

Planning Appeal - Statement of Case

Planning Portal Ref – PP14445165

Local Authority – Wokingham Borough Council

Wokingham Planning Application Ref – 252634

Site Address – 44 Proctors Road Wokingham Berkshire RG40 1RP

This Householder application for permission to extend and refurbish a detached property on an established housing estate in Wokingham was submitted and rejected when first made because it hadn't included a bat report. The requested bat report – a Preliminary Roost Assessment (PRA), was commissioned from a qualified ecologist and included with the resubmitted application.

This enabled the application to proceed until such time as their in-house ecologist noted that the PRA concluded that whilst there was no evidence of any bats on, in and around the property, the property itself exhibited moderate potential for opportunistic bats to roost and so further surveys were needed before they would consider the application any further.

Representations were made in response to explain why the applicant thought that these weren't really necessary (see copy e-mails sent to Claire Moore Planning Officer on 19th December 2025 and 13th January 2026) and gave details of surveys that had been made by the applicant and his wife soon after the PRA was done and in the following weeks, weather permitting. These were rejected out of hand by their ecologist as being made in September, 3 months after the PRA, at the wrong times and without appropriate equipment being used. (See e-mail from Claire Moore 4th December 2025)

Further representations were made correcting the mistaken dates and detailing sources of information used to highlight the fact that there were no longer bats frequenting the locale. This was again rejected by the ecologist as being, this time, made in July (See copy Memo from T Cuss Council Ecologist dated 22nd December 2025), This time one month after the PRA, not at appropriate times and not by a qualified ecologist with the right equipment. The inference being that ordinary mortals like the applicant and his wife wouldn't be able to spot a bat emerging from the property! An appeal against this reasoning was made to the managing planner who deferred back to their ecologist who maintained the previous stance without any apparent detailed checking and the application, which was now running out of time for a decision to be made, was formally rejected.

Had their ecologist made proper checks on the information supplied and followed the steps advocated in published professional guidelines, instead of just confirming the action suggested by the first ecologist in the summary to the PRA the outcome could have been different. The refusal poses several questions which are,

Why did Wokingham Planning Authority (WPA) require a survey to be included in the application initially?

Why did the WPA ignore representations that further surveys weren't really necessary?

Why did the WPA adopt a heavy-handed 'broad-brush' catch-all policy in requiring a bat survey for all planning applications that involve roof work, without proper checks being made as to whether one would be appropriate?

Why did the ecologists ignore published guidelines, opting for a simplistic approach that seemed to assume that there must be bat activity until you prove otherwise?

What happened to Wokingham Council's Mission Statement and Customer Charter promises?

The Local Planning Authority Planning Department (LAPD) insisted on a bat survey without any explanation.

A check on the advice given on their website indicated that all planning applications to include a bat survey in order to establish whether bats might be impacted' by the proposals being made.

This is contrary to Government UK advice, which quotes standing advice from Natural England and states under the heading 'When to ask for a survey' "if planners have reason to think that a development may impact on bats ...they should ask for an appropriate survey". It goes on to say, ... a survey is needed if – distribution and historical records suggest bats may be present by searching the National Biodiversity Network Atlas (NBNA) by location and species.

WPA dispensed with this process completely, opting to place the emphasis on the applicant at no cost to themselves.

There is another section on the website that refers to their Planning Constraints Map saying that if the application concerns an area that falls within one of the areas highlighted on the map as pertaining to a noted species, then surveys will be required to ascertain the likely impact of the proposals. On checking, the property does fall within an area highlighted in pink on their map indicating an area of bat activity. However, at no time has any reference been made by WPA to this map.

Enquiries were made as to when this map came into use and when it was last updated, to be advised that it was after the introduction of the Conservation of Habitats and Species Regulations 2017 and was updated regularly. Further examination of the map showed that whilst the map had been updated to include new large scale housing developments, roads, tree preservation orders etc, the area hatched as indicating bat activity in the immediate vicinity hadn't been changed, remaining the same as it was years ago, in spite of the almost complete decimation of the local bat population due to loss of habitat for the bats as a result of all the housing developments in the local area.

Had WPA and the ecologists followed Government Guidelines and standing advice from Natural England to check the NBNA by location and species they would have seen that there was very little in the way of bat activity recorded in the area and no recorded roosts in Proctors Road.

Clearly this should have raised questions as to whether a PRA was necessary in the first instance. This coupled with advice that no bats had been observed near the property in the last five years should have raised questions as to the appropriateness of a survey and subsequent surveys when the PRA couldn't find any evidence of bat activity on, in, or around the property.

The PRA commissioned from a professional ecologist (PE) on the insistence of WPA was promised by the following weekend but it took numerous reminders and three weeks to produce a report which was decidedly amateur in composition having been largely copied and pasted from the Bat Conservation Trust Survey Guidelines. The PE completely disregarded local information provided at the time of the visit to undertake the inspection and hadn't bothered to consider the wider possibilities for clarifying the extent of bat activity in the area simply recommending further surveys for which she was quick to give quotes and availability for.

Having had the discussions with the PE at the time of the survey about the state of repair of the property further investigations were done at the time to check on all the possible external locations that might provide a place for a bat to roost and these were cleared by the PE then and there. In addition, it was brought to her attention that we had made regular detailed inspections over the past five years after the issue had first been raised and hadn't encountered any signs of bat activity, indeed there hadn't been any bat activity around the property over the 20 or so years prior to that, and also summer sightings of bats foraging and flying around the immediate vicinity had become extremely rare.

In an effort to pre-empt any comment about further surveys and to strengthen our comments regarding the local bat situation, we undertook dawn and dusk surveys over the following week and these were communicated to the PE who dismissed them as not relevant due to not having been completed by a professional.

This and previous bat activity information which had been imparted was completely disregarded by her when hurriedly compiling the PRA after irate telephone calls enquiring the whereabouts of the promised PRA report.

Unsatisfactory as the PRA was, it was decided to proceed with the submission of the planning application because the PRA had been commissioned and paid for, time was running out to get the work underway, a new report would be very costly and it was assumed, naively, that there were sufficient grounds for the council to consider approval on the basis of the absence of bat activity around the property.

A similar stance was adopted when the issue, together with supporting emails was referred by WPA to their ecologist who dismissed all representations in favour of recommending adopting our PE's suggestion for further surveys without following guidelines to consider broader issues insisting that only a PE with the requisite equipment was capable of coming to the right conclusion.

The Wokingham PE (WPE) had been charged with dealing with all aspects of biodiversity issues and by their stance and apparent lack of checks and investigation of the circumstances surrounding the application, in spite of being sent copies of the submitted e-mails, sided with the summary on the PRA without much explanation other than dismiss the applicant's surveys through lack of professionalism. Given the mistakes made as well (as noted above), this action, for a person in this

position, demonstrated an alarming lack of application to the task once accepted guidelines had been read.

The accepted and published guidelines for bat surveys call for, -

1.The Local Authority (LA) to establish and check for relevant bat activity before requesting a survey be completed and submitted.

2. The fact that the submitted PRA confirmed absolutely no evidence of bat activity was overlooked in favour of assuming that because the property presented adequate opportunity for an opportunist bat to roost, bats would no doubt be found and so, as it wouldn't cost the council anything to have additional surveys provided by the applicant, it was an easy option to take without having to do any research or investigation of the facts presented.

This would have been fine if there was a case to be had that bats were in fact fairly prolific in the area but all evidence from local knowledge to official documentation and records pointed in the opposite direction.

The Government publish guidelines for local authorities (LAs) to follow and WLAPD have ignored this guidance set specifically for councils to follow and which stated, -

LAs should work in a positive and proactive manner

Take a proportionate approach which reflects scale, complexity and potential impact on bat activity.

Consult internal consultees only when necessary

That speculative surveys are expensive, should be avoided, and cause reputational damage to the ecological profession.

Consider proportionality – important to take a proportionate approach. The type of survey and amount of effort should be proportionate to the predicted impact.

Collect information and if no reasonable likelihood that bats could be impacted then no further survey work required.

Advice on PRAs states –

If the structure has been classified as suitable for bat activity an ecologist should make a professional judgement on how to proceed based on all the available evidence available, and the balance of probabilities. Thought processes and decision making should be adequately recorded as a paper trail.

None of the above have been evident in the Council's decision to reject the application.

WLAPD in rejecting the application, gave the reason as being that "the site has potential for bat roosts...."

Many properties, structures and natural features exhibit potential but there has to be bats in evidence in the area to take advantage of any of these, even if only a possibility.

The LAPD go on to quote, somewhat erroneously, their Core Strategies and Managing development Delivery Local Plan Policy, Section 15 of the NPPF and the Conservation of Habitats and Species Regs 2017.

- Very little if any of this can be demonstrated to be relevant to the possibility of there being any bat activity in or around the subject property.
- The LAPD padded out their documentation with numerous quotes from official publications, most of which, once again, has little bearing on the question of whether bat activity ought to be considered as relevant in this particular case.
- The Guidelines also state that if they had considered proportionality, potential impact and cost implications of further surveys (approx. £2,000), they could have concluded that Planning Permission might be granted adding an informative to the planning decision notice regarding actions to be taken if protected species are encountered during the development.
– This suggestion was dismissed out of hand. -National Planning Policy Framework (NPPF) circular 06 05 Clause 98 refers.

So,

- Proportionality is required – surveys should match the level of risk. Modern PRA guidance emphasises a proportionate approach based on the likelihood of a bat presence, the scale of the proposed works and should be aligned to the predicted degree of risk of impact to bats.
- Unnecessary surveys impose unjustified costs on the applicant.
- Ecologists should use proportional judgement to avoid over surveying
- BS4020:2012 supports proportionate evidence led decisions.
- No evidence of bat presence identified during the PRA.
- Long term absence of bats – the property is known not to have supported bats for over more than five years of observations and many years before that.
- No roosts historically recorded in the immediate vicinity,(NBDNAtlas) further confirming that the property is extremely unlikely to attract to bats to roost during the renovation period.
- The renovations once implemented completely negating any possible bat access for roosting. Additionally, urbanised areas with street lighting and minimal green space are noted to have limited bat activity. Also, bats are reported to be loyal to their roosts, often returning to the same site to roost nightly showing long term faithfulness to these traditional roosts.
- Had any desk studies or cursory searches of current datasets been made, they would have confirmed that there were no records of any bat activity in the immediate vicinity thereby confirming a very low risk of any new bat roosting activity and so further surveys probably would have been a fruitless, very expensive and should have placed the property in the negligible risk category.

- While cost benefits never override legal obligations under the Conservation of Habitats and Species Regs 2017, Natural England's standing advice emphasises that decisions should rely on adequate and proportionate information and not extensive and unnecessary surveys.
- Requiring several emergence surveys to search for non-existent bats in a structure that has been cleared of any evidence of bat activity and no historic records in the immediate vicinity would not constitute a proportionate or evidence-based approach, imposing unnecessary costs without delivering any ecological benefits or meaningful contribution to conservation objectives.

Wokingham Borough Council's Mission Statement and Council Plan states – Vision and Values

- Customer first
- Compassion – understanding needs
- Respect- act with honesty, integrity and respect, listen and be open and honest with our residents.
- Feel listened to
- Feel valued

Customer Charter

We will –

- Be responsive, friendly and work to resolve issues
- Get it right first time
- Make it easy to interact with us.

The LPA have failed to listen, failed to act with integrity and were not interested in 'getting it right'.

Were the LAPD right in accepting the advice of their ecologist to refuse the application when clearly the ecologist had not given much thought to the arguments presented and had used incorrect survey times to substantiate the decision to reject the application without properly checking the facts relating to the application.

These mistakes being fairly crucial to the view taken to dismiss the application.

It is therefore submitted that the Planning Department move to dismiss the application and issue a refusal notice should be overturned and permission granted.

Finally, the irony in all this is that had it been possible to complete the proposed extension without making any change to parts of the roof profile then a bat survey wouldn't have been deemed necessary. If the renovation plans had shown the extended roof areas just abutting the existing structure instead of joining on to it without changing the profile of the roof and made a note that the existing roof covering was to be stripped off and replaced, this would not have raised any planning issues regardless of whether the property was in an area of bat activity and without recourse to checks on possible disruption to bat activity by this action.

References

Planning Application Form 28 10 2025

Council Decision Letter 23 01 2026

E-mails

Copy e-mail to Claire Moore, Council Planning Inspector 03 12 2025 attaching a copy of an email sent to the PRA ecologist

Copy of the e-mail attachment to e-mail 03 12 2025

Copy of the e-mail from Claire Moore 04 12 2025

Copy e-mail 19 12 2025 sent in reply to Claire Moore email of 04 12 2025 attaching response document to email of 04 12 25

Copy of the e-mail attachment sent to Claire Moore on 19 12 2025

Copy of Claire Moore's email dated 05 01 2026

Copy of response 13 01 2026 attaching Planning Response dated 12 01 2026

Copy of Planning Response doc dated 12 01 2026

Copy of Internal Memo from Council Ecologist T Cuss dated 22 12 2025

Advisories

UK Gov – Bats, Advice for Making Planning Decisions – Natural England 2022 updated 2025

Government Planning Portal Extensions - Planning Notes

Government Planning Portal – Roof Works

Government Planning Portal - Permitted Development Rights for Householders – Technical Guidance

Bat Conservation Trust - Bat Surveys for professional Ecologists Good Practice Guidelines

Ditto, 4th Edition Amendments and Q & A

Bat Conservation Trust – Bats and the Planning System 2019

Bat Conservation Trust – Bats and Buildings

CIEEM Bat Survey Guidelines

BS4020 2013

National Planning Policy Framework 2012 Circular 06/2005