

Delegated Decision Report

Application No:	25/0673	Statutory Period Expires:	15th October 2025
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Site:	<i>Machen Fach Farm Caerphilly Road Newport South Wales NP10 8GW</i>		
Proposal:	<i>PRIOR NOTIFICATION OF AGRICULTURAL DEVELOPMENT</i>		
Applicant:	<i>H Davies</i>		
Type:	Agricultural Determination	Ward:	Graig
Decision:	PRIOR APPROVAL REQUIRED AND REFUSED		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 The site is defined within the Countryside and Special Landscape Area. The site is in an Agricultural setting with open greenspace, and the applicant has stated there is 80ha of land within the land ownership. This agricultural land is serviced by Machen Fach Farm. The A468 road runs through the middle of the land holding.

3. DESCRIPTION OF DEVELOPMENT

3.1 The applicant seeks a new farm track, 4m wide and 652m in length, across part of the land, South of the A468 for better machine access. The applicant states this new track is more favourable due to less ground compaction and a safer means for tractor access. The applicant states that the track would be made from recycled stone from the farm i.e. stone picking and 6F5 recycled stone. As stated above, the total land holding is 80ha, and this is broken up into different sections. The land in which the track is proposed is approximately 24.6ha from the plans provided.

4. RELEVANT SITE HISTORY

None.

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

6. CONSULTATION RESPONSES

6.1 None.

7. PUBLIC REPRESENTATIONS

None.

8. ASSESSMENT

8.1 The applicant has provided limited information in terms of the submission. It is understood the applicant seeks a new farm track on the land for machine access, and the new track would result in less ground compaction on the land, with the track proposed at 4m wide and made from recycled stone. The applicant has provided a plan showing the length of the track from A to B. The track length from the plans provided appears to be approximately 652m in length.

8.2 On the plans provided, it is not clear at point A whether this would create a new access point, however, given the siting alongside the train track, it appears this point is likely not an access/exit point. In terms of point B, it appears to service an existing farm building. There appears to be an existing track which services this to the North. Moreover, from satellite imaging, it appears there is an existing access/exit from the field to access the farm house to the North which is highlighted in the red box below, and it appears the proposed track would likely connect to this access/egress point, however, there is a lack of information provided on this.



8.3 Whilst the Town and Country Planning (General Permitted Development) Order 1995, as amended, sets out Permitted Development rights for agricultural buildings and operations, these have to be for purposes '*reasonably necessary for the purposes of agriculture*'. Information on the agricultural operations on site have not been provided. Whilst the applicant has stated that the track is needed for less ground compaction and ease of access for tractors, it is not clear the overall agricultural operations on site and the need. Therefore, insufficient information has been submitted to demonstrate that the scheme meets this test.

- 8.4 The Town and Country Planning (General Permitted Development) Order 1995, Schedule 2, Part 6 states;

Development not permitted

A.1 Development is not permitted by Class A if—

(g)any part of the development would be within 25 metres of a metalled part of a trunk road or classified road;

- 8.5 From the plans submitted, the track appears to be within 25 metres of a classified road (A468) and so even if it could be evidenced that the proposal is '*reasonably necessary for the purposes of agriculture*', *the proposal would not accord with all the criteria set out in Part 6 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, as amended. From the plans provided it appears at its closest point the road is 13m away from classified road A468.*

- 8.6 Moreover, The Town and Country Planning (General Permitted Development) Order 1995, Schedule 2, Part 6 states;

Conditions

A.2-

(2) Subject to paragraph (3), development consisting of—

(a)the erection, extension or alteration of a building;

(b)the formation or alteration of a private way;

(c)the carrying out of excavations or the deposit of waste material (where the relevant area, as defined in paragraph D.4 below, exceeds 0.5 hectare); or

(d)the placing or assembly of a tank in any waters,

is permitted by Class A subject to the following conditions—

(i)the developer shall, before beginning the development, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required to the siting, design and external appearance of the building, the siting and **means of construction** of the private way, the siting of the excavation or deposit or the siting and appearance of the tank, as the case may be;

- 8.7 There has been limited information on the means of construction submitted in line with the application, and therefore, the submission does not comply with A.2, (i).

- 8.8 Given the assessment above, there is a lack of information included within the submission and therefore prior approval is required and refused.

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 track is reasonably necessary for the purposes of agriculture. The proposal does not constitute Permitted Development under Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) Order 1995, (as amended).

11. DECISION

PRIOR APPROVAL REQUIRED AND REFUSED

01 Prior Approval is required and refused on the grounds of insufficient information to demonstrate that the track is reasonably necessary for the purposes of agriculture and so cannot confirm whether the proposal constitutes Permitted Development under Part 6 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, (as amended).

NOTE TO APPLICANT

01 This decision relates to plan Nos: Proposed Track; Site Location/Site Plan

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

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.