted to support the proposed development. It is based on a desk top study and a walk over survey undertaken in June 2024.
10. The PEA states that, due to the habitats within the site, particular consideration was given to its potential to support a range of species including water vole. However, this species is not addressed in the results. There is also no reference to the potential for otters to be present, despite the site's proximity to a watercourse and its banks.
11. The habitat information presented is limited in detail. This makes it difficult to understand the habitats that are present and therefore mitigation that may be required.
12. A Preliminary Bat Roost Assessment has also been undertaken. This states that the trees that would be impacted by the proposed works were noted to possess potential roosting features and therefore have a 'low' bat roosting potential in accordance with the Bat Conservation Trust guidelines. However, it is not clear from the submitted evidence which trees would be impacted by the proposal.
13. I am not therefore satisfied that the ecological surveys undertaken are sufficient to fully understand the impact of the proposal on biodiversity interests including protected species. 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 planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. Surveys

¹ Environment Agency letter to the Council dated 26 September 2024

² Email from the Council's Flood Risk Manager dated 29 October 2024

should only be required by condition in exceptional circumstances. In my view there are no exceptional circumstances in this case that would justify a condition requiring further survey work.

14. There is no clear evidence to demonstrate that the proposed development would not be subject to the mandatory biodiversity net gain (BNG) requirements. Consequently, the specified information needs to be provided in support of the application. This includes the pre-development biodiversity value and a completed biodiversity metric calculation tool. No such information has been provided. Consequently, there is inadequate information to establish whether the required BNG would be deliverable.
15. I have concerns about the lack of detail in the PEA and Preliminary Bat Roost Assessment and on BNG and the resulting uncertainty about the effects of the proposal on biodiversity interests including protected species. Consequently, I cannot conclude that the proposed development would not unacceptably harm biodiversity interests. The proposed development would therefore conflict with the biodiversity objectives of Policy EN2 of the CS and the Framework.

Other Matters

16. The site is within 7km (Zone C) of the South Pennine Moors Special Area of Conservation (SAC) and South Pennine Moors Phase II Special Protection Area (SPA) as defined in Policy SC8 of the CS. There is potential for the proposal to give rise to significant effects on the integrity of the SAC and SPA due to increased recreational pressures. The Council's Appropriate Assessment, required by the Conservation of Habitats and Species Regulations 2017, identifies that a habitats mitigation fee has been paid in accordance with the requirements of strategic mitigation. If I were minded to allow the appeal, it would be necessary for me, as the Competent Authority, to carry out my own Appropriate Assessment. However, given my overall conclusions on the proposal, I have not needed to reach a finding on this matter.

Conclusion

17. The proposal would conflict with the development plan as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. I therefore conclude that the appeal should be dismissed.

F Wilkinson

INSPECTOR