



Appeal Decision

by L. Hughson-Smith LLB MSc MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 13.01.2026

Appeal reference: CAS-04342-Q6R6T2

Site address: White Gates, Outfall Lane, St. Brides Wentlooge, Newport NP10 8SS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr. Nathan Howells against the decision of Newport City Council.
 - The application ref: 25/0276, dated 14 April 2025, was refused by notice dated 29 May 2025.
 - The application sought planning permission for the 'demolition and removal of existing dwelling and construction of new dwelling (re-submission following refusal of 22/1223)' without complying with a condition attached to planning permission Ref: 23/0379, dated 6 December 2023. The condition in dispute is no. 9 which states that *notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking or re-enacting that Order), Schedule 2, Part 1, no development within Classes A, B, C, D, or E shall be carried out without the express permission of the Local Planning Authority.*
 - The reason given for this condition is: *to protect the amenities of occupiers of adjoining properties and to control future development given that this is a replacement dwelling subject to the requirements of Policy H12 and in the interests of the openness of the Green Wedge, in accordance with policies SP7 and H12 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).*
 - A site visit was made on 20 November 2025.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The reason for refusal states, amongst other things, that the proposal would result in harm to the amenities of occupiers of adjoining properties. However, the Officer's Report makes only limited reference to the impact of the proposal on the living conditions of neighbouring occupiers. For the avoidance of doubt, I have determined the appeal based on the relevant planning policies cited within the reason for refusal.

Background and Main Issues

3. Permission reference 23/0379 granted planning permission for a replacement dwelling, subject to several conditions, including condition 9, which restricts permitted development rights, including those in relation to outbuildings. The reason for Condition 9 is, amongst other things, to control future development in accordance with Local Development Plan (LDP) Policy H12 and in the interests of the openness of the green wedge in accordance with LDP Policy SP7. The appellant seeks to vary condition 9 to remove the restriction on permitted development rights in relation to outbuildings.
4. Based on the evidence before me, the main issue is whether varying the disputed condition is necessary and reasonable having regard to planning policies which seek to protect the countryside and the green wedge.

Reasons

5. The appeal property is located along Outfall Lane and forms part of a small linear group of detached dwellings fronting the lane. It comprises a replacement dwelling set within a large plot and, at the time of my site visit, the dwelling was under construction. The site lies in the open countryside, outside of a defined settlement, as identified in the LDP. It is also located within the Newport and Cardiff green wedge and a Special Landscape Area (SLA). Whilst some commercial buildings are present nearby, the surrounding landscape is predominantly rural in character, comprising flat agricultural fields interspersed with a limited number of properties.
6. LDP Policy H12 permits replacement dwellings in the countryside, subject to a number of criteria, including the imposition of a planning condition removing permitted development rights in order to prevent subsequent extension or outbuildings. The supporting text to policy H12 makes clear that its purpose is to allow for the updating of residential accommodation, but only in the context of allowing a modest increase in its size. LDP Policy SP7 states that within green wedges development which prejudices the open nature of the land will not be permitted. The LDP's restrictive approach to countryside development is consistent with Planning Policy Wales, which seeks to strictly control development in the countryside, including within green wedges to maintain their openness.
7. I am aware that the Welsh Government's The Use of Planning Condition for Development Management Circular (WGC 016/2014) advises that conditions restricting permitted development rights should only be imposed in exceptional circumstances. Whilst permitted development rights relating to outbuildings contain general limitations and conditions, these do not take account of specific sensitivities of individual countryside locations. LDP Policy H12, however, expressly recognises that incremental permitted development associated with countryside replacement dwellings could undermine the character of rural areas. In such circumstances, there is a clear policy requirement to tightly control development in the countryside. This is reinforced in this case by the site's location within a green wedge and SLA, which further emphasises the need for a robust approach to protecting openness and landscape character in accordance with the development plan.
8. It may be the case that the appellant has improved the appearance of the appeal site, however, the *Landscape Information abridged Landscape and Visual Appraisal (LVA) and Landscape Plan with accompanying supporting information* prepared New Enclosures Landscape Consultants, relates only to the replacement dwelling and does not address the potential effect of future outbuildings and, therefore, has limited relevance to the case before me. I have also had regard to the Landscape Plan (drawing

number: 366_PN_01, Rev. A); however, potential landscape screening does not justify departing from established LDP policy.

9. I place limited weight on the presence of outbuildings formerly on the appeal site, as these have been removed. Whilst outbuildings are present at neighbouring properties, limited information relating to these have been submitted, such as planning histories of these sites, including whether such development is authorised, whether the dwellings are replacements, or whether they were assessed under the current development plan. Similarly, the various examples cited by the appellant of similar development elsewhere in St. Brides and nearby commercial development are not supported by sufficient detail. For example, aside from the development at Greenfields, full addresses are not provided, nor have detailed plans or decision notices been presented. As such, based on the evidence before me, I have not been able to carry out meaningful comparisons and I have, therefore, determined the appeal on its own merits.
10. I acknowledge that varying the condition would provide some benefit to the appellant, including allowing on-site secure storage. However, the condition does not prohibit future development; rather it ensures that any proposals are subject to planning control and assessed against the relevant planning policies, including their effect on the countryside.
11. Taking the above together, I do not consider the disputed condition to be onerous or unnecessary. Rather, it is a deliberate and proportionate mechanism to ensure compliance with the development plan's objectives to protect the countryside. This conclusion is reinforced by the fact that the LDP, including Policy H12, was subject to public examination and found to be sound. I, therefore, conclude that the disputed condition, as imposed, is necessary and reasonable to ensure compliance with policies H12 and Policy SP7 of the LDP.

Other Matters

12. Representations made by neighbours were before the Council and, therefore, formed part of their assessment. I note the other concerns raised by the appellant in relation to the Council's handling of the planning application, however, these matters are not relevant to the planning merits of the appeal proposal. Furthermore, the lack of objection from Natural Resources Wales does not imply the proposal is acceptable.

Conclusion

13. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.
14. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives.

L. Hughson-Smith

INSPECTOR