

Delegated Decision Report

Application No:	25/0109	Statutory Period Expires:	8th April 2025
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Site:	<i>Lower Wenallt Golynos Lane Rogerstone Newport NP10 9GR</i>		
Proposal:	<i>PRIOR APPROVAL FOR AN AGRICULTURAL BUILDING FOR THE STORAGE OF FODDER AND FEED AND SOME FARM MACHINERY/EQUIPMENT</i>		
Applicant:	<i>R Stark</i>		
Type:	Agricultural Determination	Ward:	Rogerstone North
Decision:	PRIOR APPROVAL IS REQUIRED AND REFUSED		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 The application site is a rural farm within Rogerstone North. Lower Wenallt Farm is situated to the northeast of Risca and approximately 1.4 miles west of Bettws. The farm is accessed from the west side of Golynos Lane and benefits from a private driveway extending north to the farm complex approximately 340m from the lane. The site comprises of a farm house and agricultural buildings. The property is not overlooked or within close proximity to other holdings. The site is defined within the Countryside.

3. DESCRIPTION OF DEVELOPMENT

3.1 The application seeks prior approval for an open sided agricultural building for the storage of fodder and feed with storage for farm machine and equipment. The proposed open sided barn is located to the North East of the existing barn and is 6.4m in height, 15.6m in width, or 20m in width to the roof overhang, and 27.4m in depth. The barn would have 12no. translucent sheet roof lights on the pitched roof, coloured fibre cement profiled roof sheeting and vertical hit and miss timber boarding on the sides with metal sheeting in juniper green.

4. RELEVANT SITE HISTORY

None.

5. PLANNING POLICY

5.1 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP5, GP2, GP5 and GP6 were relevant to the determination of this application.

6. CONSULTATION RESPONSES

6.1 Natural Resources Wales:

We have no objection to the proposed development as submitted and provide the following advice. Agriculture We understand this proposal is to construct an agricultural building for the storage of fodder, feed, and machinery/equipment. The structure is not to accommodate an increase in stock numbers on the farm. Therefore, we have no adverse comments to make. We advise the applicant follows the Code of Good Agricultural Practice guidance.

6.2 Local Highways Authority:

The proposal is remote from adopted highway and not anticipated to have any highway impacts.

6.3 Tree Officer:

There is a tree/s trees very close to the proposed agricultural building.

The most straight forward way to proceed to establish the facts via a bona fide Tree Consultant in accordance with **BS5837:2012**

It is hoped that this will show that there will not be any conflict (roots and tree canopy) with the proposed building.

A list of NCC approve Tree Consultants is attached for information.

- 6.4 Ecology Officer:
No comments received.
- 6.5 Landscape Officer:
No comments received.
- 6.6 SAB:
A SAB application will be required
- 6.7 Environmental Health Officer:
No comments received.
- 6.8 Contamination Officer:
No comments received.

7. PUBLIC REPRESENTATIONS
None.

8. ASSESSMENT

- 8.1 The application seeks prior approval for an agricultural building. It is noted some engineering works have already commenced on site including site clearance and building up of the land as shown below.

Prior to works:



Commencement of works:



The Town and Country Planning Act 1990 defines agriculture as “horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and “agricultural” shall be construed accordingly”.

- 8.2 The erection of buildings for agricultural purposes can be permitted development under schedule 2, Part 6 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), subject to the scheme being in accordance with the conditions of that part, and applying to the Local Planning Authority for a determination as to whether the prior approval of the authority will be required for the development.
- 8.3 Part 6, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) states within Section A.2 (2)(D)(I) that the determination of the Local Planning Authority shall be sought as to whether prior approval will be required for the siting, design and external appearance of the building. One of the primary requirements of the Order is that any development be “reasonably necessary for the purposes of

agriculture". The applicant has provided the following information: The application form states the applicant's farming enterprise is growing and the existing agricultural buildings at Lower Wenallt Farm, which are quite dated now, are no longer sufficient in terms of capacity for the operations on the farm. As a result, this proposal seeks to address the current storage problem the Applicant has at their farm which will ensure that the feed and fodder are stored in a dry, well ventilated and secure building, thereby preventing loss through moisture and pests. In appearance and scale the proposed building reflects the existing farm buildings at Lower Wenallt Farm. It enables feed to be stored appropriately and is sited adjacent to an existing agricultural building to utilise the existing farm yard and access points. The finish integrates into the surroundings and has the form and character of a modern agricultural building. This will enable it to blend into the rural landscape and provide the functionality needed by the Applicant to continue to improve efficiencies of their successful and expanding farm. The cover letter states the design of the building is suitable for its intended agricultural use, namely for storing feed and fodder and some storage of farm machinery and equipment associated with the activities undertaken at the farm. On assessment, whilst the application form states the unit is an agricultural enterprise, there is limited information to support this. Whilst a site visit demonstrated livestock on the land and within the agricultural buildings, in this instance the application is not supported by any robust or meaningful evidence that the development would be reasonably required for the purposes of agriculture and sufficient evidence to support this has not been provided. There is no detail on the scale or intensity of any agricultural business activity provided and the subsequent need of a building of this size. On this basis the Local Planning Authority are not satisfied that the proposed development meets this requirement in that it is reasonably necessary or satisfied the requirements of paragraph D1 of Part 6 of Schedule 2 of the GDPO.

- 8.4 Part 6 of the GDPO has two parts; Class A, which relates to agricultural units of 5 hectares or more and Class B, which relates to agricultural units of less than 5 hectares, but not less than 0.4 hectares. The application form states that the agricultural unit in this case is 257 hectares which does meet the requirements of Class A. However, no plans of the holding have been provided to support this and therefore the agricultural area cannot be confirmed.
- 8.5 Moreover, Class A suggests development is not permitted if *any building erected or extended or altered by virtue of Class A, would exceed 465 square metres, calculated as described in paragraph D.2 below*; the supporting information suggests the ground area to be covered by the building totals 434.29.sqm. On the plans submitted, it is noted that the ground area covered measures 427sqm, and so there is a slight discrepancy between documents. Moreover, the information on the application form states that the area of the parcel of land where the development is to be located is 1 or more hectares. The information submitted with the application as to the extent of the parcel of land used is therefore unclear and contradictory between documents.
- 8.6 Part 6, Class A also suggests that excavation and engineering operations which are reasonably necessary for the purposes of agriculture within that unit are permitted development. Engineering works appear to have been carried out on site through the building up of land, however, no information has been provided on the extent of this. It is considered the engineering works carried out on site are beyond reasons necessary for agriculture and the submission is lacking information to justify this.
- 8.7 In terms of design, the proposed building would be of a typical barn construction with coloured fibre cement profiled roof sheeting, translucent sheet roof lights, vertical hit and miss timber boarding on the sides with metal sheeting in juniper green which would remain in keeping with the character of the surrounding area. No objection or concern is raised in this regard with barns being commonplace within the countryside.
- 8.8 The tree officer has expressed concern regarding the design and layout of the proposed building due to their proximity to nearby trees stating that the health, safety and longevity of the trees should not be compromised by development. The application has not been supported by any tree information/survey works carried out in accordance with BS5817:2012. However, on a site visit conducted the tree appears to have been removed as shown below.

Google map imaging:



Current site:



- 8.9 The Highways Officer did not object to the proposal as it would not have any adverse impact upon vehicular movements.
- 8.10 NRW have been consulted on the application and do not hold objections to the application and states the proposal is to construct an agricultural building for the storage of fodder, feed, and machinery/equipment. The structure is not to accommodate an increase in stock numbers on the farm. Therefore, we have no adverse comments to make.
- 8.11 SAB have commented on the application and state that a SAB application would be required.

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 Insufficient information has been submitted to show that the proposed building is reasonably necessary for the purposes of agriculture or that the operation complies with the requirements of Part 6 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). The proposal does not constitute Permitted Development and so requires planning permission. Additionally, engineering works have commenced on site and no information to demonstrate that this is reasonably necessary for agricultural purposes has been provided. Therefore, the application type of a prior approval cannot be undertaken as works have commenced.

11. DECISION

PRIOR APPROVAL IS REQUIRED AND IS REFUSED

01 Prior Approval is required and refused on the grounds that works have already commenced on site. Additionally, insufficient information to demonstrate that the building and engineering works is reasonably necessary for the purposes of agriculture or that the operation complies with the requirements of Part 6 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). The proposal does not constitute Permitted Development.

NOTE TO APPLICANT

01 This decision relates to plan Nos: Floor plan; Section; North and east elevations; South and west elevations; Lower Wenallt Farm - Location Plan 2; Lower Wenallt Farm - Block Plan.; Mr R Stark - Cover Letter 11.02.25; Lower Wenallt Farm - Statement - 11.02.25

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP5, GP2, GP5, GP6 were relevant to the determination of this application.

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.