



Appeal Decision

Site visit made on 13 May 2026

by **MG Garrard LLB (Hons), PGDip.LP, Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 18 June 2026

Appeal Ref: 6005050

Harwood Street Garage, Harwood Street, Rochdale, Littleborough OL15 8NA

- 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 Brian Rogerson against the decision of Rochdale Metropolitan Borough Council.
 - The application Ref is 24/01269/FUL.
 - The development proposed is erection of a single storey self build bungalow with detached garage and associated parking/landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted revised plans with the appeal. The Procedural Guide for Planning Appeals¹ is clear that the appeal process should not be used to evolve a scheme. The revised plans show a significantly smaller site area, which excludes the access drive and part of the proposed hardstanding, such that they materially alter the proposal. Thus, to avoid prejudice to any party I have determined the appeal on the basis of the plans considered by the Council in determining the planning application.

Main Issues

3. The main issues are:
 - whether the proposal would satisfy the requirements of the statutory framework for biodiversity net gain;
 - the effect of the proposal on protected species;
 - whether the proposal would achieve an appropriate density; and
 - the effect of the proposal on the character and appearance of the area.

Reasons

Biodiversity Net Gain

4. Biodiversity net gain (BNG) is a statutory requirement introduced by the Environment Act 2021. Where applicable, it is secured through a statutory planning condition intended to ensure a minimum 10% increase in biodiversity value.

¹ [Procedural Guide: Planning appeals – England. For appeals relating to applications dated on or before 31 March 2026. - GOV.UK](https://www.gov.uk/guidance/procedural-guide-to-planning-appeals)

Compliance with this statutory regime is a material consideration for the decision maker, as failure to do so could undermine both its effective implementation and the wider biodiversity objectives it seeks to achieve.

5. Article 7 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 requires an application for planning permission to be accompanied by a statement confirming whether the development would be subject to the statutory BNG condition and if not the reasons for that. If BNG is applicable, further information is required so the statutory BNG condition can be applied and subsequently discharged.
6. Self-build development is one of the exemptions from the statutory BNG condition and was claimed on the planning application form, with the description also referring to a self-build dwelling. However, the description of development alone is not sufficient to secure self-build development. To be exempt from the statutory BNG condition, a legal mechanism such as a planning obligation under section 106 of the Town and Country Planning Act 1990 is necessary to secure the proposal as self-build development. No such mechanism was submitted to the Council or with this appeal. As a result, there is not enough certainty that the proposal would be a self-build or custom build house to benefit from that BNG exemption, and the minimum information required for a planning application, as set out in Article 7 has not been provided.
7. Accordingly, and regardless of the appellant's efforts improve the natural features on the site, the proposal would fail to satisfy the requirements of the statutory framework for BNG. Therefore, the proposal would also be in conflict with policies G6 and G7 of the Rochdale Core Strategy October 2016 (Core Strategy) and policy JP-G8 of the Places for Everyone Joint Development Plan Document 2022 to 2039 (adopted 21 March 2024) (Joint DPD) in so far as they seek to incorporate green infrastructure and enhance biodiversity.
8. There would also be conflict with paragraph 187 of the National Planning Policy Framework (the Framework) which seeks to secure net gains for biodiversity.

Protected species

9. The Conservation of Habitats and Species Regulations 2017 (as amended) impose a duty on me to consider whether protected species would be affected by the development and if so whether associated mitigation measures would be effective.
10. The site is described as a horse paddock, and managed greenfield and includes grassed areas, mature trees, a pond, and an outbuilding used to store construction material. Undated survey extracts with photographs indicate that the building on site which would be removed as part of the proposal is unlikely to provide a habitat for bats. The appellant also asserts that there are spine stickleback fish in the pond which are incompatible with the presence of Great Crested Newts (GCN).
11. However, a preliminary ecological assessment (PEA) survey was carried out in January 2024 in respect of a proposal to demolish existing buildings on the site and build nine dwellings. That survey identified bat roosting potential on the site and advised that further surveys were required; it also indicated that the on-site pond could potentially support GCN and recommended Environmental DNA (eDNA) surveys of the pond and other ponds within 250 metres to determine whether GCN are present.

12. Although requirements for surveys should be proportionate, the Greater Manchester Ecological Unit advise that the PEA should be updated to ensure current site conditions are considered. I have noted the appellant's comments about the likelihood of bats or the presence of GCN, but in the absence of the recommended surveys, they do not provide the necessary scientific assurances in respect of the features on the site, and other ponds in the vicinity.
13. Paragraph 99 of Circular 06/2005 states it is essential that the presence or otherwise of protected species, and the extent they may be affected by a proposal, is established before planning permission is granted, and only left to be dealt with under planning conditions in exceptional circumstances. No exceptional circumstances have been demonstrated in this case and therefore I have no reason to deviate from this advice.
14. For the reasons given above, it has not been demonstrated that the proposal would not have an adverse impact on protected species. As such there is conflict with policy G7 of the Core Strategy which seeks to ensure that development which would affect a species protected by law or its habitat will not be permitted unless it can be demonstrated that there is no adverse impact on the species concerned; or damage is minimal and alternative habitat provision is effective in maintaining those species. Additionally, this would be contrary to the precautionary approach set out in Circular 06/2005, chapter 15 the Framework, and the Natural Environment and Rural Communities Act 2006.
15. In their decision notice the Council also referred to the Joint DPD but did not specify which policy is relevant to this main issue, therefore it has not assisted my determination of this matter.

Density

16. The proposal would introduce a single dwelling in a parcel of land of approximately 0.48 hectares. The appellant contends that this is an initial stage in their intended development of the site for additional housing, and that the extended site area shown on the plans submitted with the planning application was a mistake by their planning agent.
17. However, Policy JP-H4 of the Joint DPD expects a density of thirty-five dwellings per hectare, but the proposal would have density of two dwellings per hectare. Taking account of the site's accessible location, this would not represent an efficient use of land. Furthermore, Policy C3 of the Core Strategy seeks densities that make efficient use of land whilst delivering a range of housing to meet needs of specific groups including older people and other vulnerable groups. The provision of a bungalow would derive some support from this policy, but that would not be prevented by a higher density.
18. For these reasons, I conclude that the proposal would not achieve an appropriate density. The proposal would therefore conflict with Policy JP-H4 of the Joint DPD and Policy C3 of the Core Strategy which, among other things seek development at densities appropriate to their location and that make efficient use of land. It would also conflict with the Framework's expectation that development should make an efficient use of land.

Character and appearance

19. The area immediately around the site is characterised by recent redbrick housing development along James William Street and the commercial garage building next to the site. The wider local area exhibits a very significant variety in building types, materials, ages, and styles. These include the cul-de sac of semi-detached dwellings on Oliver Close also leading to a contrasting older stone dwelling beyond it, and on James Street, traditional terraced dwellings directly fronting the street, as well as more recent residential blocks set back around a courtyard.
20. In this context a detached redbrick bungalow set beyond the end of James William Street, near to the existing garage buildings, where the character of the area opens up and becomes less urban and more vegetated would not be out of character with the surrounding area.
21. The plans show a two bedroomed bungalow, with a gabled timber frame porch on brick plinths, a projected gable framing patio doors on a side elevation and a subordinate gable to the rear. The windows would have vertical and square emphasis reflecting traditional fenestration. Detailing would be provided by brick detail to verges, corbelled brick eaves details, brick lintels to windows on the side and rear elevations, and stone-effect sills throughout and lintels on the front elevation. Together these details provide visual interest and articulation.
22. The proposed garage would be large relative to the size of the proposed bungalow. However, read as part of the scheme as a whole, it would remain a functional and subordinate element. The plans do not show the opening as irregular, and it would not appear so large to dominate or distort the visual relationship with the proposed dwelling.
23. Thus, the proposal would not harm the character and appearance of the area. It would therefore comply with Policy DM1 of the Core Strategy and Policy P3 of the Core Strategy which, among other things, require high quality design which respects its context. It would also accord with the Framework's advice concerning achieving well designed places.
24. The Guidelines & Standards for Residential Development Supplementary Planning Document (Adopted June 2016) was cited in the decision notice, however the elements relevant to design apply to house extensions and therefore do not materially assist my determination of this main issue.

Other Matters

25. I have noted the appellant's comments about the Council's handling of the proposal. However, I have considered the evidence provided and determined the appeal on its merits accordingly.

Planning Balance and Conclusion

26. The proposal would provide an additional single storey dwelling, assisting to meet the need for different types of housing in the area.
27. However, the proposal would fail to accord with the statutory requirements regarding protected species and BNG and would fail to accord with the development plan when read as a whole. The material considerations in favour of

proposal are not of sufficient weight to justify a decision other than in accordance with the development plan.

28. Therefore, the appeal is dismissed.

MG Garrard

INSPECTOR