

Delegated Decision Report

Application No:	25/1068	Statutory Period Expires:	9 th March 2026
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Site:	15 Pepys Grove Newport NP20 3JH		
Proposal:	APPLICATION FOR CHANGE OF USE OF LAND TO RESIDENTIAL AND ERECTION OF FENCING		
Applicant:	H Ross		
Type:	Full	Ward:	Gaer
Decision:	Granted with Conditions		

1. BACKGROUND

- 1.1 The application seeks consent for the change of use of land to residential curtilage and the erection of fencing. The site is subject to an ongoing enforcement investigation, under ref E24/0301 which is seeking the removal of the fencing and the cessation of the use of the land as residential curtilage following the refusal of application 25/0005, which was refused for the following reasons:

01 The development would have a significant adverse effect on interests of acknowledged importance namely, highway safety by reason of impact upon visibility for drivers emerging onto Kipling Hill from the link road which runs from Kipling Hill to Shakespeare Crescent. The proposal is therefore contrary to policy GP4 of the Newport Local Development Plan 2011-2026 (January 2015). No information has been provided to mitigate this objection.

02 The development would have a significant adverse effect on interests of acknowledged importance, namely visual amenity of the street scene. This would be by reason of the extent of land enclosed by fencing, which has resulted in the loss of grassed verge which is a characteristic feature of the surrounding area and by reason of the design, height, location and extent of fencing. The development is therefore contrary to policies GP2 and GP6 of the Newport Local Development Plan 2011-2026 (Adopted January 2015).

- 1.2 An appeal was submitted following refusal and was dismissed on the basis of highway safety, ecology/biodiversity and due to the impact on the character and appearance of the area.

2. SITE LOCATION AND CONTEXT

- 2.1 The application site comprises an end of terrace, two storey property located on Pepys Grove, a purpose built residential development within in the Gaer Ward. The area is characterised by rows of properties, with large verges at the end of the terrace, providing a separation between the rows of terraces and Kipling Hill.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 The application seeks consent for the extension of the residential curtilage into the aforementioned verge, the erection of a close board fencing to enclose the rear and associated landscaping features.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
25/0005	RETROSPECTIVE APPLICATION FOR CHANGE OF USE OF LAND TO RESIDENTIAL AND RETENTION OF FENCING	Refused	07.04.2025

5. PLANNING POLICY

- 5.1 THE NATIONAL DEVELOPMENT FRAMEWORK: FUTURE WALES - THE NATIONAL

Future Wales sets out the Welsh Government's land use priorities and provides a national land use framework for SDPs and LDPs. Future Wales concentrates on development and land use issues of national significance, indicating areas of major opportunities and change, highlighting areas that need protecting and enhancing and helping to co-ordinate the delivery of Welsh Government policies to maximise positive outcomes.

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping Urban Growth and Regeneration - Strategic Placemaking

Policy 9 - Resilient Ecological Networks and Green Infrastructure

5.2 PLANNING POLICY WALES (EDITION 12) 2024

3.3 - Good design is fundamental to creating sustainable places where people want to live, work and socialise.

3.4 - Meeting the objectives of good design should be the aim of all those involved in the development process and should be applied to all development proposals at all scales.

6.4.42 - Replacement planting shall be at a ratio equivalent to the quality, environmental and ecological importance of the tree(s) lost and this must be preferably onsite, or immediately adjacent to the site, and at a minimum ratio of at least 3 trees of a similar type and compensatory size planted for every 1 lost.

5.3 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

5.3.1 Policies GP2 (General Amenity), GP4 (Highways and Accessibility), GP5 (Natural Environment) and GP6 (Quality of Design) of the Newport Local Development Plan 2011-2026 (adopted January 2015) are relevant to the determination of this application.

6. CONSULTATION RESPONSES

6.1 **Highways:** No objection

6.2 **Landscape Officer:** I support the setting back of the fence line and planting of beech hedge to soften the fence line. I do have some queries given this would be viewed as part of the street scene but I think managed under private ownership.

1. The tree species *Aesculus glabra* is not common and will be difficult to source from nurseries – please supply evidence this can be purchased at heavy standard size.

2. As this will effectively become a street tree (but under private ownership) please refer to the Tree Team to assess suitability.

3. I assume grass verge mowing will be undertaken privately but in line with other highway verges, some certainty on the mowing regime may be required.

7. PUBLIC REPRESENTATIONS

7.1 Neighbour notification letters were sent on 15.12.2025. 9no. neighbours were consulted. No representations were received.

8.1 Principle of Development

8.1.1 The application site comprises an existing residential dwelling that is located within a settlement boundary as designated by the maps contained within the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Therefore, the principle of development is accepted.

8.1.2 The proposed red/blue line boundary as proposed on the submitted plans show the grass verge beyond the fence line to be outside of the residential curtilage, this is considered to be acceptable and to ensure that the land cannot be used for residential purposes nor will it benefit from householder permitted development rights. Accordingly, there would be no reason to restrict permitted development rights in this instance.

8.2 Visual Amenity

- 8.2.1 Located along Kipling Hill, there are a number of areas of grass verge which are considered to represent the character of the area and positively contribute to the streetscape. Previously, the grass verge between Kipling Hill and Pepys Grove has been largely reduced and enclosed by a close board fence to facilitate the change of use to curtilage, which was deemed unacceptable, the retrospective application seeking its retention was refused, enforcement action taken and an appeal considered by PEDW dismissed.
- 8.2.2 In order to overcome the previously identified harm/reasons for refusal, the current proposal includes a 1.8m close board fence set back 3.5m from the back of the footway, with beech hedge planted in front of the fence to soften its appearance.
- 8.2.3 The retention of the larger section of verge retains the openness of the area and is considered to preserve the character and positive visual contribution the verge makes within the setting. The addition of beech hedging along the perimeter of the fencing is considered to soften the hard boundary of the fencing. The use of Beech which is a UK native species retains its leaves in winter therefore offering year round mitigation. The revised position of the fence in combination with the proposed hedge planting is considered to be sufficient to address the reason for refusal in terms of visual amenity. Overall, it is not considered that the proposals would result in harmful impact on the visual amenity of the property and wider area. The Landscape Officer has commented on the scheme and supports the retention of the verge and implementation of the hedge.
- 8.3 **Residential Amenity**
- 8.3.1 Due to the location of the application site on the corner plot, it is not anticipated that the fence or extension of residential curtilage would have an impact by way of loss of light or perceived overbearing to nearby neighbouring properties.
- 8.4 **Highways**
- 8.4.1 The proposals include the removal of the fence immediately adjacent to the highway. The Highways Officer has provided comments on the scheme and confirms that they have no objection and that the visibility is improved. The amendments to the original proposals have addressed the reasons for refusal as listed within application 25/0005. No highway safety issues arise from the proposals, and accord with policy GP4.
- 8.6 **Biodiversity**
- 8.6.1 Policy 9 of Future Wales states that in all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated. Policy GP5 of the NLDP supports this and states that proposals will be expected to maintain, protect and enhance ecological networks and features of importance for biodiversity. The Green Infrastructure statement confirms that the a beech hedge will be planted along with an additional tree. Given the scale of development, this is deemed acceptable. A condition will be added to ensure that this is undertaken.
- 8.6.2 It is understood from aerial footage that a street tree has been removed as a result of the development. Chapter 6 of PPW 12, states, *Replacement planting shall be at a ratio equivalent to the quality, environmental and ecological importance of the tree(s) lost and this must be preferably onsite, or immediately adjacent to the site, and at a minimum ratio of at least 3 trees of a similar type and compensatory size planted for every 1 lost.*
- 8.6.3 The proposals include the planting of an Aesculus giabra to be planted within the grass verge, this does not meet the replanting ratio as prescribed within PPW12, however given the extent of the space available it is considered that the proposed replanting is appropriate as not to result in overcrowding of trees in this location. This is deemed acceptable and will be secured via condition. The submitted plan provides details of the planting methodology which is considered to be acceptable.
- 8.6.4 The Landscape Officer has raised some concern relating to the accessibility of the tree, this is not a material consideration in the assessment of this application. The tree is considered to be acceptable for its proposed purpose and planting site.
- 8.6.5 The proposed development included the planting of native hedgerow (beech) details in

terms of the planting specification and ongoing management/maintenance of the hedge have been provided and are considered to be acceptable, accordingly the management plan will form part of the approved documents.

9. OTHER CONSIDERATIONS

9.1 *Crime and Disorder Act 1998*

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

9.2 *Equality Act 2010*

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership.

9.3 Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

9.4 The above duty has been given due consideration in the determination of this application. It is considered that there would be no significant or unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

9.5 *Planning (Wales) Act 2015 (Welsh language)*

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material effect upon the use of the Welsh language in Newport as a result of the proposed decision.

9.6 *Newport's Well-Being Plan 2018-23*

The Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. This duty has been considered during the preparation of Newport's Well-Being Plan 2018-23, which was signed off on 1 May 2018. The duty imposed by the Act together with the goals and objectives of Newport's Well-Being Plan 2018-23 have been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the proposed decision.

10. CONCLUSION

10.1 The proposals detail a large section of verge being retained despite the inclusion of the fence. A new hedge will soften the appearance of the fence and the retention of the verge will ensure that the openness of the area is retained. There are no highway safety issues arising from the proposal and appropriate biodiversity enhancements are appropriate. The proposed amendments are sufficient to overcome the reasons for refusal as listed within application 25/0005.

11. DECISION

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents: Green Infrastructure Statement, Site Location Plan, Existing/Proposed Site Plans and Landscape Plan

Reason: In the interests of clarity and to ensure the development complies with the submitted plans and documents on which this decision was based.

02 The Aeculus Giabra tree shall be planted within the next planting season following the date of this consent in accordance with the details on approved plan HR/01 – Plans as Existing and Proposed. Thereafter the tree shall be maintained for a minimum period of 5 years from the date of planting and replaced if damaged or if it fails to thrive or dies within the maintenance period. Any replacement shall be on a like for like basis and shall be maintained until satisfactorily established.

Reason: To secure the satisfactory implementation of the proposal and to compensate for the loss of the protected Beech Tree in accordance with Policies GP2 and GP5 of the NLDP.

03 The planting of the hedge and reseeded of the grass verge as detailed within the Landscape Management Plan shall be undertaken no later than the next planting season following the date of this consent. Thereafter the hedge and grass verge shall be maintained in accordance with the management plan for the lifetime of the development. For the purpose of this condition, a full planting season shall mean the period from October to April.

Reason: To secure the satisfactory implementation of the proposal.

04 Within 3 months of the date of this decision, the fence shall be moved to accord with the position as detailed in approved plan HR/01 – Plans as Existing and Proposed and shall be retained as such for the lifetime of the development.

Reason: In the interest of residential and visual amenities.

NOTE TO APPLICANT

01 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies GP2, GP4, GP5 and GP6 were relevant to the determination of this application.

02 Due to the minor nature of the proposed development (including any demolition) and the location of the proposed development, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.