



Appeal Decision

Site visit made on 6 January 2026

by N Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 January 2026

Appeal Ref: APP/C1950/W/25/3373148

108 Tolmers Road, Cuffley, Potters Bar, Hertfordshire EN6 4JR

- 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 Mr John Frendo against the decision of Welwyn Hatfield Council.
 - The application Ref is 6/2025/0476/FULL.
 - The development proposed is a replacement dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal was submitted with supporting documentation relating to differing sites and proposals. Correct versions of the evidence were sought from the appellant, but these were not supplied within the specified timeframe.

Main Issue

3. The main issue is the effect of the proposed development on biodiversity with particular regard to bats.

Reasons

4. The appeal provided no documentation to refute the Council's reason for refusal. The objections to the proposal were clearly explained in the Decision Notice, Officer's Report and in the commentary provided by the Hertfordshire Ecologist. The Preliminary Roost Assessment provided with the application indicated a requirement for additional emergence and re-entry surveys in the active bat season as potential bat roosts in the existing building were highlighted. There is no evidence to indicate that these surveys were undertaken.
5. Even if updated emergence and re-entry surveys had been provided with the appeal; having regard to the Procedural Guide: Planning appeals – England, there is the possibility that I may not have been able to take this into account as it could be viewed as an attempt to evolve the scheme. This would be contrary to the advice provided at paragraph 16.1 of the Procedural Guide.
6. Furthermore, as bats are protected under the Conservation of Habitats and Species Regulations 2017, even if I were minded to approve the proposed development, a condition to require bat surveys prior to the commencement of development cannot be imposed.

7. The proposal therefore conflicts with policy SADM16 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework insofar as the proposal would not protect biodiversity.

Conclusion

8. For the reasons given above the appeal should be dismissed.

N Bowden

INSPECTOR