

Delegated Decision Report

Application No:	26/0348	Statutory Period Expires:	6th August 2026
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Site:	Little Hunters Lodge Chepstow Road Newport NP26 3AD		
Proposal:	PROPOSED REPLACEMENT DWELLING		
Applicant:	M Gallagher		
Type:	Full	Ward:	Bishton And Langstone
Decision:	REFUSED		

1. BACKGROUND

- 1.1 Planning permission was granted in 1987 for the conversion of a barn to dwelling. The permission was subject to the following condition:

The development hereby permitted shall be used only insofar as it forms an annex/extension to the dwelling known as Hunters Lodge and shall at no time be occupied as a separate or self-contained dwelling unit.

Reason: The proposal would not be acceptable save in this respect.

- 1.2 In 2024 a S.73 application to remove the above condition was granted. In consideration of this application, it was noted that the condition was ultra vires given that the applicant had sought consent for a dwelling and not an annex and as such its removal was justified.

2. SITE LOCATION AND CONTEXT

- 2.1 The application relates to a property known as 'Little Hunter's Lodge', located adjacent to 'Hunters Lodge', south of Chepstow Road in the Bishton and Langstone Ward.
- 2.2 The site is located to the south of A48 Chepstow Road mid-way between Parc Seymour and Llandevaud and is accessed via a private lane approximately 250 metres in length. The building occupies a raised position, and the site is located directly to the rear of Hunters Lodge. The building is accessed via the drive also serving Hunters Lodge and the area is of notably rural character.
- 2.3 The site is outside of the defined urban boundary as per the Newport Local Development Plan 2011-2026 (adopted January 2015) and is countryside and has a strong rural character. The site is predicted grade 4 agricultural land and therefore not best and most versatile.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 The proposed replacement dwelling would be set into the embankment to the south of the site with a resultant split-level design incorporating two distinct pitched roofed wings. A bedroom, bathroom, office, cinema room and bedroom are shown at ground floor in the northern wing with two further bedrooms and bathrooms at first floor. An open plan kitchen, dining and living area shown in the southern wing. Under the southern wing at ground floor level a boot room, circulation space and garage are proposed. The maximum dimensions of the dwelling are:

Length (ground floor) – 2520mm

Length (first floor) – 1962mm

Width – 1320mm

Height – 846mm

- 3.2 An L shaped first floor terrace area having maximum dimensions of approximately 9580mm x 8650mm enclosed by a glass balustrade is proposed to the west of the building and a smaller terrace area measuring 6m x 3m in shown to the other end of the property with steps leading down to the lower-level external area. The materials pallet has not been specified other than to state that they are natural, but the development appears to incorporate stonework to lower-level elevations, vertical timber cladding at first floor and

profiled metal over the roofs.

- 3.3 Openings at both ground and first floor are proposed in the north facing elevation orientated towards Hunters Lodge. Extensive glazing is proposed in the west and east facing elevations with the two gable ended wings in the western elevation having deep overhangs. No openings are shown in the south (embankment facing) elevation.
- 3.4 The proposed replacement dwelling would be accessed from the existing shared lane to the north of the property which also provides access to Hunters Lodge and Livery. Pedestrian access into the proposed dwelling will be from the ground floor adjacent to the proposed garage.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision
1/1885	TWO STOREY EXTENSION TO PROPERTY TO FORM LIVING ROOM, KITCHEN W/C, PORCH LOBBY HALL, AND EXTENSION OF LOUNGE ON THE GROUND FLOOR AND BEDROOM, BATHROOM, PORCH, LOBBY UPPER HALL AND EXTENSION OF BEDROOM AT FIRST FLOOR LEVEL TOGETHER WITH ALTERATIONS TO ELEVATIONS AND THE CONSTRUCTION OF 3 GARAGES BELOW GROUND LEVEL AT HUNTERS LODGE	GRANTED WITH CONDITIONS
1/15347	CONVERSION OF BARN TO DWELLING	GRANTED WITH CONDITIONS
93/0038	ERECTION OF BUNGALOW TO REPLACE EXISTING MOBILE HOME	REFUSED & APPEAL DISMISSED
98/1323	ERECTION OF A DWELLING (OUTLINE)	REFUSED & APPEAL DISMISSED
12/0664	ERECTION OF REAR CONSERVATORY	GRANTED
24/0651	S73 APPLICATION TO REMOVE CONDITION 3 (DEVELOPMENT TO BE USED AS AN ANNEX) OF 1/15347 CONVERSION OF BARN TO DWELLING	GRANTED

5. PLANNING POLICY

5.1 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

5.2 PLANNING POLICY WALES (EDITION 12) 2024

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

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

5.3.1 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

SP1 – Sustainability
SP4 – Water Resources
SP5 – Countryside
SP9 – Conservation of the Built and Natural Environment
SP21 - Minerals
GP1 – Climate Change
GP2 – General Amenity
GP4 – Highways and Accessibility
GP5 – Natural Environment
GP6 – Quality of Design
GP7 – Environmental Protection and Public Health
H12 – Replacement Dwellings in the Countryside
T4 – Parking
T5- Walking and Cycling
W3 – Provision for Waste Management facilities in developments.

5.3.2 SUPPLEMENTARY PLANNING GUIDANCE

PARKING STANDARDS SPG
WILDLIFE AND DEVELOPMENT SPG
MINERAL SAFEGUARDING SPG
TREES, HEDGEROWS, WOODLANDS AND DEVELOPMENT SPG
NEW DWELLINGS SPG
SUSTAINABLE TRAVEL SPG
WASTE STORAGE AND COLLECTION SPG

6. CONSULTATION RESPONSES

6.1 Natural Resources Wales: no comment to make on the proposed development.

6.2 Highway recommendation:

No objection subject to conditions.

Highway Comments:

There are no details of cycle parking or electric vehicle charging provision. These should be secured by way of condition. A 6x4ft shed would be appropriate for cycle storage.

Suggested Conditions:

Except for site clearance and remediation, no development shall take place until a scheme for the provision of cycle parking in accordance with the Council's current standards has been submitted to and approved in writing by the Council as Local Planning Authority. The scheme shall be implemented as approved before any part of the development is brought into use and shall be retained as such thereafter. Notwithstanding the provisions of the Town and Country Planning Act (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) no building works, which reduce this provision, shall take place except following the express grant of planning permission by the Council.

Reason: To ensure that adequate provision is made for parking cycles on the site; and to establish measures to encourage non-car modes of transport.

A scheme for the provision of electric vehicle charging points, or passive provision, shall be submitted to and agreed in writing with the Local Planning Authority. The agreed scheme shall be provided prior to first occupation of each unit and retained as such thereafter.

Reason: To ensure that appropriate provision for current and future electric and electric/hybrid vehicles and encourage more sustainable means of transport.

6.3 Landscape officer: The proposal is not in character with the rural location due to the use of extensive wraparound first floor glazed balcony and terrace to the west, east, south, and the extensive glazing to the west and east elevations.

The outline of the proposed first floor level is now shown on the site plan.

My other recommendations made 4 June have not been responded to:

1. Panoramic photos to show the view out from the site in all main compass directions. *I would recommend that photos are required at this full planning stage in order to confirm the findings of the LVA in particular as private views from the adjacent main house [Hunters Lodge] have not been assessed.*

2. A Soft Landscape/Planting Plan showing planting type, species, size, density; and an outline of maintenance and management plan for five years to cover new planting until established and management of existing vegetation that provides a screening/softening role. It is advised that a suitably qualified landscape specialist/professional is used to satisfy the above. ***This could be conditioned.***

- 6.4 Ecology officer: The Applicant has submitted a Bat Survey Report dated 23/03/26, and I support the methodology and conclusions set out in that report. No bat roost potential was identified, but a series of biodiversity enhancement measures are proposed. These are set out in Sections 4.2.1 and 5.1 of the report, and their implementation should be secured by planning condition.

For the pre-app at this site I raised concern at the amount of tree clearance that had taken place at this property, noting that PPW 12 now states '*Potential applicants should not conduct any pre-emptive site clearance works before submitting a planning application as this can make it more difficult for a development proposal to secure a net benefit for biodiversity. Where a site has been cleared prior to development its biodiversity value should be deemed to have been as it was before any site investigations or clearance took place. A net benefit for biodiversity must be achieved from that point.*'

If we consider this clearance took place to facilitate the proposed development, rather than a landowner just tidying their land, then we should refer to section 6.4.16 of PPW 12: '*Potential applicants should not conduct any pre-emptive site clearance works before submitting a planning application as this can make it more difficult for a development proposal to secure a net benefit for biodiversity. Where a site has been cleared prior to development its biodiversity value should be deemed to have been as it was before any site investigations or clearance took place. A net benefit for biodiversity must be achieved from that point.*'

In this instance, it appears that some mature trees to the south of the site have been removed. It is likely they would have supported a range of protected species such as bats, dormice and nesting birds, in addition to all the invertebrates and other wildlife which typically associate with mature trees. If we are minded to use this prior situation as a baseline, then we should require the Applicant (via an Ecological consultant) to estimate the impact of that clearance on the habitats and species which were on site, and to propose compensation for that loss followed by measures to secure an overall net benefit.

- 6.5 Tree officer: The Tree Survey, Tree Constraints Plan and Tree Protection Plan have been produced by a bona fide Arboricultural consultancy and its findings and recommendations are accepted. As this proposal seems to provide a low risk to trees due to the distances set back from the proposed development, then an Arboricultural Implications Assessment or Arboricultural Method Statement are not required on this occasion. In accordance with BS5837 Trees in relation to design, demolition and construction – Recommendations (2012), a bona fide arboricultural consultant must be appointed to undertake Arboricultural Watching Brief visits. This will occur prior to any construction activities commencing on site, to ensure the tree protection fencing is correctly positioned and is fit for purpose, in accordance with the Tree Protection Plan. A second visit will occur halfway through the development and then a final one on completion. The Local Planning Authority will be advised in writing of the appointed arboricultural consultant undertaking the Arboricultural Watching Brief visits and a report with photographs will be submitted following each visit. There are no objections to this planning application on Arboricultural grounds.
- 6.6 Environmental Health: No response.
- 6.7 Drainage officer: Having reviewed the submitted information, a SAB application may be required.
- 6.8 Senior Scientific Officer: I have no significant concerns in relation to air quality or contaminated land. I do however support the Highways Officers recommendation for planning conditions to be applied relating to provision of cycle parking and electric vehicle

charging.

- 6.9 Dwr Cymru – Welsh Water: We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

Firstly, with respect to the submitted application form, we acknowledge that the development proposes to discharge foul and surface water flows to private treatment facilities and soakaways respectively. Since the proposal intends utilising an alternative to mains drainage for foul water, we would advise that the applicant seek advice from Natural Resources Wales and/or the Building Regulations Authority as the regulatory body for this method of drainage. Should circumstances change and a connection to the public sewerage system is preferred, we must be re-consulted on this application. Turning to surface water drainage, as of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems – designing, constructing, operating and maintaining surface water drainage systems'. In this instance, we offer no objection to proposals for disposal of surface water flows into a soakaway, in principle, subject to consultation and agreement with the regulatory body or riparian owner of this system. Accordingly, if you are minded to grant planning consent for the above development, we would request that Advisory Notes are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

7. PUBLIC REPRESENTATIONS

Neighbour notification letters were sent on 21/5/26, Site Notice was put up on 29/5/2026.

- 7.1 NEIGHBOURS: No responses have been received.

- 7.2 Penhow Community Council: The Council have considered this application and have no objections to the proposal.

8. ASSESSMENT

8.1 Principle of Development:

The site is located within the Countryside where development is strictly controlled. Policy H12 (Replacement Dwellings in the Countryside) is pertinent to the assessment of any replacement dwelling in the countryside and links back to Strategic Policy SP5. Policy H12 states;

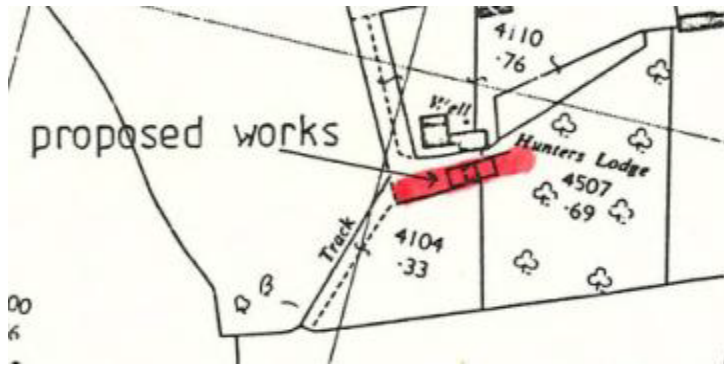
Beyond defined settlement boundaries, proposals to replace a dwelling with a new dwelling will be permitted provided that:

- i) the volume of the new dwelling is not more than 30% larger than that of the original dwelling, or as existed in 1948, to be replaced;
- ii) there is a condition attached to the planning permission to prevent subsequent extension or outbuildings;
- iii) the existing dwelling has a lawful residential use;
- iv) the new dwelling is sited to preclude the retention of the dwelling it is to replace, or there is a condition or planning obligation to ensure the demolition of the original dwelling on completion of the new dwelling;
- v) any existing agricultural tie shall be attached to the new dwelling.

This policy is designed to allow the updating of residential accommodation, particularly where this is now seen to be substandard, but only in the context of allowing a modest increase in its size, not to allow a much larger dwelling that would be on a different scale to the original. The main issue is whether the proposal complies with local policies designed to protect the countryside, having particular regard to the area's character and appearance.

- 8.2 In this instance criterion ii) and iv) can be secured and Criterion v) is not applicable given there is no existing agricultural tie.

- 8.3 In terms of Criterion iii), through the recent 25/0651 application to remove Condition 03 of 1/15347 the dwelling has a lawful residential use. The Site Location Plan for the 1/15347 planning application for the use as a dwelling is shown below;



- 8.4 It is apparent that the application site for the dwelling is restricted as shown above with the boundary of the curtilage being in line with the southern elevation of the building. The proposed development as part of this application extends beyond the southern boundary of the red line and is outside of the lawful residential curtilage of Little Hunter's Lodge as can be seen below.



- 8.5 As such, the proposal in its current form would fail Policy H12 iii) given that part of the site being proposed is not in lawful residential use and there would be an in principle policy objection.
- 8.6 On this matter the supporting information accompanying the application references an application for a conservatory at the property which was granted in 2012 (12/0664). The red line site location plan accompanying this application can be seen below and clearly incorporates a greater extent of land than the site location plan for the conversion application:



- 8.7 The applicant considers the lawful curtilage to be as shown in the 2012 conservatory application and references caselaw; *Burford v Secretary of State for Communities and Local Government & Anor* [2017] EWHC 1493 (Admin), Mr Justice Supperstone reviewed the legal authority concerning the determination of the curtilage of a building and confirmed that there are 3 factors to be taken into account. Namely: the physical layout of building and attached land; the ownership, past and present; and their use or function, past and present. It is also stated that “in considering these factors, the following were cited as relevant: *curtilage is not a planning land use question and may be separate to the planning unit(s); the curtilage of a building, within the context of the assessment of these 3 factors, is a matter of fact and degree for determination by the decision maker. The decision maker decides what reasonable weight is to be given to each factor (in the Wednesbury reasonable sense); there is no restriction as to size but it must fairly be described as being part of the enclosure for the house to which it refers (ie. the 2nd factor); and the relationship between the main dwelling and the land in question is relevant when considering their function and use (ie. the 3rd factor). It is however not determinative by itself.*” The applicant concludes that:

“The proposed replacement dwelling is sited entirely within the established residential curtilage, which constitutes Previously Developed Land (PDL) as defined in Appendix B of PPW 12. The proposal therefore represents the sustainable re-use of land and avoids encroachment into the open countryside.”

- 8.8 Notwithstanding the applicants view that the replacement dwelling would be sited within the lawful curtilage, this application is for planning permission for a replacement dwelling and the correct procedure to establish lawful use is via Certificate of Lawful Use. The LPA will not confirm a lawful use other than via this procedure. The application for a conservatory did not include an enlargement of the residential use to incorporate adjoining agricultural land. It was actually proposed on the front elevation of the neighbouring property and since that time the planning units have potentially altered in any case. No lawful residential garden has been determined for the property subject of this application. In the absence of such a legal determination the LPA considers that the replacement dwelling would in part be located outside of the lawful curtilage and there is a policy objection.
- 8.9 Notwithstanding the policy objection raised on the basis that the replacement dwelling would be sited on land that is not within the lawful curtilage, criteria i) of policy H12 requires that the volume of the new dwelling is not more than 30% larger than that of the original dwelling, or as existed in 1948, to be replaced. No volume calculations have been provided with the application. However, officers calculate that the replacement dwelling represents a percentage increase of approximately 277% when compared to the volume of the existing dwelling and the proposals therefore include a significantly larger dwelling at the site. The supporting text of policy H12 confirms that this Policy is designed to allow the updating of residential accommodation, particularly where this is now seen to be substandard, but only in the context of allowing a modest increase in its size, not to allow a much larger dwelling that would be on a different scale to the original. The proposals are clearly contrary to these aspirations of the policy. Notwithstanding, the policy affirms that where it can be

demonstrated that an increase above 30% will not have a detrimental impact upon the character and appearance of the surrounding area it may be considered acceptable. These matters are discussed further under the design section of this report.

8.10 **Design, Appearance and Visual Amenity**

Whilst not considered to have any particular architectural value, the existing dwelling is modest in scale, clearly closely juxtaposed and related to the larger Hunters Lodge and is of an understated design which assists in its assimilation into the wider landscape. In comparison and by reason of its significant scale and contemporary design which incorporates extensive glazing and glass balustrades, roof overhangs and brise soleils, together with the materials pallet which includes excessive amounts of vertical wood cladding and low profile metal to the roof, the proposed replacement dwelling is considered to have jarring appearance and would be incongruous within the rural landscape setting and extend along part of what is currently a field. The scheme would be fundamentally different to the existing dwelling's appearance and would present as a substantially larger structure. The extensive glazing and other features cited above would afford the dwelling an overtly domestic appearance which would draw the eye and would expand the footprint compared to the existing dwelling and the associated domestic land and such changes, scale and design would fundamentally urbanise the character of the site, materially harming the immediate area's rural character and appearance.

8.11 The Landscape Officer has commented that the building is not in character with the rural location due to the use of extensive wrapround first floor glazed balcony and terrace to the west, east, south, and the extensive glazing to the west and east elevations and landscape character impacts have not been fully covered in the application, with further information required to confirm the findings of the Landscape Visual Assessment submitted in support of the proposals. The LVA states that the proposed building is indisputably in scale with the plot and its immediate surroundings and that the *"replacement dwelling will involve a moderate magnitude of change on the site, given that this is a replacement for the existing low-quality building with a high-quality modern building of appropriate scale and using suitable natural and vernacular materials. Given the degree of enclosure would be retained and reinforced, the magnitude of change on the wider landscape would be negligible."* These conclusions are not accepted. The immediate area exhibits a rural character which provides the primary visual context for determining the appeal proposal. As previously stated, the existing dwelling has a much greater assimilation with the rural landscape setting and by reason of its significant scale and contemporary design, the proposed replacement dwelling will result in a demonstrable harmful impact to the rural character and appearance of the area contrary to adopted policies.

8.12 It is acknowledged that the site occupied by Little Hunters Lodge is not highly visible from the nearby A48 road due to several factors including tree screening, the position of Hunters Lodge and the topography of the area. However, wider views of the site are afforded from other vantage points and there is a public right of way 250m east of the site from which views are likely, particularly in the winter months when vegetation provides less screening. The proposed building is of much larger scale, including considerably greater footprint and increased height thereby increasing its visibility.

8.13 In conclusion, the proposal, due to its location, scale and design does not respond positively to the rural character and appearance of the site and locality and will present as an incongruous development within the countryside location. The proposal is contrary to Policies SP5, GP6 and H12 of the LDP.

8.14 **Amenity:**

At present, Little Hunter's Lodge is a modest and subordinate building located south of Hunter's Lodge, at a raised ground level. The properties are closely linked and have limited separation given their close proximity.

8.15 The northern elevation nearest Hunters Lodge would be sited similarly to the northern elevation of the existing dwelling with a distance of approximately 3.5m between them. The

existing dwelling has a length of approximately 11m and is 6.3m in height to the ridge. In comparison the northern wing of the replacement dwelling would measure over 16m and the building would have a height of 8.4m. As such the proposals would result in the siting of a building having a considerably larger scale and massing in very close proximity to the neighbouring dwelling giving rise to unneighbourly and overbearing development. A comparable number of windows are proposed at ground floor level. The existing dwelling does not have any first-floor windows in this elevation and two are proposed in the replacement dwelling. One of these serves a bathroom and the other is a secondary window serving a bedroom and as such they could reasonably be obscure glazed and the proposals are not therefore considered to result in a worsening impact in terms of overlooking of windows. Notwithstanding however, the proposed replacement dwelling would materially alter the relationship between the two properties, and the raised terrace and glazing would allow views over Hunter's Lodge that are not currently available. Furthermore, being located to the south of Hunters Lodge, the proposals have potential to result in overshadowing of the neighbouring property. No solar assessment has been provided with the submission. The proposals are considered to result in an unneighbourly form of development and would alter the character of the relationship between properties and adversely impact the residential amenity of Hunters Lodge, contrary to Policy GP2.

- 8.16 The replacement dwelling proposed is a large 4no. bedroom property that would be reliant on a raised terrace predominantly to the front of the building and a raised area to the rear. It is acknowledged that the existing dwelling relies on little to no lawful external amenity space, however this proposal is for a much larger dwelling and intensifies the use of the site. The Council's New Dwelling SPG requires 1 square metres for every square metre of the unit's footprint for 2+ bedroom detached dwelling. As such 185m² amenity space is required. The proposals would exceed this and the proposed dwelling would provide a suitable standard of amenity for future occupiers.

8.17 **Movement:**

Access arrangement to the site is not proposed to alter and as previously noted, the site is accessed via a private lane. The development would include a garage which is sufficiently sized for a vehicle to park in, as well as the provision of parking spaces within the site.

- 8.18 The Local Highways Authority has been consulted on the proposal and raises no objections to the scheme subject to conditions to secure an EV charging point and cycle storage. The proposal is considered to comply with Policy GP4 of the LDP, subject to conditions.

8.19 **Drainage/ Flooding:**

The application provides no details with regard to foul water flows although given the location of the site it is anticipated that this would be to a private treatment facility. This would likely have to be located in privately owned land such as the proposed garden area.

8.20 Welsh Government Circular 008/2018 / 10/99 advises that 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 criteria are; Contravention of recognised practices, Adverse effect on water sources/resources, Health hazard or nuisance, Damage to controlled waters, Damage to the environment and amenity, Overloading the existing capacity of the area, Absence of suitable outlets, Unsuitable soakage characteristics, High water table, Rising ground water levels and Flooding and Maintenance plan.

- 8.21 Specific details relating to the proposed PTP are absent from this proposal therefore the LPA have not been able to confirm if the aforementioned criteria has been met.

- 8.22 Section 2.7 of The Circular follows the assessment criteria and states:

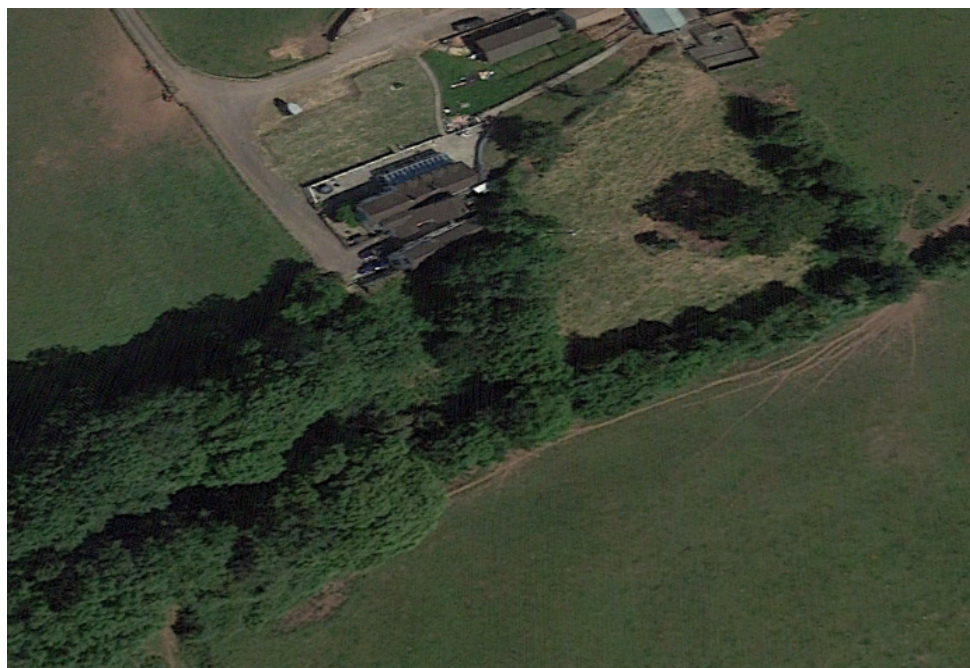
"If on the basis of the information and evidence received, it can be demonstrated by virtue of one or more factors set out in paragraph 2.6 above, the private sewerage and/or sewage disposal proposals put forward for a proposed development are likely to lead to a significant environmental, amenity or public health problem in any area, it would normally be sufficient

to justify refusal of planning permission for the development”.

- 8.23 Given the absence of this information the LPA are unable to satisfy this criteria and therefore are unable to support the proposed development in its current form.
- 8.24 With regard to surface water the scheme may require SAB approval if the construction area of development is in excess of 100sqm. This is a separate process. The SAB body have been consulted with regard to the application and have not offered any adverse comment at this stage. If minded to grant permission, officers are satisfied that surface water drainage details could be secured by planning condition.
- 8.25 The site is not located within a flood risk area.
- 8.26 **Biodiversity:**

Policy 9 of Future Wales states that in all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated. Planning Policy Wales (Edition 12) (PPW) reiterates that biodiversity must be maintained and enhanced to enable resilient ecological networks to be built and deliver net benefits for biodiversity. Policy GP5 of the NLDP supports this and states that proposals will be expected to maintain, protect and enhance ecological networks and features of importance for biodiversity.

- 8.27 Furthermore, PPW indicates that a step-wise approach must be taken to maintain and enhance biodiversity, build resilient ecological networks and deliver net benefits for biodiversity by ensuring that any adverse environmental effects are firstly avoided, then minimized, mitigated, and as a last resort compensated for. Evidence in the form of a Green Infrastructure Statement should accompany the application to ensure that the step-wise approach has been followed. Where biodiversity enhancement proportionate to the scale and nature of the development is not proposed as part of an application, significant weight will be given to its absence, and unless other significant material considerations indicate otherwise, it will be necessary to refuse permission.
- 8.28 In this instance, the application is accompanied by a Green Infrastructure Statement (GIS). However, having regard to aerial photographs of the site, it appears that there has been tree removal and the GIS has not accounted for this. The image below shows the site in 2021. It is evident that there is tree coverage directly to the south of the existing dwelling:



The image below is from 2025 and shows a comparable difference with the trees evident in 2021 removed to potentially expand the residential garden:



- 8.29 No permission has been sought or given for such works which appear to include engineering operations. The Council's Ecology officer has advised that it is likely the trees would have supported a range of protected species such as bats, dormice and nesting birds, in addition to all the invertebrates and other wildlife which typically associate with mature trees. In accordance with the step-wise approach within PPW, this prior situation should be used as a baseline, and the applicant (via an Ecological consultant) should estimate the impact of that clearance on the habitats and species which were on site, and to propose compensation for that loss followed by measures to secure an overall net benefit.
- 8.30 In view of this, insufficient information has been provided with the application to compensate for the loss of the ecological features and secure biodiversity enhancement, contrary to Planning Policy Wales (Edition 12) (PPW) and Policy GP5 of the LDP.
- 8.31 Notwithstanding the above, the application is accompanied by a Bat Survey Report, and the Council's Ecology officer supports the methodology and conclusions set out in that report. No bat roost potential was identified, but a series of biodiversity enhancement measures are proposed. These should be secured by planning condition if planning permission is forthcoming.
- 8.32 **Landscaping/ Trees:**
- The application is accompanied by a Tree Survey and the Council's Tree officer advises that the Tree Survey, Tree Constraints Plan and Tree Protection Plan have been produced by a bona fide Arboricultural consultancy and its findings and recommendations are accepted. However, as noted above, the supporting information does not take account of the tree removal which aerial photographs identify has occurred prior to the submission of the application and in the absence of proportionate enhancement details the proposals are therefore contrary to PPW 12 and Policy GP5 of the NLDP.
- 8.33 Removal of trees, unless dead, would normally be expected to be compensated for by replacement planting at a ratio of no less than 3:1. However, as per the above, the information supplied does not acknowledge the landscape removal works that have already taken place at the site.
- 8.34 **Waste:**

There is sufficient space within the confines of the site to store waste and recycling receptacles and it would be presented roadside in the same way that waste is currently

collected. No objections are offered to the proposals on the basis of waste.

9. OTHER CONSIDERATIONS

9.1 *Crime and Disorder Act 1998*

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

9.2 *Equality Act 2010*

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

9.3 Having due regard to advancing equality involves:

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

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

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

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

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

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

10. CONCLUSION

10.1 The replacement dwelling would be sited, in part, on land which is outside of a lawful residential garden and therefore requires an expansion of domestic use into open countryside and neighbouring agricultural land. This is objected to in principle. Furthermore, the scale of the replacement dwelling is excessive and far exceeds the volume increase permitted by the Council's Policy. By reason of this and the unsympathetic design the proposal will result in a significant adverse impact to the rural character and appearance of the area.

10.2 The proposals would materially alter the relationship with Hunters Lodge to which it is closely juxtaposed and would result in an adverse impact to the amenity of the occupiers of this neighbouring residence.

- 10.3 Furthermore, the proposals fail to take account of the tree and landscape removal/clearance that has taken place prior to the submission of the application and fails to show acceptable compensation and ecological enhancement in accordance with the step wise approach in PPW12 and contrary to Policy 9 of Future Wales and insufficient information is provided in respect of foul drainage.
- 10.4 The application is refused.

11. DECISION

REFUSED

01 The development, by reason of its location, scale and design will present as an incongruous and unsympathetic new development that fails to respond positively to the rural character and appearance of the area and gives rise to an unjustified expansion of residential use into adjoining agricultural land. The development is contrary to PPW12, Future Wales – THE NATIONAL PLAN 2040, Policies SP5, GP6 and H12 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015) and Supplementary Planning Guidance for New Dwellings.

02 The development will be of considerably larger scale and massing compared to the existing building and in very close proximity to the neighbouring dwelling 'Hunters Lodge'. Together with features of its design including the raised terraces and extensive glazing this would materially alter the relationship between the two properties and result in an unneighbourly and overbearing form of development to the detriment of the amenity of the neighbouring occupiers. As such, the application is contrary to Policies GP2 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

03 The development includes pre-emptive clearance and landscape removal works and fails to establish a suitable baseline for ecological compensation and enhancement having regard to the step wise approach. This is contrary to PPW 12, Future Wales – THE NATIONAL PLAN 2040 and Policies, SP1, SP5, GP5 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015) and Supplementary Planning Guidance for Wildlife and Development, Trees, Hedgerows, Woodlands and Developments.

04 The application has not been supported by sufficient information in respect of foul drainage management for a suitable assessment to be carried out to ensure that no unacceptable adverse impact would arise from the proposed development contrary to section 6.6.21 of Planning Policy Wales 12, Welsh Government Circular 10/99, objective 6 and Policies SP4, GP2 (i), GP5 (iii) AND GP7 of the Newport City Council Local Development Plan.

NOTE TO APPLICANT

01 This decision relates to plan Nos: AL(0)10 rev B Proposed Floor Plans, AL(0)11 REV b Proposed Elevations, AL(90) rev C location plan, AL(90)10 Proposed site plan, AL(90)04 Revised existing site plan, AL(00)01 Revised existing plans & elevations), AL(90)03 site context plan, AL(90)02 Context plan, LVA V.1 April 2026, GIS, das April 2026, Tree Survey 27/3/26, Tree Protection plan, Tree Constraints Plan, Bat Survey report.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP4, SP5, SP9, SP21, GP1, GP2, GP4, GP5, GP6, GP7, H12, T4, T5 and W3 were relevant to the determination of this application.

03 The proposed development (including any demolition) has been screened under the Environmental Impact Assessment Regulations and it is considered that an Environmental Statement is not required.