



Appeal Decision

by Melissa Hall BA (Hons), BTP, MSc, MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 10/08/2026

Appeal reference: CAS-05086-D0P8B0

Site address: 2 High Cross Close, Rogerstone, Newport, NP10 9DH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Miss Sarah Thomas against the decision of Newport City Council.
 - The application Ref 25/0489, dated 17 June 2025, was refused by notice dated 12 March 2026.
 - The development proposed is described as the 'renovation of dwelling including demolition of existing garage and construction of a single storey rear extension, change of roof form from hip to pitched, new balcony and attic conversion together with other internal and external works'.
 - A site visit was made on 28 July 2026 by Mr T. Braithwaite.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.
3. The description of development on the application form and appeal form provided by the appellant differs to that shown in the Council's decision notice. I have used the Council's description as it is more concise, and no party has been prejudiced by my doing so.

Main Issues

4. The main issue is the impact of the proposal on ecology and biodiversity, with particular regard to protected species.

Reasons

5. No.2 High Cross Close consists of a bungalow situated in a residential area of Rogerstone, Newport.
6. The proposal involves considerable disruption to the main roof of the bungalow to accommodate its new renovation / extension. In its assessment of the proposal, the Council took the view that, given the nature and location of the building, together with the extent of proposed works to the roof, that there is reasonable likelihood bats could be

present. On this basis the appellant was advised that, in the first instance, a Preliminary Roost Assessment (PRA) would need to be carried out before a decision could be made on the application. In doing so, it cited the requirements of its '*Wildlife and Development*' Supplementary Planning Guidance (SPG). In particular, it referred to section 7 figure 5 of the SPG which sets out guidance for when protected species surveys are necessary for certain development types.

7. The appellant disputes that such an assessment is necessary on the basis that the Council has applied the SPG incorrectly. Their view is that there is not 'woodland' within 200m of the property to trigger such a requirement for survey work. To this end, my attention has been drawn to a group of trees between Myrtle Drive / Veronica Close and the Transport for Wales railway line to the southwest of the appeal site and, in particular, whether it is considered 'woodland' for the purposes of the SPG.
8. Firstly, it is important to note that while the Council's SPG is adopted guidance, its contents are not prescriptive; the SPG itself clarifies that it does not account for all situations. Further, the question is not whether this group of trees is defined as an area of woodland by Natural Resources Wales (or others), but the likelihood that it, or other green infrastructure around the site, supports a European Protected Species.
9. Bats are protected by the Conservation of Habitats and Species Regulations 2017, and Section 6 of The Environment (Wales) Act 2016 places a duty on public authorities to have regard to promoting and maintaining biodiversity. Bats are one such species of 'principal importance' included in Section 7 of that Act for the proper functioning and resilience of ecosystems in Wales.
10. Chapter 6 of Planning Policy Wales (Edition 12) (PPW) highlights that where European Protected Species could be present, ecological survey work may be required and assessment of impact of a development upon that species is necessary to inform development management. PPW also sets out the step-wise approach for development proposals to maintain and enhance biodiversity, bolster ecological network resilience, and deliver net benefits. It is made clear that adverse effects should be firstly avoided, then minimised, mitigated and lastly, compensated for.
11. The adopted Newport Local Development Plan 2011-26 (the LDP) policy GP5 aligns with these objectives of national policy and the legislative provisions by ensuring, amongst other things, that new development demonstrates no adverse effects upon protected species. Technical Advice Note 5: Nature Conservation and Planning (paragraph 6.2.2) (TAN 5) also makes clear 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 planning permission is granted.
12. On my site visit I observed the bungalow appears to have been partially re-roofed on the northern roof plane near the top of the ridge, and on the entirety of its eastern and southern roof planes. This is consistent with the appellant's statement of case indicating there had been work done to the roof, as well as replacement of fascia and soffits. However, the remainder of the roof and that of the front projecting element appeared untouched.
13. The immediate area is primarily residential and suburban in character; green space largely comprises private residential gardens, however there are also clusters of mature trees. Of particular note is the Ebbw River located south-west of the appeal site, and whilst I have not been provided with any details of its ecological status by either party, it would be reasonable to deduce that this area provides suitable foraging habitat for bats, and adjacent trees' potential to be used as roosts in some capacity. Between the river and the appeal site is the aforementioned mature tree group in dispute. Whilst being

alongside the railway, I would consider this group provides a moderate degree of ecological connectivity for the species and is within commuting distance for bats.

14. Bats are highly mobile species. Based upon the age and condition of the dwelling, the significant degree to which the roof would be disturbed by the proposed works, coupled with my observations on proximity to suitable habitat and existing green infrastructure connectivity, I consider that the request for a PRA from the Council is justified in this instance. In absence of any evidence to suggest otherwise, I cannot conclude with sufficient certainty that bats are not using the roof of the appeal dwelling in some capacity, even in its partially refurbished condition.
15. Without confirmation from a suitably qualified ecologist that European Protected Species are not present, I am unable to rule out potentially harmful effects upon the biodiversity interests of the area, thus offending the duty imposed by Section 6 of the Environment (Wales) Act 2016 specifically in respect of Section 7 species of Principal Importance in Wales. In the absence of any baseline ecological information from surveying work, I cannot be satisfied that the step-wise approach required by PPW has been followed. Moreover, I have not been provided with sufficient detail of, relative to the site's current ecological condition, a scheme for net benefit for biodiversity as is required by the Act and national planning policy.
16. In this instance, I take a precautionary approach and conclude that it has not been demonstrated that harm to biodiversity interests would be avoided, or that a net benefit for biodiversity and ecosystem resilience could be secured. On this basis, I find the proposal in conflict with policy GP5 of the LDP, and it fails to accord with Chapter 6 of PPW and TAN 5.

Other Matters

17. The appellant refers to a similar development in the street that was not subject to a bat survey request. That case was an application for a Lawful Development Certificate which was assessed against the relevant provisions of the General Permitted Development Order as to whether it requires express permission, rather than on its planning merits. This appeal relates to an application for planning permission, where the Inspector must be satisfied of any impact on protected species before granting consent. As the circumstances differ, I attach limited weight to the appellant's example.
18. In submissions, the appellant also provides a letter from Network Rail informing residents of planned vegetation maintenance along the railway line. As explained above, the group of trees pertinent to this appeal are adjacent to this railway line. No further details of the extent of these works have been provided. In any case, Network Rail's letter sets out that it is required to undertake relevant investigative surveys on the vegetation prior to any works, which includes protected species. I have no information before me to suggest that the entirety of this habitat has been cleared as a result of these works, or any cogent evidence that bat populations have been lost, so as to overcome my concerns.

Conclusion and Recommendation

19. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

T Braithwaite

Appeal Planning Officer

Inspector's Decision

20. I have considered all the submitted evidence and the Appeal Planning Officer's report, I agree with the reasoning and conclusions contained therein and on that basis the appeal is dismissed.

21. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. This decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of making our cities, towns and villages even better places in which to live and work.

Melissa Hall

Inspector