



Appeal Decision

Site visit made on 23 September 2025

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 October 2025

Appeal Ref: APP/U2370/W/25/3370087

Land to the rear of Moor End Manor, Back Lane, Stalmine, FY6 0JN

- 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 Stephen Howard against the decision of Wyre Borough Council.
 - The application Ref is 25/00068/FUL.
 - The development proposed is the erection of 1 no. single storey dwelling.
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Decision

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

Procedural Matters

2. My concerns regarding the validity of the appeal were set out in correspondence sent to the appellant and the Council on 2 October 2025. Comments were received from the appellant on the same day and these have been taken into account.

Reasons for Invalidity

3. On 2 April 2024, the provisions of the Environment Act 2021 relating to biodiversity net gain (BNG) came into force for small sites. Under Article 7(1A) of the Town and Country Planning (Development Management Procedure) Order 2015 ('the DMPO'), applications for planning permission submitted after those dates are required to be accompanied by certain information relating to BNG. The mandatory information required includes a plan showing on-site habitat existing on the date of the application (or earlier proposed date), including any irreplaceable habitat (if applicable), and various other related details which are listed in full in sub-paragraph (c) of the above Article. This requirement applies to all planning applications, except where one of the exemptions specified in the legislation applies.
4. All of the mandatory information is required to be submitted with a proposal where the general Biodiversity Gain Condition (BGC) as set out in paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended) applies. The appellant has ticked the relevant box on the planning application form advising that if the development is granted planning permission BGC would apply. In doing so, he has confirmed that no exemptions apply to his proposal and I have no reason from the evidence before me to take a different view.
5. I am aware that the application was accepted and validated by the Council. However, the Council's opinion as to validity is not binding on the Secretary of State. The Greater Manchester Ecology Unit acting as the Council's Ecological

Consultant, advised both at the time of the application (as referred to in the Officer Report) and in its letter dated 5 September 2025 which accompanies the Council's appeal statement, that a mandatory baseline plan was not provided with the planning application.

6. A site plan was presented with the planning submission. Although the drawing identified the existing hedgerow to the north-eastern boundary of the appeal site, it is nonetheless a *proposed site plan* [my emphasis] showing the footprint of the proposed dwelling and associated car parking and turning space. It does not label the existing grassland habitat present on the site, nor identify possible tree species within the boundary hedge. Importantly, the appellant has conceded that a BNG baseline plan of existing onsite habitats has not been provided¹.
7. In any event, whether or not the existing hedgerow is identified on the proposed site plan, it has not been included in the calculations pertaining to the baseline units for BNG². There is therefore a clear discrepancy with the BNG information as submitted which would affect the reliability of the BNG calculations needed to demonstrate a minimum 10% gain.
8. In light of the appellant's admission regarding the baseline plan, I am not satisfied that the minimum information requirements for BNG required as part of the initial application have been met.
9. On the evidence before me, 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.

Other Matters

10. The appellant's statement was not issued to the Council at the outset of the appeal process and consequently was not available to interested parties initially. Had I been able to determine the appeal, I would have required clarification that no interested parties were prejudiced by the absence of this information. However, as I have found the application and subsequent appeal to be invalid, I am not required to consider this matter further.

Conclusion

11. For the reasons given, I find the appeal to be invalid. Accordingly, no further action can be taken upon it.

M Clowes

INSPECTOR

¹ As set out in the appellant's email of the 2 October 2025.

² With reference to the appellant's BNG metric headline results document and biodiversity gain plan.