



Appeal Decision

by I Stevens BA (Hons) MCD MBA MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 11/12/2025

Appeal reference: CAS-04328-L8W5N2

Site address: Holly House, Coast Road, St Brides Wentlooge, Newport, NP10 8SQ

- 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 without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Gruffyth Thomas against the decision of Newport City Council.
 - The application Ref 25/0113, dated 12 February 2025, was refused by notice dated 29 May 2025.
 - The application sought planning permission for retention of replacement dwelling (amended proposal following approval 08/1043) without complying with a condition attached to planning permission Ref 10/1120, dated 16 November 2010.
 - The condition in dispute is No 5 which states that: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or reenacting that Order), Schedule 2, Part 1, no development within Classes A, B, or E shall be carried out without the prior written permission of the Local Planning Authority.
 - The reason given for the condition is: To protect the open rural character of the designated green wedge.
 - A site visit was made on 6 November 2025.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. Planning permission was granted in 2010 for a replacement dwelling at the appeal site. Condition No 5 of that permission removes permitted development rights within classes A, B and E of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). The reason given for this condition refers to the site's location in the Newport and Cardiff green wedge. The appellant seeks to remove the condition in its entirety.

3. Accordingly, the main issue is whether the condition is necessary and reasonable having regard to the local rural restraint policy and location of the development in a green wedge.

Reasons

4. The appeal site is situated in a rural area characterised by level fields interspersed with some properties along the highways and an adjacent horticulture business. In planning policy terms, the site lies beyond any settlement boundary and is in countryside as defined by Policy SP5 of the Newport Local Development Plan (LDP).
5. Policy H12 of the LDP permits replacement dwellings in the countryside where they satisfy several criteria. One of the criteria is to attach a condition to a planning permission to prevent subsequent extension or outbuildings. The permission for a replacement dwelling granted under Ref 10/1120 includes a condition removing certain classes of permitted development rights for development within the curtilage of the dwelling.
6. This is not a blanket withdrawal of permitted development rights for replacement dwelling schemes, but a targeted approach which in my view contributes to the Council's strategy seeking to control development in the countryside. It is therefore no more onerous than that specified within the policy.
7. The appeal site falls within the green wedge and Wentlooge Levels Special Landscape Area (SLA), and neither national policy nor the advice in Welsh Government Circular 016/2016 ('the Circular') place default restrictions on permitted development rights within such areas. However, Policy H12 applies to all countryside locations in Newport. That the property is in the green wedge and SLA only reinforces the Council's aim to control future development in this area through a robust policy framework.
8. The context of the appeal site, including the dwelling's position behind fencing and hedgerow boundaries, the lack of clear intervisibility to the rear of the property, separation distances between the dwelling and boundaries, and the presence of horticulture buildings nearby, do not justify a decision running contrary to the clear and established position in Policy H12.
9. It is also important to recognise that neither the Plan nor condition No 5 remove the ability to alter or extend replacement dwellings in the countryside. Instead, permission would need to be obtained from the Council to undertake such works. In those instances, individual schemes would be considered on their merits, and the impacts of development would be assessed against the full suite of development plan policies.
10. My attention has been drawn to several appeal decisions in England allowing the removal of planning conditions restricting certain permitted development rights. Whilst similar principles apply to both England and Wales in respect of the respective planning circulars and development in the green wedge or green belt, I have seen nothing in the cited cases that are comparable to the restrictions on permitted development rights specified in Policy H12.
11. The appellant refers to other properties in the area benefitting from permitted development rights. I do not have full details of any planning histories pertaining to those properties, including any relevant policies in place at the time of any decisions. In any case, I must determine the appeal before me based on the development plan and policies in place at the time of this decision. To this end, Policy H12 is significant as it restricts certain permitted development rights. The policy has been tested at examination in public and adopted as part of the current development plan. None of the material considerations presented in this case justify running contrary to the established policy position.

12. I therefore conclude that the condition is reasonable and necessary to ensure compliance with the local rural restraint approach in LDP Policy H12, whilst supporting the aims of Policies SP5, SP7 and SP8 in respect of development in the countryside, the green wedge and SLA. The condition accords with advice in the Circular on this matter.

Other Matter

13. Both the Appellant and Council cite LDP Policy H13 in their evidence. However, that policy addresses extensions to dwellings in the countryside. Future works to the appeal property may be assessed against Policy H13 amongst others, but such considerations fall outside the scope of this appeal.

Conclusion

14. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

15. 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.

I Stevens

INSPECTOR