

## **APPLICATION DETAILS**

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

**Type:** Full

**Expiry Date:** 10<sup>th</sup> December 2024

**Applicant:** Pitman

**Site:** Land North Of Rock Cottage, Arcade Road, Penhow, Newport

**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 Members will be aware that this application was considered by the Planning Committee on 4<sup>th</sup> September 2024, following a request from Cllr Mogford, when it was resolved to undertake a site visit prior to determination. A subsequent report was prepared (and published) in advance of the Planning Committee Site Visit that was due to be held in September. Members will recall that the application was subsequently found to be invalid and an Invalid Notice was served. The Committee Site Visit was subsequently cancelled as the Authority could not determine an invalid application. The agent appealed this decision but PEDW confirmed that the application was invalid at that juncture.
- 1.2 The application fee has now been paid, the application has been made valid and can proceed to determination following a Planning Committee Site Visit.
- 1.3 **This report is an updated version of the published report from the November Planning Committee Site Visit Agenda and reflects to the information in front of the LPA at the present time (please note the incorrect report was originally published for the November Planning Committee Site Visit but then subsequently corrected).**
- 1.4 At the time of the last Committee meeting, several representations had been sent directly to Members of the Planning Committee by both the agent and a third party days prior to the meeting and after publication of the Agenda. These representations had not been copied to Planning Officers by their senders and consequently officers were unable to review and address these thoroughly in advance of the meeting. Subsequent to the Planning Committee meeting, more representations have been made by the agent to Members and for clarification sake, officers set out below what representations they have now seen and considered.
- Email from Spence Gadsby (agent) to members of the Committee entitled “Consideration Requested: Application at Land North of Rock Cottage” dated 3<sup>rd</sup> September 2024.
  - Email from Mr Smith (third party) to members of the Committee entitled “PLANNING COMMITTEE Wednesday 4<sup>th</sup> Sept. Planning Application 24/0524” dated 1<sup>st</sup> September 2024.
  - Email from Mr Smith to members of the Committee entitled “PLANNING APPLICATION 24/0524. PHOTOGRAPH” dated 2<sup>nd</sup> September 2024.
  - Email from Spence Gadsby to members of the Committee and the Planning Service entitled “Clarifications for Planning Application 24/0524” dated 6<sup>th</sup> September 2024.
- 1.5 The agent subsequently sent further correspondence to the Authority on 18<sup>th</sup> October 2024 in response to the Site Visit Committee Report, seeking to address misunderstandings with

the application. The information included a revised landscaping plan, revised floorplans and elevations and additional plans relating to the structural integrity of the original structure and enhancement measures proposed. A summary of these clarifications was also provided and has been made public on the Council's website.

- 1.6 The Authority has also been made aware that the resident who was supporting the application, and addressed Committee previously (Mr Smith), is in fact "assisting Mr Gadsby and acting as an advisor to his client" in his own words included in correspondence to the Council. Clearly Mr Smith is representing the applicant on this application despite previously advising "I am not acting as a Planning Consultant or such like." This is important to note in the context of the comments outlined in 6.2 below.
- 1.7 This application follows a similar scheme considered under reference 23/0242 which was refused for the following reasons (the Inspector did not consider the two non-highlighted passages as reasons for refusal upon further consideration):

***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).***

- 1.8 This application was also dismissed at appeal under ref: CAS-02955-Y5K8T5. Whilst the current proposal differs from the one that went to appeal, this decision is a material consideration in the determination of this current application and relevant sections will be highlighted where appropriate.

## **2. RELEVANT SITE HISTORY**

<b>App Number</b>	<b>Proposal</b>	<b>Decision</b>
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.

3.60 – New building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. All new development should be of a scale and design that respects the character of the surrounding area.

Technical Advice Note 6 (TAN6) Planning for Sustainable Rural Communities (July 2010) provides guidance on the re-use or adaptation of rural buildings, noting that the primary consideration should be whether the nature and extent of the new use proposed for the building is acceptable in planning terms.

3.2.3 – Conversion proposals should respect the landscape and local building styles and materials.

### **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
- Flat conversions

## 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](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:**

Satisfied that we have all the tree info required and satisfied regarding the tree management proposals ie no tree issues from me.

The tree is lapsed pollard with ash die back disease and is hollow. Ash as a species can be prone to structural weakness at the best of times and this trait in conjunction with the pre existing issues means that the tree should not be allowed to gain any size of pollarded stem diameter or the stems will split out of the tree. The tree is at that point now and is already a hazard/risk. If the tree survives the ash die back disease the tree will require regular re pollarding to keep it in safe condition. The hollow nature of the tree makes this even more important as the tree is already structurally weak. As a management technique pollarding can very significantly increase the life expectance of a tree (eg the life expectancy of an unpollarded willow can be 90 years, however a pollarded willow can live for hundreds of years, hence the pollarded willows on the Levels). The photo from the submitted tree information shows the previously pollarded ash tree with cavities. Whilst I agree a large healthy ash tree could have an overbearing effect on the garden/development - this tree is not a healthy tree and should never be allowed to reach a large size. By regular re pollarding the tree can be retained, it is characterful tree and will be undoubtedly be a haven for biodiversity. If this was an NCC tree, I would take a lot of the weight out of the stems (pollard) and then add it to a pollarding schedule of every 10 years or so. I would also give it a dose of "Enerbite" to counteract the ash die and hope it pulls through – any risk would then be minimised. This is how we manage an ancient ash with is hundreds of years old at Llanvaches and it works there.

**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.

#### 5.8 **PRINCIPAL HERITAGE OFFICER:**

I have looked over the proposals for the conversion of this building. This building is not a designated asset, nor does it have any other heritage protection, despite frequent referral to the building being a heritage asset within the planning statement. It is of substantial age but has seen several alterations in the past, most notably the roof material and removal of the large chimney. In principle, I am supportive of the reuse of this building given it is in a deteriorating condition. The reuse would look to restore external fabric and return to an appropriate condition. The application does lack detail of internal works, specifically the preservation of internal features such as the fireplace, paving slabs and staircase. It is not clear how these elements will be treated within the conversion. The chimney has been removed in the past and will not be restored into the new scheme which I think is a shame. The internal insulation and ventilation types would also be an important element to this conversion given the solid stone construction, but this is something that is not noted.

I do query the scale and positioning of the proposed barn. The elevation facing the road wouldn't be overly interesting, and it would block visuals of the more aesthetically pleasing building on the site.

As stated, I would like to see this building restored and I would support a reuse, however there are some elements to the proposals that need to be clearer and possibly amended.

### 6. **REPRESENTATIONS**

6.1 A Site Notice was put up on 5<sup>th</sup> July 2024.

6.2 One party responded as outlined below on this application (verbatim comments).

Please note however that this resident who is supporting the application is in fact "*assisting Mr Gadsby and acting as an advisor to his client*" in his own words included in correspondence to the Council. Clearly the resident is representing the applicant on this application despite previously advising "I am not acting as a Planning Consultant or such like." Whilst the Council's Code of Practice is not clear on this situation as to whether the comments should be included in the report itself, the comments are not from an independent third party and the person will not be able to address Planning Committee in line with the Council's Code of Practice. However, on the basis the comments were previously provided to Members, the comments are included 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 [Officer's emphasis]*. 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.

- I am a former Elected member of Monmouthshire County Council and a Member of the Planning Committee for 11 years, as well as a former Chairman of that Committee so I don't come to this application without some experience, and I am not acting as a Planning Consultant or such like. Friends of the family, knowing of my experience on MCC asked me to take a look at the application and offer some advice and guidance. My interest in this application is simple, the building has historic merit and should be conserved and restored.
- The Planning Officers (PO) report is lengthy and detailed, but in many respects it is inaccurate and misleading, in many respects her comments are simply wrong and the Architect/Agent for the applicants will address those on Wednesday. There are numerous errors in her report which he will address, not least of which is her misuse of the Planning Inspectors comments relating to the previous application. This is NOT a resubmission of 23/0242 and it is erroneous to state in para 1.2 "*This application was also dismissed at appeal*". The application before you on Wednesday is totally different in design and layout.
- It is not a "conversion", it is a restoration of a former dwelling, and it is definitely NOT a barn [*N.B. note the same resident's comment earlier about the building being an animal shelter at present and the previous description of development that was submitted by the agent*], despite the PO's erroneous reference to it as such, and it is definitely not therefore "*an urban intrusion in the landscape*". The building has historic merit, and that is the main point that I want to make to you. The inglenook fireplace and the integral stone bread oven are of historic importance and according to my source in the Welsh Folk Museum, "a rare find". I am of the view that this building is probably unique in the area because of those two features alone and it should be conserved and restored. It is listed in the 1845 Tithe Plan and therefore, arguably, approaching some 200 years old, certainly 180 years old. I can confidently state that if this application was 3 miles further down the road in Monmouthshire, I would be arguing for and persuading my colleagues to approve the application, so I am not asking you to do something that, in the same circumstances I wouldn't do myself.
- If I could have got to Penhow Community Council before they considered the matter and told them of the historic features in the building I am sure their view of the matter would have been different, however, they are not formally objecting.
- If nothing is done, the building will eventually fall into ruin, it is not a ruin at the moment despite the PO's description of it as such, and if falls into ruin and a pile of stones then the bats will have lost their home anyway and Newport will have lost a building of historic merit. You have one chance to save this building and this is it. The applicants should be commended for seeking to save this and be prepared to live in a two-room house in order to do so.
- As I'm sure you know, Planning Officers do make mistakes and they get things wrong, they sometimes miss the wider picture and the historic significance of some developments. This application falls very squarely into your Committees remit, "*The decisions made are expected to benefit the City and its communities by allowing good quality development in the right locations and resisting inappropriate or poor quality development in the wrong locations.*"
- In your consideration of this application I hope you will see the wider historical merit of this application and take the opportunity to secure its future by APPROVING the application. I have written in similar terms to your colleagues.

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. We know that in the recent appeal decision the Inspector appears to be particularly concerned on this matter, confirming that the previous scheme was:

***“inappropriate development in the countryside that would have a significant harmful effect on the character and appearance of the surrounding area and SLA contrary to national planning policy contained in Planning Policy Wales and adopted LDP policies including H10, SP5 that seeks to protect our countryside and SP8 that seeks to protect our designated SLAs.”***

The site is isolated and located in an area of high amenity value with typically rural character and very pleasant rural landscape. Officers consider a high bar test to acceptability is entirely justified as conversion of rural buildings to residential, if repeated and without robust justification and policy compliance, could give rise to significantly harmful impacts to our rural environment. Furthermore, we know the building is a maternity roost for protected species and the site is within approximately 30m of Parc Seymour wood SSSI.

- 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 externally 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. This

particular building is clearly of some age and includes features that have some historical value such as the Inglenook fireplace although such fireplaces tend to rely on large flues or chimneys to effectively function, a feature that appears long lost in this case. It retains a use as a shelter and has seen more recent works that appear to include the addition of a roof that may well be preventing further decline. The building has been referred to as a barn by the agent in both a pre application enquiry and the first application but is now referred to as a 'building' in the description of development. Any reference to a barn previously was based on the information supplied to the Authority and plans and supporting information with this application still refer to it as such with the terms of "building" and "barn" seemingly used interchangeably. Notwithstanding the terminology used, it is currently being used by livestock for shelter.

- 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 as well as reprofiling works across the site, orchard planting, translocated hedgerow planting and other associated works.
- 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.
- 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 would 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 SP1, SP5, SP8 and GP5.

7.8 What is a currently a derelict building used by horses will become a residence with both the works set out in this application and the added domestic accoutrements and paraphernalia and residential structures, lighting and features any householder would realistically expect. The character of the site will evidently change and whilst such changes can sometimes be successfully absorbed in the rural landscape, in this case the building is very small, requires other buildings of larger scale and infrastructure to support it that will be visible and this is of significant concern to officers. Whilst conditions have been considered to, for example, limit the extent of residential garden, secure landscaping proposed, limit pd rights and control use of the stables, these do not in themselves mitigate harm arising from the scheme and neither do the changes made as part of this application. This weighs heavily against the scheme.

7.9 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 a building that is currently used as a field shelter. The conversion/rehabilitation of buildings in the open countryside for residential use is an exception to national policies which generally seek to strictly control residential development in the open countryside. LDP policy H10 is permissive of residential conversions outside defined settlement boundaries subject to specified criteria being met. These are as follows:

- 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.

7.10 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. Officers have raised no objection to the application in respect of this criterion, consistent with previous reporting. However, it is noted that the points made for limiting business re-use potential of this site (including tourism use) must also be applicable to residential re-use. The Business Re Use Report states that the building has restricted potential to be converted to alternative uses due to the size of the barn, this would be limited to extremely small commercial uses such as storage or a holiday let. The Lane is a single track with few passing places, soft verges and poor surfacing and the building is not currently waterproof or secure and is single storey with low head room and of very limited floorspace to serve as functional space. There is no surfaced vehicular

access to the site or associated formal parking and turning areas. The business re-use statement raises all these points to justify lack of attraction for business uses and considers that there is plenty of other tourism options closeby that would limit tourism potential viability. Whilst these conclusions may be correct insofar as functional practicalities and commercial viability are concerned, they raise important points of relevance to the proposed residential use also.

7.11 *ii) The building has not been constructed in the last 30 years*

The building is older than 30 years and as such, this criterion has been satisfied.

7.12 *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. This particular building is clearly of some age and includes features that have some historical value such as the Inglenook fireplace although such fireplaces tend to rely on large flues or chimneys to effectively function, a feature that appears long lost in this case. It also has the remains of a staircase adjacent the fireplace. The Principal Heritage officer has commented on this and confirms the fact that the building has no legal protection as is not listed. There is consensus that it is of substantial age but has seen several alterations in the past, most notably the roof material and removal of the large chimney. The re-use of this building is in line with this criterion of the LDP policy. That said, the application does lack detail of internal works, specifically the preservation of internal features such as the fireplace, paving slabs and staircase, these being features of interest within the building. It is not clear how these elements will be treated within the conversion. The chimney has been removed in the past and will not be restored into the new scheme. Internal works that we are aware of will obscure internal stonework and the Heritage Officer raises wider concerns relating to the new detached buildings proposed as part of this development. In short, this criteria is nonetheless met, the building has historic merit and its re-use under this policy is supported in principle.

7.13 *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 structural survey has been submitted with the application and is dated June 2024 (Rev A) following a site inspection in October 2022. We are told in the report that existing vegetation is not impacting the structural integrity of the building at present. However, the building has several defects that require further work to facilitate conversion including repointing, remedial works to treat insect infestation and damp but perhaps more significantly, it confirms deflection in the front elevation lintels, outward lean of the rear wall, lack of structural connectivity between the front elevation, rear elevation and gable walls, and a fracture through the centre of the left hand gable wall.

The proposal calls for new superstructure walls adjacent to the building (for the extension) with associated foundations that will extend under existing masonry to underpin. All works are required to assumedly support a new roof structure as well and enable a side extension to be built off the left hand gable. For clarity sake, the observations in the structural report are reproduced below:

External Observations

During our inspections we noted:

- The land to the rear and gable of the structure is higher than the internal floor level (up to 1m).
- Variation current and dead vegetation (ivy etc) growing up and into the walls.
- Deflection in the front elevation external lintels.
- Slight outward 'lean' of the rear wall.
- Various areas of masonry requiring repointing.

Internal Observations

During our inspections we noted:

- Possible wood-boring insect attack to bressummer beam over fireplace and windows.
- A lack of structural connectivity between the front elevation, rear elevation and gable walls.
- A fracture through the centre of the left hand gable wall below the picture window.
- Damp staining and moisture ingress to the rear wall.
- Loss of original mortar in bed joints and replacement with ingress of fines from the adjacent soil.
- Various areas of loose masonry requiring repointing.

The report further clarifies as follows:

*The fracture in the left hand gable is consistent with some minor foundation movement to the front left corner of the building. This may normally necessitate the need for some underpinning and stonework repairs. However, the revised proposals call for new superstructure walls to be constructed adjacent, which will of course require foundations. The foundation concrete can be extended locally under the existing masonry to form a single localised underpin. The defect will then be cut out by virtue of the introduction of an opening along this face and any residual fracturing can be repaired by a competent specialist stonemason. In any well executed conversion of this nature, we would expect the wall to be repointed in a lime based mortar by a specialist, therefore the above work would not be considered in excess of what would normally be undertaken in such a project, regardless of the presence of defect.*

It further adds:

*Our inspection has noted a lack of structural connectivity between the front and rear elevations with the gable walls, however this can be easily addressed with relatively un-intrusive propriety repairs systems without the need for substantial rebuilding. To the rear wall, we would recommend that the land is reprofiled locally to prevent the wall from retaining the adjacent land. A specialist stonemason should also be consulted for advice on repointing where the original mortar has been washed out. It should be noted that to ensure the new roof is compliant with current building regulations which will assist in providing long term stability to the existing envelope walls. Effective lateral restraint to be provided at roof level by newly formed roof structure.*

Little more detail is given in terms of some of the references to remedial works above. For example, in terms of lateral restraint, a traditional remedy was to run a metal rod completely through the building, connecting to point-loaded iron pattresses on the outside of the building but a more modern approach may be to run through or along a lintel or roof support. The agent has submitted 2 plans showing the structural enhancement strategy and indicated that Helibars will be used for structural connectivity but the Authority has no assurance that this is an acceptable approach in this instance. By reason of the building's very limited size and height, the manner in which such works can be achieved is unclear. Similarly, reference to a building regulations compliant roof that will be supported by the existing walls is not detailed in any form but it seems likely that due to internal height being so limited that any roof structure would need to be vaulted although this is also unclear. We know that a new door opening is proposed at the rear and excavation to remove the load bearing of the existing slope is also proposed. This is shown on the revised cross sections and on site layout plans with a 600mm retaining wall.

As part of appeal ref: CAS-02955-Y5K8T5 the Inspector noted the defects identified above and the likelihood of localised underpinning being required. The Inspector confirms that the original version of the structural report :

*“...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.”*

Whilst the new structural report (Rev A) is dated 2024, it confirms its findings are reliant upon the original inspection undertaken in 2022. It is not evident that further survey work

has been undertaken. A paragraph that stated that a full structural survey was not carried out, or that parts of the structure which are covered, unexposed or inaccessible were not inspected has been deleted. Once again, the same conclusion has to be reached in that it has not been demonstrated that the building is structurally sound or capable of conversion without substantial reconstruction. The criterion requires a “detailed structural survey shows the building to be structurally sound” and this has not been evidenced.

In short, the current building is clearly of traditional construction evidenced by its many years of existence and serves well and effectively as an agricultural store or equine shelter but its re-use for residential is another matter. To ensure the building is safe, secure and functional to meet today’s expectations and standards, it will require structural interventions that in a building of this size amount to works of significance in our view and the Inspector’s on the previous appeal decision.

On this basis it is considered that criteria iv) is not met (nothing has changed since the previous appeal and it has not been demonstrated that the building is structurally sound or capable of conversion without substantial reconstruction).

7.14 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’.

We have considered the works to the building itself in preceding paragraphs and it is reliant on a side extension that would increase the volume by circa 30% (considered further below). Other works proposed on site amount to a significant change in visual terms and whilst the applicant proposes landscape and other mitigation, the presence of additional built form on this site will be visible from public vantage points and contribute to a localised domestication of what currently appears as field. Proposals such as translocation of hedgerow is risky and new hedgerow and planting will take many years to establish if it is successful. Integrating a barn conversion, with land profiling, internal boundary enclosures and surfacing, a new stable block and access, new vehicular access with cut back visibility splays and parking areas will all have a negative impact on the landscape character at least until any new planting has established and building materials have weathered and this could take many years. Maintaining the high hedge height adjacent to the road is a key part of restricting views into the site and much of this will be removed and subject to translocation. There will invariably be immediate impacts upon the roadside hedge and therefore visibility of the site. Planting does not in this case mitigate visual impact and the Visual Impact Assessment supplied with this application does not overcome concerns in this regard. What is currently a derelict building used by horses will become a residence with both the works set out in this application and the added domestic accoutrements and paraphernalia and residential structures, lighting and features any householder would realistically expect. Whilst the lack of objection from the Landscape Officer is noted, officers consider the scheme does not comply with policies SP5, SP8, and GP5, and adverse visual impacts will arise. The applicant’s photo montage of what is proposed appears to show one view point that does not appear to include the immediate landscape alteration works at the accessway required to provide visibility or the stable block for example but does conveniently show the potential impact of some of the hard surfacing works proposed:



The character of the site will evidently change. The expansion of the building itself must be seen alongside the addition of features that are required to support the conversion, including in this case, a detached bat house, land reprofiling, access, parking and turning facilities and the quite substantial (in relative terms) stable building that forms part of this application. A package treatment plant is also required along with alterations to existing landscape including removal of some roadside hedgerow to facilitate access visibility, new hedgerow and orchard planting intended to define garden space and support the introduced habitation of the site. Some of these works are intended to mitigate or compensate and enhance biodiversity interests as we know that the building as it stands is a maternity roost for a population of lesser horseshoe bats which are a European protected species. These are apparently focussed within the fireplace and former chimney area. The conversion will require suitable compensation for the loss of this habitat and any works affecting it will have to be undertaken by license from NRW. The bat house will give rise to additional built form on site to facilitate the conversion but required to compensate for the loss of the building as a roosting site. It will appear on site as a large shed, wood clad and occupying an elevated position alongside the converted building.

In relation to the proposed stable block, whilst the roof pitch and overall height have been reduced in part as the bat loft has been removed, the Inspector's comments in respect of appeal ref: CAS-02955-Y5K8T5 are still considered largely 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 alterations to the building, the alteration to existing and new domestic openings, along with the installation of a surfaced track with parking provision and other works such as means of enclosure, patio area and garden and associated engineering works will invariably give the site a domestic appearance, especially when occupied. The proposed conversion and associated development results in the suburbanisation of the site which given the sensitivity of this upland, open countryside location, the conversion and use of this barn along with the associated development would have a harmful impact on the character of the building and its landscape. The residential use is inappropriate in this location and in this building, and as such any public benefit of bringing the barn back into use does not outweigh the harm.

On this basis it is considered that criteria v) and vi) are not met.

- 7.15 *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 include areas referred to as “garden” in the supporting site layout plan and also invariably the access, parking and turning areas and is, in relative terms (compared to the size of building) expansive. Concerns have consistently been cited by officers in terms of the compatibility of the proposal with Policy H10 of the adopted Local Development Plan and rural protection policies more generally along with impact upon the local landscape and the impact of the associated curtilage forms part of this. This is especially so bearing in mind the very small size of the proposed dwelling in this setting. Additionally, there are very real and entirely reasonable concerns relating to the size of the resulting building and consequent future pressure to extend the dwelling and its curtilage. The applicant proposes to enclose the garden area with post and rail fencing but this will appear rather arbitrary in practice as the building is located within a much larger field that has much more established and well defined boundaries. With the juxtaposition of the proposed dwelling, bat house and domestic stables, the likelihood of domestic “creep” or “spread” in amongst these buildings and around them is very significant with associated demonstrable adverse impacts. On this basis this criteria is failed.

7.16 *viii) The interests of protected wildlife species inhabiting the structure are safeguarded*

We know the building is a maternity roost for protected species and the site is within approximately 30m of Parc Seymour wood SSSI. Mitigation measures are proposed in the form of a detached bat house measuring 5m x 5m.

Case law in the Supreme Court (Morgue) is relevant to informing our duties as a local planning authority in relation to impact of development on protected species. In simple terms, the local planning authority or the Council should only object on Habitats Regulation related issues if it clearly considers that a license is unlikely to be granted and the requirements of the Directive breached. In this case, NRW has confirmed it is satisfied with the impact upon the protected species subject to conditions and the NCC Ecologist confirms that in his view, NRW appear likely to grant a license. NRW has accepted that the mitigation proposed is adequate and it is the appropriate nature conservation body under the Habitats Regulations. Its view on these matters must be afforded significant weight. Officers are therefore of the view that that they can be satisfied that this proposed development raises no robust objection in relation to protected species specifically, and necessary measures have been planned and can be secured to compensate for the loss of the roost should permission be granted. This criteria is met.

7.17 *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.

7.18 Overall whilst some of the criteria outlined in policy H10 are met, the proposal fails to meet criteria iv), v), vi) and vii) and therefore the proposal is contrary to policy H10.

7.19 Furthermore, in relation to the construction of the proposed stables, policy CF7 is relevant and states:

CF7 Horse Related Developments

HORSE RELATED DEVELOPMENTS, BOTH RECREATIONAL AND COMMERCIAL, INCLUDING STABLES, SHELTERS AND RIDING SCHOOLS WILL BE PERMITTED PROVIDED THAT:

- i) THE SCALE, DESIGN, SITING AND MATERIALS DO NOT DETRACT FROM THE CHARACTER AND APPEARANCE OF THE LOCALITY;
- ii) THE PROPOSAL DOES NOT RESULT IN AN EXCESSIVE NUMBER OF BUILDINGS OR INAPPROPRIATE ANCILLARY STRUCTURES;
- iii) THE PROPOSED DEVELOPMENT DOES NOT REQUIRE THE PROVISION OF A NEW DWELLING UNLESS CLASSIFIED AS A RURAL ENTERPRISE DWELLING;
- iv) THE PROPOSED DEVELOPMENT DOES NOT REQUIRE THE PROVISION OF UNSIGHTLY INFRASTRUCTURE.

Supporting text at paragraph 9.25 also advises us that “*The riding and keeping of horses for both commercial and domestic purposes is increasing in popularity. The economic benefit of these activities to the countryside is also acknowledged but it is essential to*

*ensure that the horse related development does not have an adverse impact on the surrounding countryside. Horse related proposals will also be considered against other relevant Policies of the Plan...[and] 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 as discussed above. The existing building is used for the shelter of horses and the proposed scheme is predicated on the conversion being accompanied by the domestic stables. This does not accord with policy CF7.

- 7.20 We know from supporting information with the application and subsequent more recent representations that both the agent and a third party argue strongly in favour of retaining this ‘historic dwelling’ in large part due to the presence of some interesting historic features. 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.

- 7.21 Furthermore, as outlined above, substantial work would also be required on site to facilitate the scheme. The conversion of isolated buildings, particularly in areas of high landscape value, must be subject to rigorous examination. Any attempt to rebuild 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. Notwithstanding, the building is of significant age and despite the passage of time and the structural flaws and concerns previously discussed, it remains standing and capable of use as a shelter. 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 now reasonably support the description of a dwelling house irrespective of whether or not it was historically used as 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 must be considered against policy H10. Many rural buildings are also important historical assets and may therefore have Listed Building status. Listed Buildings

are afforded a higher level of protection that seeks to preserve this special character but this building is not listed and consequently such considerations do not apply here. While all rural conversions should be carefully considered, the special character of Listed Buildings demands a higher level of control and would potentially raise further constraints to this particular development proposal in the event it was listed.

### **Design and Amenity**

7.22 Rural conversion schemes should be capable of providing adequate living space within the existing structure. Buildings that are particularly small to accommodate a permanent residential use should be treated with significant caution in the case of rural conversion. The conversion of an unsuitably sized building would potentially result in additional planning applications for extensions at a later date in order to provide more living space. It is appreciated, however, that small barn conversions could sometimes accommodate 1 or 2 people satisfactorily, and in assessing a building's suitability for conversion it seems reasonable to consider the space standards set out for buildings subject to flat conversion (in the adopted Flat Conversions SPG) as a starting point. Conversions of buildings below this size may not be acceptable.

The Flat Conversions SPG (October 2021) states:

#### **5.3.2 FC 2.2 (Internal floor space)**

A flat conversion should meet the relevant desired standard for gross internal floor space:

Beds/bedrooms	Flat type			
	Studio	Converted	New	
			Common Access <sup>2</sup>	Walk Up <sup>3</sup>
1	32	45	46	50
2	n/a	58	59	65
3	n/a	74	84	90
4	n/a	86	93	99

**Figure 1: Desired standards for gross internal floor space (square metres)**

Note:

Gross internal floor space includes circulation space and any space occupied by fixtures, appliances, work surfaces, etc.

7.23 The extension is modest at approximately 3m wide by 4m deep externally but necessary or else the building could not accommodate a bedroom. Because the existing building is so small, the proposed extension actually adds about a third to the gross footprint of the building which, as existing is less than 40sqm. The agent has indicated that the volume of the extension equates to just under 30% compared to the original building referencing Policy H13 (extensions to dwelling in the countryside but not directly applicable to this application). Factoring in the depth of the stone walls to be retained and the added internal works proposed to improve insulation, the applicant has calculated the internal floor area as proposed as 34.5m<sup>2</sup> (though this does include the fireplace and stairs which are not floorspace per se). This equates to approximately 3.5m by 7.5m with the extension adding

an internal area of approximately 2.5m by 3.1m internal floorspace.

The proposed conversion most closely equates to a one bedroom flat in terms of the layout and amount of accommodation proposed. The standards set out above are based on internal dimensions. The proposed internal floorspace of the existing building falls well below these figures and is approximately 34.5sqm according to the agent inclusive of the extension but it should be noted that this is inclusive of the space taken up by the internal steps and fireplace. Including the internal space of the extension proposed means it is equivalent of a studio flat size and well below that of a one bedroom flat conversion. Whilst the proposed development would provide a dwelling with all habitable rooms achieving adequate light, outlook and privacy it would be significantly constrained by its small internal space standards and is entirely reliant upon extending the original building to provide the space for the most basic facilities for day-to-day occupation. 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. The proposal is considered to be contrary to policy GP2.

- 7.24 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 adding a side extension and creating new openings together with a new roof. Retaining features will likely be required around the building to support elevated land to the rear in particular as a result on proposed re-profiling. The proposed stable block is of a significant scale relative to the original building and in combination with the bat house creates a cluster of built form in what is otherwise a rural field. 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 including changes in levels and general reprofiling, access, surfacing and enclosure works such that the entirety of the site will be significantly altered and suburbanised 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 amendments made to the scheme in this application and the additional or amended supporting information supplied, do not mitigate the above objections. On this basis, the proposed development is not considered to accord with policies SP5, SP8, GP2, GP6 and H10.

### **Highways and Parking**

- 7.25 The layout includes a parking and turning area adjacent to the existing building. Some works have already been undertaken to the accessway and are subject to separate enforcement investigation. 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 Lane, 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 with poor accessibility and whilst this may be considered inherent in the consideration of rural conversion schemes, it must weigh against the proposal in this case and is contrary to policies SP1 and GP4. Notwithstanding, if all other matters were considered acceptable and weighed in favour of this application, officers are of the view that the lack of sustainability in itself would not be grounds to refuse planning permission. Traffic arising from the development is likely to be limited albeit car dependent, as this is entirely for domestic purposes. Any adverse impact upon highway safety would not be demonstrable in officer view. We know from speed testing undertaken in 2022 that traffic speeds are low with averages less than 25mph on this 60mph limit lane. Members can of course afford the sustainability and associated highway safety point greater weight but officers consider that other factors weigh far more heavily against this scheme.

### **Ecology**

- 7.26 This has been discussed as part of officer assessment of relevant criteria of Policy H10. At the previous Committee meeting on 4<sup>th</sup> September, the presenting officer confirmed that further discussion and advice had been obtained from the NCC Ecologist prior to the presentation along with reference specifically to case law in the form of a Supreme Court ruling not referenced in the previous report. As a complex area of law, the presenting officer liaised with the Ecology Officer pre-meeting to assist in the preparation of the presentation to members and to ensure the correct “balance” was put forward for member consideration and correct interpretation and weighting was applied to both NRW and Ecology Officer advice.

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. At Committee, comments appeared to suggest that the proposal would secure provision for bats going forward and this weighed in favour of the application. The derogations seek to mitigate the impact of development and in this instance, there is nothing to suggest that if permission was refused, that bat population would be detrimentally impacted. In general, bat conservation principles are to leave bats in situ unless the work is necessary AND mitigation is provided. Bats are known to reside in the building and there is no evidence that they would not should permission be refused as they do at present. There is also no immediate threat to them given the condition of the roof and it is likely the applicant would retain it as a shelter as it has been used. Alternate provision for this protected species therefore does not weigh in the application’s favour at all.

As is established by the Morge ruling previously referred to in this report, there is no need for a LPA to carry out its own shadow assessment as to whether there would be a breach of Article 12(1) of the Directive, or whether derogation from that Article would be permitted and a licence granted. However, this does not absolve the LPA of all responsibility to consider EPS, as it must still have regard to the Directive. Therefore, the LPA should consider the harm to EPS, after mitigation, and therefore whether the development is likely to offend article 12(1). This does not require consideration of whether there will in fact be a breach of article 12(1). It should then set out the three statutory (derogation) tests and consider in the light of those tests whether the development is unlikely to be licensed pursuant to the derogation powers. Again, this does not require assessment of whether the statutory derogation tests have in fact been met. In considering whether the development is “unlikely to be licensed”, the views of NRW are crucial. If the local planning authority has

the benefit of a consultation response from NRW which confirms that no breach of the Directive will occur or that a derogation will be permitted, this will be considered adequate to allow a LPA to determine that a development is not unlikely to be licensed. In this case there is no objection from NRW as we know and despite all derogation tests not being met in Officer's views (and as reported on 4<sup>th</sup> September) the impact upon the European Protected Species is not grounds to refuse permission in this case. To re-confirm, officers assessed 2 of the 3 derogation tests were failed and this assessment does not change:

*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.*

Should Members determine that the proposal is acceptable, they may also consider that there is an overriding public interest that offsets the policy harm referenced above and also that there is no satisfactory alternative as case law has stated that an Authority should only grant permission where the three derogations tests have been applied.

- 7.27 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. The proposal is considered to accord with policies SP9 and GP5 of the NLDP.

### **Trees**

- 7.28 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. The Landscape Officer has raised no objection. Notwithstanding this, T1 is a category A veteran ash tree. Indeed, the Inspector previously stated:

*“The field is surrounded by mature hedging and has a large mature tree at a higher level behind the barn, both of which are prominent and significant landscape features of the site that make a strong contribution to the visual quality of the landscape.”*

Amended information has been received revising the rear garden area for the property so that it sits outside of the Root Protection Area of the veteran Ash tree which was previously raised as a concern. A Technical Tree Report supports the application and having considered this the Tree Officer has advised that *“The tree report is fine. This is an “A” class veteran ash and should be retained but it is suffering from ash die back disease so the tree requires remedial work to help it recover.*

*The submitted technical tree note stated .....*

*“Recommendations 1. Make T1 safe by re pollarding or crown reduction of 6-8m at suitable lateral branches but retain the tree for historical and wildlife value. This is an acceptable course of action, however I wanted to know if the applicant was going to undertake this work and how the applicant was going to monitor the tree and its health going forward. Given the age and significance of the tree all tree work would need to be overseen by a Tree Consultant and I would also like to see the ground inoculated with “Enerbrite”.*

7.29 The Tree Officer has subsequently advised that they are satisfied that the Authority has all the tree information required and satisfied regarding the tree management proposals. The tree is a lapsed pollard with ash die back disease and is hollow. Ash as a species can be prone to structural weakness and the tree should not be allowed to gain any size of pollarded stem diameter or the stems will split out of the tree. If the tree survives the ash die back disease the tree will require regular re-pollarding to keep it in safe condition. As a management technique pollarding can significantly increase the life expectancy of a tree. Regular re-pollarding would ensure the tree is retained as it is characterful tree that is a haven for biodiversity. Another category A tree sits behind the Ash and is less affected. Officers previously had concerns that the tree affected would overhang the primary garden space and will be elevated above it resulting in overshadowing and being overbearing. The outdoor garden space concerned would be to the rear of the property and benefit from a higher degree of privacy than areas forward of it. It is therefore where occupiers are more likely to dwell and use as traditional domestic garden area. The elevation and size of the tree is significant in comparison to the modest building and having regard to its proximity to the rear elevation and dominance of rear garden space, future pressure to lop or potentially fell would normally be a reasonable risk. However, the Tree Officer has advised it has Ash die back and is satisfied with the management proposals which would reduce its height and spread if it survives reducing said impact. On the basis of the information provided, it is considered that this important tree could be retained without having a significant impact on residential amenity in this instance.

7.30 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 October 2024, Rev D, 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***

7.31 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.”

NRW have confirmed that the development site is not within a DCWW sewerage catchment area and therefore they have no objections to this solution. The applicant has provided evidence from dialogue with NRW that indicates an environmental permit is not required. Details of the plant, evidence of the grounds ability to percolate and appropriately drain the discharges from it have been provided and no objections raised by technical consultees. In relation to surface water drainage officers are satisfied that this will be regulated by other parties such as the Sustainable Drainage Approving Body (SAB).

### **Minerals**

- 7.31 The site is located in a mineral safeguarding area, however due to the nature of the proposals which would utilise an existing building, the proposed development is not considered to prejudice the future extraction of this resource to a significant degree. The proposal is therefore in accordance with policy M1.

### **Planning Contributions**

- 7.32 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.

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

- 7.33 Heads of Terms Agreed by Applicant

No signed legal agreement has been provided for the commuted sum contribution and whilst agreement to Heads of Terms has been given by the applicant, this does not prevent a reason for refusal in accordance with advice to Local Planning Authorities from the Chief Planning Officer in his letter of December 2018. This process is now well tested at appeal and officers consider it the correct procedural approach to avoid potential costs award at appeal stage. This is also consistent with the previous refusal. If the applicant wishes to remove such an objection they will need to provide an appropriate, legally binding unilateral undertaking compatible with the Heads of Terms at appeal stage. If Members are minded to grant planning permission, any such decision should be subject to a section 106 Legal Agreement being finalised.

## **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 will result in a significant adverse impact upon the landscape and very pleasant amenity of this area of open countryside and the Wentwood Special Landscape Area. It will give rise to an accumulation of development and associated works and general domestication to the detriment of the area's rural character and appearance. 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).

### 9.2 It has not been demonstrated that the building is structurally sound or capable of conversion without substantial reconstruction works and supporting development that will affect the character and appearance of the existing structure and its environs. The associated residential curtilage will be extensive compared to the size of the resulting unit. This is contrary to policy H10 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

### 9.3 The proposal can only be achieved by increasing the size of the existing building and in combination with new equestrian buildings, bat house and associated engineering works that, in combination, would cause significant harm to the rural character and appearance of the countryside and the Wentwood Special Landscape Area. The very small size of the

building will give rise to a dwelling of internal scale significantly less than the minimum space standards set out in the adopted SPG for one bedroom flat conversions and give rise to increased risk of future pressure to expand and develop the site to meet modern expectations contrary to policies SP5, SP8, H10, GP2 and GP6 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Any evidence of historical use as a dwelling does not mitigate this objection and in any case the building's current form is different to any historical dwelling that appears likely to have included an upper floor with large chimney feature to serve the Inglenook fireplace and staircase, remnants of which still exist. Whilst such historical uses and associated internal features offer interest, the building has no legal heritage protection and, in any case, the proposals do not clearly confirm the retention or making good of such features and the operation of the Inglenook fireplace in its historical form seems unachievable without the reintroduction of a large chimney or flue feature which is not proposed.

## **10. RECOMMENDATION**

### **REFUSED**

01 The proposal, by reason of size, design, layout and location will have a significant adverse impact upon the character and appearance of this area of open countryside and the Wentwood Special Landscape Area. It necessitates new detached buildings to support it and will give rise to the suburbanisation of this isolated and typically rural site by the introduction of significant operational development and the impacts associated with use as a dwelling such as an expansive domestic curtilage, accumulation of domestic paraphernalia, enclosures, lighting, surfacing, and ornamental planting. This is contrary to policies SP1, SP5, SP8, GP6 and CF7 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

02 It has not been demonstrated that the building is structurally sound or capable of conversion without substantial reconstruction works relative to the scale of the existing building and gives rise to a dwelling with unduly small internal space standards to the detriment of rural planning policy and future residential amenity. The development is contrary to policies, SP5, GP2, GP6 and H10 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

03 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 ongoing requirement for affordable housing. This is contrary to Policy H4 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 (received 18/09/2024)  
TG2203-01 Existing Plans and Elevations  
TG2203-21B Proposed plan and elevations (received 18/10/2024)  
TG2203-22B Proposed stables  
TG2203-24B Bat House  
TG2203-25 D Soft Landscaping Plan (received 18/10/2024)  
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  
TG2203-32 Structural Enhancement Strategy (received 18/10/2024)  
TG2203-33 Structural Enhancement Strategy 2 (received 18/10/2024)  
TG2203-34 Integrity of Original Structure (received 18/10/2024)  
TCP-TPP – Tree Protection 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)  
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)  
Structural Inspection Report - QPM-R-S-500 Revision A dated 11 June 2024  
Soft Landscape Planting 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)  
Crack Repair Information (received 18/10/2024)

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.

#### **REASON FOR SITE VISIT:**

To view and consider the visual impact of the proposed development and the topography.