

APPLICATION DETAILS

No: 24/0524 **Ward:** Bishton And Langstone

Type: Full

Expiry Date: 15th September 2024

Applicant: Pitman

Site: Land North Of Rock Cottage Arcade Road Penhow Newport South Wales

Proposal: **CONVERSION OF BUILDING INTO RESIDENTIAL USE TO INCLUDE A SMALL SIDE EXTENSION, CONSTRUCTION OF DETACHED DOMESTIC STABLE BLOCK, STANDALONE BAT HOUSE AND ASSOCIATED WORKS INCLUDING LANDSCAPING, FORMATION OF A SMALL DOMESTIC GARDEN, IMPROVEMENTS TO ACCESS AND PROVISION OF TWO PARKING SPACES**

Recommendation: REFUSED

1. INTRODUCTION

1.1 This application comprises a resubmission of 23/0242 which was refused for the following reasons.

01 The proposal, by reason of the site's prominent and exposed position and the isolated nature of the buildings themselves, will result in an urban intrusion into open countryside and the Wentwood Special Landscape Area and an accumulation of domestic accoutrements and associated works to the detriment of the area's rural character and appearance. This is contrary to Planning Policy Wales and policies SP5, SP8 and GP5 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

02 It has not been demonstrated that the applicant has made every reasonable attempt to market the building for a business re-use, the building is not capable of conversion without substantial reconstruction of the external walls and significant changes are proposed to the existing building which will affect the integrity of the existing structure. The associated residential curtilage is also not considered defensible. This is contrary to policy H10 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

03 The proposal by reason of its size, design and location would result in an unsympathetic and unduly dominant conversion that would significantly increase the size of the existing building in combination with new equestrian buildings would cause significant harm to the rural character and appearance of the countryside and the Wentwood Special Landscape Area, contrary to policies SP5, SP8, H10 and GP6 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

04 The proposed development has a significant adverse impact upon interests of acknowledged importance, namely trees and protected woodland and no information has been submitted to mitigate this objection to the detriment of landscape character and visual amenity. It is also not possible to quantify biodiversity enhancement without this information. The proposed development is therefore contrary to policies GP5 and SP9 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

05 There is a likelihood of bats being affected by the development and insufficient bat survey and mitigation information has been provided. Therefore the proposal has potential for a significant adverse effect upon interests of acknowledged importance, namely a European Protected Species. In addition, without this information it is not possible to quantify biodiversity enhancement. This is contrary to policies SP9 and GP5 of the Newport Local Development Plan 2011 - 2026 (Adopted January 2015), Planning Policy Wales edition 11 and TAN5: Nature Conservation and Planning.

06 It has not been demonstrated that the proposed foul drainage system (packaged treatment plant) is feasible without harm to the environment and biodiversity. This is contrary to policies SP4 and GP5 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

07 The proposed development will have a significant adverse impact upon interests of acknowledged importance, namely affordable housing. No signed legal agreement has been provided for the commuted sum contribution to assist the Council in meeting its on-going requirement for affordable housing. This is contrary to Policy H4 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

1.2 This application was also dismissed at appeal under ref: CAS-02955-Y5K8T5.

2. RELEVANT SITE HISTORY

App Number	Proposal	Decision
23/0242	CONVERSION OF BARN INTO 1 BEDROOM DWELLING INCLUDING EXTENSION AND RAISING RIDGE HEIGHT, CHANGE OF USE OF AGRICULTURAL LAND TO GARDEN AND CONSTRUCTION OF NEW DOMESTIC STABLES AND ASSOCIATED ACCESS AND INFRASTRUCTURE/ENGINEERING WORKS	REFUSED 15 June 2023 DISMISSED AT APPEAL 27 March 2024

3. POLICY CONTEXT

3.1 THE NATIONAL DEVELOPMENT FRAMEWORK: FUTURE WALES - THE NATIONAL PLAN 2040

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

3.2 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.

3.3 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

Policies SP1 (Sustainability), SP5 (Countryside), SP8 (Special Landscape Areas), SP9 Conservation of the Natural & Historic Environment, SP13 (Planning Obligations), GP2 (General Development Principle -General Amenity), GP3 (General Development Principle - Service Infrastructure), GP4 (General Development Principle -Highways and Accessibility), GP5 (General Development Principle -Natural Environment), GP6 (General Development Principle -Quality of Design), GP7 (Environmental Protection and Public Health), T4 (Parking), M1 (Mineral Safeguarding), H10 (Conversions in the Countryside).

3.4 SUPPLEMENTARY PLANNING GUIDANCE

The following supplementary planning guidance is considered relevant to this application.

- Sustainable Travel
- Planning Obligations
- Affordable Housing
- Wildlife and Development
- New Dwellings
- Waste Storage and Collection
- Parking Standards
- Trees, Woodland, Hedgerows and Development
- Mineral safeguarding

4. CONSULTATIONS

4.1 NATURAL RESOURCES WALES: We continue to have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome if the documents identified below are included in the approved plans and documents condition on the decision notice:

- Soft Landscaping Plan, Drg No TG 2203-25, dated July 2024, Rev B, by Ty Green Ltd
- Bat Survey, Penywrold Farm Barn, Penhow, Caldicot, NP26 3AJ, Version V2.0, prepared by Ecological Services Ltd, dated October 2022.
- Drawing No. TG2203-24 titled Bat House prepared by Ty Green Ltd, dated July 2024, Rev B.

Please note, without the inclusion of these documents we would object to this planning application. Further details are provided below.

Protected Sites - Parc Seymour Woods Site of Special Scientific Interest (SSSI)

The proposed development is located approximately 30m from the Parc Seymour Woods SSSI which is notified for the sessile oak woodland and remnant ancient woodland habitat. We have considered the revised Soft Landscaping Plan, Drg No TG 2203-25, dated July 2024, Rev B, by Ty Green Ltd, submitted in support of the application. We welcome that the previously proposed Cherry Laurel has been replaced with Beech. This has addressed our concerns in relation to the potential impact on the SSSI. Therefore, based on the information submitted, we consider that the proposed development is not likely to damage the features for which Parc Seymour Woods SSSI is of special interest and advise the above document is included on the approved plans and documents. Modifications to the scheme as currently proposed may affect our view, and may merit a further consultation with us.

European Protected Species – Bats

We note the submission of the revised Bat House drawing, reference TG2203-24, dated July 2024, Rev B submitted in support of the application. The proposed development site is a confirmed maternity roost for a minimum of 58 lesser horseshoe bats roosting within a chimney of the building to be converted. We note that compensation for the loss of the roost is proposed in the form of a bat house. European Protected Species – Legislation and policy Bats and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017. Where bats are present and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation. A licence may only be authorised if: i. The development works to be authorised are for the purpose of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment; ii. There is no satisfactory alternative; and iii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that your Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any bats on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied. On the basis of the information set out in the documents named below, we do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range, provided that the measures stipulated

in the above documents are adhered to. Therefore, we recommend you should only grant planning permission if you attach the documents listed above within the condition identifying approved plans and documents on the decision notice. European Protected Species Licensing In line with the 'Dear CPO' letter issued by Welsh Government on 1st March 2018, we request that the following informative is attached to any planning permission granted by your Authority: Warning: A European Protected Species (EPS) licence is required for this development. This planning permission does not provide consent to undertake works that require an EPS licence. It is an offence to deliberately capture, kill or disturb EPS or to damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/ or receive an unlimited fine. Development should not be commenced until the Applicant has been granted a licence by Natural Resources Wales pursuant to Regulation 55 of the Conservation of Habitats and Species Regulations (2017) authorising the specified activity/ development to go ahead. To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000, or at https://naturalresources.wales/permits-and-permissions/protected-species_licensing/european-protected-species-licensing/information-on-european-protected-species-licensing/?lang=en . We may wish to discuss minor aspects of the proposed mitigation with the applicant in more detail at the EPS licence application stage. Please note that any changes to plans between planning consent and the EPS licence application may affect the outcome of the licence application.

European Protected Species – Dormice

We note and support your Authority's ecologist's request for a planning condition requiring a dormouse method statement.

- 4.2 DCWW: This application is located in an unsewered area and since the proposal intends on utilising an alternative to mains drainage, we would advise that the applicant seek advice from Natural Resources Wales and the Building Regulations Authority as both are responsible to regulate alternative methods of drainage.

5. INTERNAL COUNCIL ADVICE

- 5.1 ECOLOGY: I note NRW's response of 31st July 2024, and in my view their advice confirms that NRW would be likely to grant an EPS licence for the works proposed, provided the mitigation and compensation measures in the documents they have stipulated are implemented in full. Therefore provided the documents identified are included in the approved plans and documents condition, we should not refuse to grant consent for this application on the basis of impacts upon bats. I do not recognise NRW's comment in relation to Dormice ' *We note and support your Authority's ecologist's request for a planning condition requiring a dormouse method statement*'. However I do support the proposal in section 3.3 of the Preliminary Ecological Appraisal that a Dormouse method statement should be produced in relation to the removal / translocation of the hedgerow along the frontage of the site. We should use a planning condition to secure the submission and implementation of this Dormouse method statement, in accordance with the proposals set out in section 3.3 of the PEA. In general I support all of the biodiversity recommendations set out in section 4 of the PEA, so it may be easier to include this section of the PEA in the approved plans and documents condition. In particular, I would draw the Applicant's attention to the precautionary mitigation measures proposed in relation to reptiles, and to nesting birds. On a related point, I support the Hedgerow Translocation Method Statement submitted in support of this application, and ask that the implementation of this method statement be secured by planning condition. The Green Infrastructure Statement submitted is also adequate and I have no objection to this.
- 5.2 LANDSCAPE: The proposal is within Wentwood Special Landscape Area and as stated in the LDP SP8; 'priority will be given to landscape conservation and enhancement', and 'developers will be required to ensure that proposals do not impact or affect the intrinsic character, quality, feature or conservation value'. The visual impact assessment indicates that the development will have little detrimental effect on views. The reinstatement of the historical orchard and planting of native hedging to help screen the development makes for a positive contribution to the landscape. The landscape materials specification is appropriate. No objections.

- 5.3 TREES: The ash tree T1 is a historical and veteran ash tree "Tree Plan" - remedial details are required for this tree due to its age and size, eg what is the maintenance proposal for this tree? Landscaping (grass seeding etc) is shown bisecting the RPA of T1 veteran ash – this is completely unacceptable due to the damage caused by any machinery (even hand cultivation) to the fine tree roots. All trees/hedgerows and RPAs must be accurately plotted all trees should be annotated on every layout plan.
- 5.4 ENVIRONMENTAL HEALTH: No objection to the proposed development from an Environmental Protection perspective
- 5.5 DRAINAGE: Having reviewed the submitted information, a SAB application may be required.
- 5.6 WASTE: We would anticipate the property receive a single 120l bin for kerbside collection with recycling bags, boxes for kerbside collection also with one council tax paid on the property as a whole.
- 5.7 HIGHWAYS: Not supported on the basis that the location is not sustainable. The proposals however meet all other criteria and there is no formal objection. The application is a resubmission of 23/0242. It addresses reasons for refusal and findings of the Appeal. None of these were highway related. There are therefore no changes in the Highways' Comments, which are reproduced below. Additional information/rebuttal has been provided by the applicant, which is addressed below, but the overall comment remains unchanged. The few amenities within walking distance are noted and accepted. The development is not expected to have all amenities within walking distance but cannot be described as sustainable. The location is remote, and the development would be car dependant, which is contrary to policy. Highways do not object however, mainly due to the scale and nature of development. The trip generation would be negligible and not too dissimilar to any other dwelling. Our records show that adopted highway extends into the "bellmouth"/access as far as the existing gate. Lane markings are irrelevant and simply guide drivers. The applicant must check on highway boundary information (this information is available to the public) and will need licence to work in this area. Materials, construction etc must be agreed and an approved contractor commissioned for the works. Should the Planning Officer be minded to approve however, highways would request conditions relating to the access, parking and restriction of the stable use to domestic only. It is noted that a cut off drain is proposed and this should be secured by condition. It should however be within the applicant's control, not in highway.

6. REPRESENTATIONS

- 6.1 Neighbour and Ward member notification letters were sent on 25th June, Site Notice was put up on 5th July.
- 6.2 NEIGHBOURS: There are no neighbours within the immediate vicinity of the site and therefore a site notice was posted. One response was received as outlined below.
- I am supporting this application to restore this property to its former use. The 1845 Tithe Map and accompanying Tithe Appointment clearly shows the property as a House and Garden with an orchard. The applicants wish to restore this property to its previous use before it was allowed to deteriorate to become now just an animal shelter. I have visited the property and have seen for myself the domestic features that still remain, including an inglenook fireplace, bread oven, stone staircase obviously leading to a first floor and a chimney. I am not aware of any "barn" that would contain these domestic household features. I have enquired with the Welsh Folk Museum who informed me that the inglenook fireplace in it's original form and the bread oven are very rare to find, and in those circumstances One would have thought from a historical conservation perspective that the Council would welcome a restoration project of this kind. I am convinced that if the Community Council had been fully aware of the history of this building when considering the matter they would have come to a different conclusion, as it is, they considered the application without being fully aware of all of the facts and the supporting evidence. I am at a loss to understand how their first application was refused, bearing in mind the historical nature of the building and at even more of a loss to understand how the WAG Planning Inspector refused their appeal, she clearly had

no idea of the true function of the building, describing it as a "barn conversion". That is clearly a nonsense. As a former Elected Member of Monmouthshire County Council's Planning Committee of 11 years standing and a former Chairman of that Committee, with that experience I can see no grounds whatever for a refusal. I note that the Authority's Landscape Officer has no objection, quite right too. I trust you will take account of these comments when coming to your recommendation, which I hope will be for approval.

- 6.3 COMMUNITY COUNCIL: Members noted and studied the contents of the Planning Application in great detail, and noted the similarities to a previous application submitted for the same property in May 2023. Several observations and issues were raised, including:
- The fact that this is the development/conversion of a small property which will result in an urban intrusion into the open countryside and rural landscape of Penhow and the Wentwood Special Landscape Area with the domestic and associated works on the property being to the detriment of the area's rural character and appearance. Surely this is contrary to Planning Policy Wales and of the Newport Local Development Plan 2011-2026?
 - Access onto the single track lane remains a concern, with a limited visual splay not conducive to such a narrow lane.
 - Council note that the development is for a one bedroom property, with stabling for narcoleptic horses, which could result in additional vehicular movement along Arcade Road and/or Penyworlod Lane not just of additional domestic vehicles, but of lorries, horseboxes, vets and delivery company vehicles etc, which again are not conducive to narrow lanes, and can potentially damage roadside banks and hedges.
 - Access from Penyworlod Lane onto the A48 is already a major concern for vehicles currently using the lane. Increased traffic in this area will only serve to exacerbate what is already a concern for the local Police and residents.
 - Staying with the development/conversion of the property to a one bedroom property, if planning were to be approved by the Planning Authority, what guarantee is there, that there will not be a change/amendment submitted in 1/2 years time, for the addition of another extension to increase the number of bedrooms etc - thus potentially increasing the vehicular traffic yet again, and the need for an improved sewage system. How long will this property remain a one bedroomed property?
 - As with any development within the countryside, there is always concerns for sewage, run-off water etc. If planning is approved, the Planning Authority will need to ensure that the disposal of run-off meets any SuDs restrictions/agreements

In light of the above, the Community Council feel that they **cannot support this planning application** at present on the grounds of development within the countryside, lack of visual splay and increase of traffic on a single track lane which off-loads onto the A48 at what is already an unsuitable junction.

7. ASSESSMENT

- 7.1 This application seeks full planning permission for the conversion of a building to residential to include a side extension, construction of a detached domestic stable block, standalone bat house and associated works including landscaping, formation of a domestic garden and improvements to access and provision of 2no. parking spaces on land north of Rock Cottage, Arcade Row, Penhow. The site is located in the Bishton and Langstone ward.
- 7.2 The surrounding context is rural characterised by agricultural fields and woodland. The settlement of Penhow is located approximately 500m to the south west. This is countryside and Special Landscape Area for the purposes of the adopted Local Development Plan.
- 7.3 The existing building comprises a small, single storey structure which is currently being used as a field shelter for livestock. The existing building measures approximately 9.2m in length, 4.5m in width, 2.2m to the eaves and 3.8m to the ridge. It comprises a rectangular structure with a pitched roof constructed from natural stone with a corrugated sheeting roof. It includes 3no. openings to the front elevation, 1no. opening to the side elevation and 1no. opening to the rear elevation. The nearest dwelling is located some 125m to the south west. Access is gained via a field gate off Penyworlod Road.

- 7.4 The proposed works include the extension and conversion of the building to create a 1no. bedroom dwelling. The building would be extended to the side elevation, the proposed extension would measure 3m in width, 4.1m in depth and 3.6m to the ridge. The existing part of the building would include a kitchen, sitting area and bathroom and the new extension would contain a bedroom. In terms of fenestration, there would be 3no. windows and a door to the front elevation, 1no. window in the side elevation of the new extension and 1no. door in the rear elevation. There would also be 3no. rooflights in the rear of the roof. The building would be finished in natural stone to match the existing building and naturally treated timber windows and doors. The area to the rear of the building would comprise a private amenity area with parking for 2no. cars to the front of the dwelling. New hedge planting is shown on the site layout plan to the north and south of the building.
- 7.5 The proposals also include the construction of a separate stable block which would comprise 3no. stables a hay/feed room and a tack room. This building would measure 15m in length, 5.25m in width (at its widest point), and 3.2m in height (at its tallest point). It would be finished in timber. A new permeable grasscrete path would be constructed to provide access to the stable block from the parking area. No details of proposals for a muck heap have been provided.
- 7.6 Finally, a standalone bat house is also proposed which would be located to the south west of the dwelling. It would measure 5m in width, 5m in depth and 2.7m in height. It would be finished in timber with a slate tiled roof.

The Principle of the Proposed Development

- 7.7 Policy SP5 of the adopted Newport Local Development Plan (NLDP) states that development in the countryside will only be permitted where the use is appropriate in the countryside, respects the landscape character and biodiversity of the immediate and surrounding area and is appropriate in scale and design. Housing development, rural diversification and rural enterprise uses, beyond settlement boundaries, will only be appropriate where they comply with national planning policy. In addition, policy SP8 states that proposals within special landscape areas will be required to contribute positively to the area through high quality design, materials and management schemes that demonstrate a clear appreciation of the areas special features. Policy CF7 relates to equestrian uses and states that horse related developments both recreational and commercial, including stables, shelters and riding schools will be permitted provided that the scale, design, siting and materials do not detract from the character and appearance of the locality; the proposals do not result in an excessive number of buildings or inappropriate structures; the proposed development does not require the provision of a new dwelling unless classified as a rural enterprise dwelling; and the proposed development does not require the provision of unsightly infrastructure. Finally, policy GP5 also seeks to ensure that proposals will not have an adverse impact on landscape quality and biodiversity. In this regard, the proposals would introduce new areas of hard landscaping into the area surrounding the existing building, including a new access drive, car parking, and the hardstanding surrounding the stable block as well as changing the agricultural landscape around the building to reflect a residential amenity area. All of this new infrastructure, together with the construction of a new substantial stable block and bat house would be located to the south west and south east of the existing building whereby it would be highly visible from Penyworlod Road and the surrounding area. Given its location it is considered that the domestication of the curtilage could have a harmful impact on the rural character of the countryside and the special qualities of the SLA. Whilst it is acknowledged that landscaping is proposed around the various structures, this will take time to mature and due to the building's elevated position they will still be visible from the surrounding area and Penyworlod Road. On this basis, the proposal is considered to be contrary to policies SP5, SP8 and GP5.
- 7.8 Planning Policy Wales states that housing development outside of the settlement boundary should be strictly controlled. In this particular case, the proposal primarily seeks to reuse redundant buildings and this is generally supported in planning policy terms. LDP policy H10 for residential conversions outside defined settlement boundaries requires that:

- i) *The applicant has made every reasonable attempt to secure a suitable business re-use, and the application is supported by a statement of the efforts that have been made;*
- ii) *The building has not been constructed in the last 30 years;*
- iii) *Particularly in isolated or sensitive locations, the buildings should have architectural or historic merit in order to secure retention;*
- iv) *A detailed structural survey shows the building to be structurally sound and capable of conversion without adversely affecting the structure or requiring the substantial reconstruction of the external walls;*
- v) *Any alterations should not have an unacceptably adverse effect in terms of the integrity of the original structure, including internal features, external cladding, external openings, skyline, silhouette, roof planes and the immediate landscape of the building;*
- vi) *The proposed use is not detrimental to the character or appearance of the surrounding area or group value of adjoining buildings and does not require the provision of unsightly infrastructure;*
- vii) *There is strict control over the curtilage and setting of the buildings in terms of amenity space, vehicular access and parking;*
- viii) *The interests of protecting wildlife species inhabiting the structure are safeguarded;*
- ix) *The proposed use should not conflict with agricultural interests in the area.*

Each criterion of Policy H10 is now discussed in turn below.

- 7.9 *i) The applicant has made every reasonable attempt to secure a suitable business re-use, and the application is supported by a statement of the efforts that have been made*
 The statement submitted in support of the application states that a marketing exercise hasn't been undertaken in this instance, however the demand for business/commercial space is lacking and larger properties with better access and situated within primary locations are preferred. As part of appeal ref: CAS-02955-Y5K8T5 the Inspector noted that *"I recognise that given its small size, its re-use for alternative uses would be restricted, and as accepted by the Council, the demand for small business/commercial space is limited. Furthermore, given the nature and condition of the building, a significant amount of investment and alterations would be required to facilitate an alternative business use, which would be another barrier to the feasibility of a business use. Whilst the provision of tourist accommodation could be a suitable alternative use given its rural location, the evidence demonstrates that there is high level of other such facilities in the area. On the available evidence, and despite the lack of marketing evidence, I consider that criterion (i) of policy H10 has been satisfied."*

On this basis it is considered that criterion i) has been satisfied.

- 7.10 *ii) The building has not been constructed in the last 30 years*
 The building for residential use associated with the proposed development has been present in excess of 30 years and as such, this criterion has been satisfied.
- 7.11 *iii) Particularly in isolated or sensitive locations, the buildings should have architectural or historic merit in order to secure retention*
 The subject buildings are deemed to have historic and architectural merit due to their simple character and distinctive openings/features, as such, this criteria is satisfied.
- 7.12 *iv) A detailed structural survey shows the building to be structurally sound and capable of conversion without adversely affecting the structure or require the substantial reconstruction of the external walls.*
 A very brief and high level structural survey has been submitted with the application and is dated October 2022. The survey states that there is deflection in the front elevation external lintels and a lean outward of the rear wall together with various areas of masonry requiring repointing. The survey also states that there is a lack of structural connectivity between the front elevation, rear elevation and gable walls together with a fracture through the centre of the left hand gable wall. This was attributed to foundation movement in the previous survey submitted with application ref: 23/0242. Whilst the proposed development has been reduced in scale as part of this submission, the survey submitted with the previous application also indicated that a reduction in the level of existing stonework and

reconstruction in a new lighter weight cavity construction with stonework would be required in order to balance overall vertical loads. Photographs with the structural survey confirm very low head room in the building which would require increasing eaves or floor level reduction.

As part of appeal ref: CAS-02955-Y5K8T5 the Inspector noted that *“The appellants’ Structural Inspection Report advises that at the detailed design stage it would be necessary to either specify some localised underpinning or a small reduction in the level of existing stonework, and reconstruction to facilitate the proposed new lighter weight cavity construction. The inspection also noted a lack of structural connectivity between the front and rear elevations with the gable walls and a fracture in the gable wall consistent with foundation movement. It also confirmed that a full structural survey was not carried out and that it did not include inspection of parts of the structure which are covered, unexposed or inaccessible. In these circumstances and having regard to the poor condition of the building, I am not satisfied that it has been demonstrated that the building is structurally sound or capable of conversion without substantial reconstruction.”*

No changes to the condition of the building are evident from the time of the determination of the previous application and no further information has been provided to address this objection. On this basis it is not considered that criteria iv is met.

- 7.13 v) *Any alterations should not have an unacceptably adverse effect in terms of the integrity of the original structure, including internal features, external cladding, external openings, skyline, silhouette, roof planes and the immediate landscape of the building; and*
vi) *The proposed use is not detrimental to the character or appearance of the surrounding area or group value of adjoining buildings and does not require the provision of unsightly infrastructure*

The site is located in the countryside as defined by Policy SP5. Paragraph 5.8.4 of Technical Advice Note 12 explains that: ‘In relation to conversion or adaptation of agricultural buildings, character retention will often involve the least amount of change possible to external appearance’. In this regard, changes are proposed to the existing building which will affect the integrity of the original structure including removal of the end gable wall to create a cut through for the proposed side extension. New openings are also proposed for windows and doors as well as a new roof and rooflights. In addition, whilst it is noted that the muck heap enclosure has been removed from this iteration of the proposals it has not been confirmed where waste arising from the stables will be disposed of.

In relation to the proposed stable block, whilst the roof pitch and overall height have been reduced slightly the Inspector’s comments in respect of appeal ref: CAS-02955-Y5K8T5 are still considered relevant.

“The proposed stable building would be long and would have a tall section with a steeply sloping roof pitch which would conflict with the shallow roof pitch of the remainder of the stable building. Consequently, it would be a building of significant and complex scale. It would include substantial earthworks and a large expanse of concrete hard standing to the front. These together with the substantial amount of hard surfacing of the driveway, turning area and patio area to the front of the barn conversion and the associated retaining structures, would result in a significant introduction of built form which would be in stark contrast to the pastoral qualities of the sloping rural field.”

The building would still require substantial earthworks and a large expanse of hardstanding which in combination with the new driveway access and patio area around the dwelling would result in a significant introduction of built form which would be in stark contrast to the pastoral qualities of the sloping rural field. On this basis it is considered that criteria v and vi are not met.

- 7.14 vii) *There is strict control over the curtilage and setting of the buildings in terms of amenity space, vehicular access and parking*

The proposed residential curtilage would surround the proposed stable block and part of the existing field which is considered to be expansive. In addition, the principle of the conversion itself is not considered acceptable and therefore neither is the associated

curtilage, in addition there are concerns that due to the size of the proposal there would be pressure in the future to extend the dwelling further resulting in pressure to also expand the curtilage. The proposed curtilage as outlined on the site plan is not considered defensible. On this basis this criteria is failed.

- 7.15 *viii) The interests of protected wildlife species inhabiting the structure are safeguarded*
Whilst NRW and the Council's Ecologist have no objection to the proposal from an ecological perspective, the bat derogation test is failed (as outlined below) and therefore the proposal is not considered to accord with TAN5 or policies SP9 and GP5 of the NLDP. In light of this, the application is also not considered to provide a net gain in biodiversity in accordance with chapter 12 of PPW12. On this basis it is not considered that criteria viii is met.
- 7.16 *ix) The proposed use should not conflict with agricultural interests in the area*
The existing barn is very small in size and the surrounding fields would continue to be in agricultural use. The proposal would therefore not conflict with agricultural interests in the area and it is therefore considered that this criterion has been satisfied.
- 7.17 Overall whilst some of the criteria outlined in policy H10 are met, the proposal fails to meet criteria iv, v, vi, vii and viii and therefore the proposal is contrary to policy H10.
- 7.18 Furthermore, in relation to the construction of the proposed stables, policy CF7 is clear that horse related developments will only be permitted where they do not require the construction of a new dwelling. Whilst the building is existing, it is not currently in use as a dwelling and this use is not considered acceptable under policy H10, the proposal is subsequently not considered to accord with policy CF7 and therefore the principle of the proposal is not considered acceptable.
- 7.19 The applicant contends that the existing building is a 'historic dwelling' due to the presence of a fireplace and staircase. They have also submitted an 1845 Tithe Map which they state shows the building as a dwelling with a garden (extract below).



The application for planning permission appears to acknowledge that any residential use that may have previously occurred is now abandoned and certainly there has been no claim of lawfulness via a Certificate of Lawfulness submission. From visual inspection, the building has seen an intervening agricultural use in any case and does not support residential occupation and has not done so for a considerable period of time. It has lost its identity as a dwelling. Any evidence to support lawful residential use must be dealt with via a Certificate of Lawfulness submission as is a legal test. This planning application will not consider the lawfulness or otherwise of any residential use.

7.20 Furthermore, as outlined above, substantial work would also be required to the existing structure to facilitate its use as a dwelling. The conversion of isolated buildings, particularly in areas of high landscape value, must be subject to rigorous examination and should not amount to the rebuilding of a ruin. This would amount to a new dwelling in countryside. The presence of a staircase in this building indicates that the building previously had a first floor which has been completely lost and the existing roof is a new addition. The building has substantially altered since any previous alleged residential use either by design or accident and decline. It is considered that the remains are not capable of conversion without adversely affecting the structure or requiring substantial reconstruction and alteration of the external walls. The physical condition of the property is such that any former house is not in a habitable state of repair nor has any fixtures, fittings or basic facilities. It does not reasonably support the description of a dwelling house but the ruins of one. The building currently on site indicates the permanent cessation of any prior residential use and the renovation and extension works proposed and the subsequent use of the property as a dwelling house is consequently tantamount to the erection of a new dwelling in open countryside for which there is no justification.

Design and Amenity

7.21 The proposed development would secure a dwelling with all habitable rooms achieving adequate light, outlook and privacy. Sufficient space would also be provided for parking and the proposal includes a garden/amenity area. There are no other properties within immediate proximity of the site that would be significantly affected by the proposed development and the environmental health officer has no objections to the proposal. No details of waste storage have been provided as part of the proposal, however this could be dealt with via condition if planning permission were forthcoming. Notwithstanding this, the proposed living and sleeping areas would be very small leaving little room for even a wardrobe in the bedroom and a shower cubicle in the bathroom. In addition, the proposal does not include details of how the muck heap and other waste arising from the equestrian element of the proposal would be managed, without this information it is not possible to confirm if there would be adverse impacts from drainage, odour and smoke etc and therefore the proposal is considered to be contrary to policy GP2.

7.22 The site is located within the Wentwood Special Landscape Area and as such must contribute positively to the area through high quality design and materials. Notwithstanding this, whilst the proposed materials for the dwelling would comprise natural stone, timber and slate which would be in keeping with the rural context, the proposed conversion would alter the existing structure of the barn by removing one gable end to construct a side extension and creating new openings together with a new roof which would alter the existing character of the building and require a substantial rebuild. The proposed stable block is also considered to be of a significant scale and in combination with the bat house and existing building creates a cluster of built form in what is otherwise a rural field. In addition, no details of existing and proposed levels across the site have been provided and it is not clear if the construction of the stable block and bat house would require retaining structures which may be unsightly. The stables and bat house add to the new built form on site and with the added paraphernalia and infrastructure works required to serve the development, the entirety of the site will be significantly altered and urbanised to the detriment of its rural character and appearance.

As part of appeal ref: CAS-02955-Y5K8T5 the Inspector noted that *“Whilst barn conversions and stable buildings are not uncommon within the rural landscape, the proposal would, for the reasons set out above, introduce a form of development which would be out of character with its rural setting.”*

“Given its central location within a larger open field, and its significantly elevated position in relation to the lane, the proposal would be visually prominent within the wider landscape, despite the proposed landscaping scheme. Whilst a condition could control the extent of the curtilage of the converted barn and any other associated development, this would not satisfactorily mitigate the harmful visual impact of the proposal before me. Consequently, the proposal would result in a prominent and intrusive encroachment into the countryside unsympathetic to its rural setting. I conclude that the proposal would result in an inappropriate development in the countryside that would have a significant harmful effect on

the character and appearance of the surrounding area, including the SLA.”

The reference to, and evidence provided, in relation to a former use of the premises, do not address the above objections as any such use is long ceased, likely abandoned. On this basis, the proposed development is not considered to accord with policies SP5, SP8, GP6 and H10.

Highways and Parking

- 7.23 The layout includes a parking and turning area adjacent to the existing building. This area provides space to accommodate 2no. parking spaces which is acceptable in accordance with policy T4 and the Council's parking SPG. In addition, the highways officer has confirmed that they have no objection to the proposed works to the new site access. These works would be secured prior to the occupation of the dwelling via condition if planning permission were forthcoming. It is also considered that there is ample space within the site layout to accommodate cycle parking, again details of this could be secured via condition if planning permission were forthcoming. Notwithstanding this, Penhow Community Council have expressed concerns regarding the intensification of the use of Penyworlod Lane. In addition, the Highways Officer has concerns regarding the sustainability of the location of the dwelling. The site is situated in a remote location with access being along a narrow country lane with no streetlighting or footways. The nearest bus stops and other local amenities are located approximately between 1.3-1.6 km from site, however due to poor visibility and the narrow width of Penyworlod Road, users are very unlikely to walk to these stops and amenities from the site and are likely to be wholly reliant on the use of private motor vehicles. It cannot be said that the site is sustainable. On this basis, the proposal is considered to be located in an unsustainable location and will give rise to harm as a result which is contrary to policies SP1 and GP4.

Ecology

- 7.24 In respect of ecology, the Bat Survey Report (October 2022) submitted with this application confirms the presence of a maternity roost of a minimum of 58 lesser horseshoe bats roosting within a chimney of the building to be converted. Mitigation for the loss of the roost is proposed in the form of a stand alone bat house. European Protected Species – Legislation and policy Bats and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017. Where bats are present and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales. NRW have confirmed that on the basis of the information submitted they do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range, provided that the measures stipulated in the Bat Report are adhered to.
- 7.25 Notwithstanding this, an important judgment was handed down by His Honour Judge Waksman QC sitting as a judge of the High Court at the start of June 2009 in the case of R (on the application of Simon Woolley) v Cheshire East Borough Council. The judgment clarifies for the first time the legal duty of a Local Planning Authority ("LPA") when determining a planning application for a development which may have an impact on European Protected Species ("EPS"), such as bats, great crested newts, dormice or otters. The species protection provisions of the Habitats Directive, as implemented by the conservation (Natural Habitats Etc.) Regulations 1994, contain three "derogation tests" which must be applied when deciding whether to grant a licence to a person carrying out an activity which would harm an EPS. For development activities this licence is normally obtained after planning permission has been obtained.

This court judgment makes it clear that, notwithstanding the licensing regime, the LPA must also address its mind to these three tests when deciding whether to grant planning permission for a development which could harm an EPS. A LPA failing to do so would be in breach of Regulation 3(4) of the 1994 Regulations which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions.

The three tests are:

i. Regulation 52(3) the development works to be authorised are for the purpose of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

The proposal would provide 1no. dwelling which would have some limited social and economic benefit, however the works are not for the purpose of preserving public health or safety or for other imperative reasons of overriding public interest. This test is therefore failed.

ii. There is no satisfactory alternative;

In respect of the conversion of the existing building to a dwelling there are no alternative buildings on site which could be converted and the construction of a new dwelling would not be acceptable in principle. The only satisfactory alternative is to leave the site as it currently is with the building remaining in situ for the use of bats. This test is therefore failed.

iii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

NRW has raised no objection in relation to European Protected Species nor has the Council's Ecologist subject to specified conditions being included and additional information being provided. It is considered that this proposal together with the specified mitigation and enhancement measures would not be detrimental to the favourable conservation status of the European Protected Species on this site. This test is therefore passed.

7.26 In relation to dormice, reptiles and the existing hedgerow, the council's Ecology Officer has confirmed that:

I support the proposal in section 3.3 of the Preliminary Ecological Appraisal that a Dormouse method statement should be produced in relation to the removal / translocation of the hedgerow along the frontage of the site. We should use a planning condition to secure the submission and implementation of this Dormouse method statement, in accordance with the proposals set out in section 3.3 of the PEA.

In general I support all of the biodiversity recommendations set out in section 4 of the PEA, so it may be easier to include this section of the PEA in the approved plans and documents condition. In particular, I would draw the Applicant's attention to the precautionary mitigation measures proposed in relation to reptiles, and to nesting birds.

On a related point, I support the Hedgerow Translocation Method Statement submitted in support of this application, and ask that the implementation of this method statement be secured by planning condition.

The Green Infrastructure Statement submitted is also adequate and I have no objection to this.

The aforementioned method statements could therefore be secured by planning condition if planning permission were forthcoming. Whilst NRW and the Council's Ecologist have no objection to the proposal from an ecological perspective, the bat derogation test is failed and therefore the proposal is not considered to accord with TAN5 or policies SP9 and GP5 of the NLDP. In light of this, the application is also not considered to provide a net gain in biodiversity in accordance with chapter 12 of PPW12.

Trees

7.27 The application proposes the removal of native hedgerow to assist with the visibility splays, however it is proposed to translocate this hedgerow within the site. A method statement for this translocation together with a new landscaping and management scheme accompany this application. Notwithstanding this, T1 is a historical and veteran ash tree, remedial details are required for this tree due to its age and size which have not been provided as

part of the application. In addition, landscaping (grass seeding etc) is shown bisecting this tree which the Tree Officer has advised is unacceptable due to the damage caused by any machinery to the fine tree roots. The Tree Officer offers an objection to the application on this basis.

- 7.28 The proposed development is located approximately 30m from the Parc Seymour Woods SSSI which is notified for the sessile oak woodland and remnant ancient woodland habitat. NRW have confirmed that they have considered the revised Soft Landscaping Plan, Drg No TG 2203-25, dated July 2024, Rev B, by Ty Green Ltd, submitted in support of the application. They welcome that the previously proposed Cherry Laurel has been replaced with Beech. This has addressed their concerns in relation to the potential impact on the SSSI. Therefore, based on the information submitted, NRW consider that the proposed development is not likely to damage the features for which Parc Seymour Woods SSSI is of special interest.

Drainage

- 7.29 In terms of foul drainage, the application proposes connection to a packaged treatment plant. If a private sewerage system is proposed Welsh Government Circular 008/2018 advises that a full and detailed consideration be given to the environmental criteria listed under paragraph 2.6 of the Circular, in order to justify the use of private sewerage. The circular states at para 2.4 "If, by taking into account the cost and/or practicability, it can be shown to the satisfaction of the planning authority a connection to a public sewer is not feasible, a package sewage treatment plant should be considered. The plant should offer full treatment with the final effluent discharge from it meeting the standard and conditions set by Natural Resources Wales."

As part of appeal ref: CAS-02955-Y5K8T5 the Inspector noted that "As the site is not within a sewerage area, a Packaged Treatment Plant would be installed. Welsh Government Circular 008/2018 (the Circular) provides guidance in respect of the use of private sewerage in new development. It advises that the decision on whether to grant planning permission should be based on a thorough assessment of the likely impact of the foul drainage proposal on public health, amenity and the environment. Such an assessment should include, amongst other things, an assessment of any unsuitable soakage characteristics of the soil which would preclude effective disposal of any sewage effluent from the sewage treatment plant. The proposal shows that a WPL Diamond DMS2 treatment plant is proposed and provides details of the outlet. However, a thorough assessment of any potential impacts on damage to the environment and amenity has not been submitted. Although an Environmental Permit would be required from NRW, they have advised that the applicant hold prior discussions with the Permitting Team to ensure that there is no conflict between any planning permission granted and the permit requirements. I have no evidence to suggest that this has been done. In these circumstances, I am unable to conclude that the proposal would provide suitable foul drainage without harm to the environment and public health. This is contrary to LDP policies SP4 and GP5 and the advice in the Circular."

NRW have confirmed that the development site is not within a DCWW sewerage catchment area and therefore they have no objections to this solution. An environmental permit has not however been granted for this solution nor is it evident that any discussions regarding a proposed permit have taken place and therefore it is not possible to confirm if the site could be successfully drained without harm to the environment. This is contrary to policies SP4 and GP5.

- 7.30 Furthermore, no details have been provided as part of the application to confirm how storm water will be disposed of and whilst these arrangements would be dealt with via a separate SAB application, any sustainable drainage system should demonstrate compliance with the six SuDS standards, one of which is that biodiversity is maintained and enhanced. This information has not been provided as part of the application and therefore the proposal is considered to be contrary to policies SP4 and GP5.

Minerals

- 7.31 The site is located in a mineral safeguarding area, however due to the nature of the proposals which would utilise existing buildings, the proposed development is not considered to prejudice the future extraction of this resource. The proposal is therefore in accordance with policy M1.
- 7.32 Finally, Penhow Community Council queried if further extensions could be undertaken to the building at a later date if planning permission were granted. Additional extensions to the building could be restricted via the removal of permitted development rights if planning permission were forthcoming and any future application for an extension to the building would be determined on its own merit. Notwithstanding, the small scale of the unit does give rise to likely future pressure for expansion of built floorspace but this can be controlled in practice.

Planning Contributions

- 7.33 In accordance with Policy SP13 of the adopted Newport Local Development Plan 2011-2026 and the adopted Planning Obligations Supplementary Planning Guidance, development will be required to help deliver more sustainable communities by providing, or making contributions to, local and regional infrastructure in proportion to its scale and the sustainability of the location. In this case, section 106 planning obligations are required to mitigate the impact of the development in accordance with the table below.

Service Area that requires planning obligation	Purpose of planning obligation	Planning obligation initially sought by Planning Authority	Summary Heads of Terms agreed by applicant(s)	Viability Issues?
Regeneration Investment and Housing	Commutated contribution of £1315 for affordable housing provision based on a 40% target	N/A	No	No

7.34 Heads of Terms Agreed by Applicant

No signed legal agreement has been provided for the commuted sum contribution. This would ordinarily be dealt with by a Section 106 Legal Agreement if planning permission were forthcoming. However, Dear Chief Planning Officer letter of December 2018 advised that LPAs should consider including the lack of an obligation as a reason for refusal in order to avoid appellants seeking an award of costs on the grounds that the LPA has introduced a new reason for refusal at the appeal stage.

8. OTHER CONSIDERATIONS

8.1 ***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.

8.2 ***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.

8.3 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.

A Socio-economic Duty is also set out in the Equality Act 2010 which includes a requirement, when making strategic decisions, to pay due regard to the need to reduce the inequalities of outcome that result from socio-economic disadvantage.

8.4 The above duties have 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. There would also be no negative effects which would impact on inequalities of outcome which arise as a result of socio-economic disadvantage.

8.6 ***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.

8.7 ***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.

9. CONCLUSION

9.1 The proposal is tantamount to a new dwelling in countryside with associated infrastructure and by reason of the site's prominent and exposed position and the isolated nature of the buildings themselves, will result in an urban intrusion into open countryside and the Wentwood Special Landscape Area and an accumulation of domestic accoutrements and associated works to the detriment of the area's rural character and appearance. This is contrary to Planning Policy Wales and policies SP5, SP8 and GP5 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

9.2 The building is not capable of conversion without substantial reconstruction of the external walls and changes are proposed to the existing building which will affect the integrity of the existing structure. The associated residential curtilage is also not considered defensible. Evidence of historical residential use of the site does not mitigate this objection. This is contrary to policy H10 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

9.3 The proposal would result in an increase the size of the existing building and in combination with new equestrian buildings and bat house would cause significant harm to the rural character and appearance of the countryside and the Wentwood Special Landscape Area, contrary to policies SP5, SP8, H10 and GP6 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

9.4 The proposed development fails to meet the derogation tests as outlined by the Habitats Directive, as implemented by the conservation (Natural Habitats Etc.) Regulations 1994 and will not provide ecological net gain. The development is therefore harmful to interests of acknowledged importance, namely European Protected Species and ecology. This is

contrary to policies SP9 and GP5 of the Newport Local Development Plan 2011 - 2026 (Adopted January 2015), Planning Policy Wales edition 12 and TAN5: Nature Conservation and Planning.

- 9.5 It has not been demonstrated that the proposed foul drainage system (packaged treatment plant) is feasible without harm to the environment and biodiversity. This is contrary to policies SP4 and GP5 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).
- 9.6 The proposed development will have a significant adverse impact upon interests of acknowledged importance, namely affordable housing. No signed legal agreement has been provided for the commuted sum contribution to assist the Council in meeting its on-going requirement for affordable housing. This is contrary to Policy H4 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).
- 9.7 The proposed development has a significant adverse impact upon interests of acknowledged importance, namely trees and no information has been submitted to mitigate this objection to the detriment of landscape character and visual amenity. It is also not possible to quantify biodiversity enhancement without this information. The proposed development is therefore contrary to policies GP5 and SP9 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

10. RECOMMENDATION

REFUSED

01 The proposal is tantamount to a new dwelling in countryside with associated infrastructure and by reason of the site's prominent and exposed position and the isolated nature of the buildings themselves, will result in an urban intrusion into open countryside and the Wentwood Special Landscape Area and an accumulation of domestic accoutrements and associated works to the detriment of the area's rural character and appearance. The site is also located in an unsustainable location. This is contrary to Planning Policy Wales and policies SP1, SP5, SP8 and GP5 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

02 The building is not capable of conversion without substantial reconstruction of the external walls and changes are proposed to the existing building which will affect the integrity of the existing structure. The associated residential curtilage is also not considered defensible. Evidence of historical residential use of the site does not mitigate this objection. This is contrary to policy H10 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

03 The proposal will result in an increase in the size of the existing building and in combination with new equestrian buildings and bat house would create an expansive residential curtilage which would cause significant harm to the rural character and appearance of the countryside and the Wentwood Special Landscape Area, contrary to policies SP5, SP8, H10 and GP6 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

04 The proposed development fails to meet the derogation tests as outlined by the Habitats Directive, as implemented by the conservation (Natural Habitats Etc.) Regulations 1994 and will not provide ecological net gain. The development is therefore harmful to interests of acknowledged importance, namely European Protected Species and ecology. This is contrary to policies SP9 and GP5 of the Newport Local Development Plan 2011 - 2026 (Adopted January 2015), Planning Policy Wales edition 12 and TAN5: Nature Conservation and Planning.

05 It has not been demonstrated that the proposed foul drainage system (packaged treatment plant) is feasible without harm to the environment and biodiversity. This is contrary to policies SP4 and GP5 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

06 The proposed development will have a significant adverse impact upon interests of acknowledged importance, namely affordable housing. No signed legal agreement has been provided for the commuted sum contribution to assist the Council in meeting its on-going requirement for affordable housing. This is contrary to Policy H4 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

07 The proposed development has a significant adverse impact upon interests of acknowledged importance, namely trees and no information has been submitted to mitigate this objection to the detriment of landscape character and visual amenity. It is also not possible to quantify biodiversity enhancement without this information. The proposed development is therefore contrary to policies GP5 and SP9 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

NOTE TO APPLICANT

01 This decision relates to plan Nos:

TG2203-00 Rev C Block and Location Plan
TG2203-01 Existing Plans and Elevations
TG2203-21 Proposed plan and elevations
TG2203-22B Proposed stables
TG2203-23B Site layout
TG2203-24 Bat House
TG2203-26 Foul Drainage
TG2203-27 Lighting strategy
TG2203-28 Site sections
TG2203-29 Integration of hardscaping into the landscape

TG2203-30 Gate detail Integration of hardscaping into the landscape
TG2203-31 Tree protection fence
TG2203-23C Site layout
TG2203-24B Bat House
TG2203-25B Soft landscaping plan

Preliminary Ecological Assessment (received 17/06/2024)
Bat Survey (received 17/06/2024)
Business Re-Use Report (received 17/06/2024)
Tree Technical Note (received 17/06/2024)
Tree Plan (received 17/06/2024)
Welsh Water Waste Plan (received 17/06/2024)
Speed Survey (received 17/06/2024)
Tree and Root Protection - All Sites (received 17/06/2024)
2024-06 Green Infrastructure Statement - Land north of Rock Cottage
Package Treatment Plant Information (received 08/07/2024)
British Water Code of Practice Drainage Fields amended final (received 21/06/2024)
GRAF One2Clean Benefit Flyer (received 21/06/2024)
Grassconcrete2 (received 21/06/2024)
Hedgerow translocation method statement (received 21/06/2024)
One2Clean Installation Manual Part 1[18] (received 21/06/2024)
One2Clean Specification Sheet (received 21/06/2024)
Package Treatment plant feasibility report (received 21/06/2024)
PIA Certificate One2Clean Biological (received 21/06/2024)
Planning statement (received 21/06/2024)
PM1727-22 - Rev A -Land at Penyworld Farm (received 21/06/2024)
Soft Landscape Planning and Maintenance Schedule (received 21/06/2024)
TG2203 Transport plan (received 21/06/2024)
TG2203 Visual impact assessment (received 21/06/2024)
Design and Access Statement (received 21/06/2024)

02 The following policies of the Newport Local Development Plan (2011-2026) were relevant to the determination of this application SP1 (Sustainability), SP5 (Countryside), SP7 (Green Wedges), SP13 (Planning Obligations), GP2 (General Development Principle -

General Amenity), GP3 (General Development Principle -Service Infrastructure), GP4 (General Development Principle -Highways and Accessibility), GP5 (General Development Principle -Natural Environment), GP6 (General Development Principle -Quality of Design), GP7 (Environmental Protection and Public Health), T4 (Parking), M1 (Mineral Safeguarding), H10 (Conversions in the Countryside).

03 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.