

Delegated Decision Report

Application No:	26/0593	Statutory Period Expires:	28th August 2026
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Site:	Castle Farm Bishton Road Bishton Newport NP18 2DZ		
Proposal:	PRIOR NOTIFICATION FOR STEEL PORTAL FRAME EXTENSIONS TO THE NORTH AND SOUTH OF EXISTING AGRICULTURAL BUILDING		
Applicant:	M Webber		
Type:	Prior Approval - 28 Day	Ward:	Bishton And Langstone
Decision:	PRIOR APPROVAL IS REQUIRED AND REFUSED		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 The site forms part of an existing working farm which has a herd of dairy cows. The site includes a complex of farm buildings together with a farmhouse. A barn conversion complex is located to the east of the site.

3. DESCRIPTION OF DEVELOPMENT

3.1 The proposed development seeks to provide additional agricultural storage capacity through the construction of two extensions to the existing agricultural building to the west of the site.

3.2 The extensions to the northern end of the building would measure 18288mm in length, 9144mm in width and 7522mm in height. The northern extension is proposed at a reduced width compared to the existing building to maintain access to the existing doorway located within the northern elevation.

3.3 The southern extension would measure 15238mm in width, 18288mm in length and 7522mm in height. The extensions would be constructed from box profile metal sheet cladding, grey fibre cement roofing and metal guttering and PVC down pipes.

3.4 The extensions will provide additional open-fronted bays for the storage of hay, straw fodder, bedding materials and agricultural machinery and equipment, in connection with the agricultural operation and would be sited on an area which is currently in use as agricultural yard.

4. RELEVANT SITE HISTORY

01/0358	ERECTION OF ANIMAL & HAY STORAGE BARN	REFUSED
01/0670	ERECTION OF ANIMAL AND HAY STORAGE BARN CONVERSION OF REDUNDANT AGRICULTURAL BUILDINGS INTO 4 NO. DWELLINGS AFFECTING PUBLIC FOOTPATH NO. 388/3.	WITHDRAWN
02/0402	CONVERSION OF REDUNDANT AGRICULTURAL BUILDINGS INTO 4NO. DWELLINGS AFFECTING CART ROAD - BRIDLEWAY NO. 22 BISHTON (RESUBMISSION).	GRANTED WITH CONDITIONS
02/0427	ERECTION OF ANIMAL AND HAY STORAGE BARN (RESUBMISSION).	GRANTED WITH CONDITIONS
12/0164	CONSTRUCTION OF NEW	GRANTED WITH

	VEHICULAR/PEDESTRIAN ACCESS AFFECTING PUBLIC RIGHT OF WAY 388/3	CONDITIONS
13/1220	ERECTION OF AGRICULTURAL BUILDING FOR THE STORAGE OF FODDER AND MACHINERY	PRIOR APPROVAL NOT REQUIRED
14/0713	ERECTION OF A 900KW (0.9MW) WIND TURBINE MEASURING UP TO 77 METRES IN HEIGHT AND ANCILLARY EQUIPMENT AND ASSOCIATED INFRASTRUCTURE (AFFECTING PUBLIC RIGHT OF WAY 388/20 BISHTON AND 388/18 BISHTON)	APPEAL G6935/A/15/3070024 DISMISSED
15/0725	ERECTION OF 0.9MW WIND TURBINE OF 66 METRES IN HEIGHT (TO BLADE TIP) AND ANCILLARY EQUIPMENT AND ASSOCIATED INFRASTRUCTURE (AFFECTING PUBLIC RIGHT OF WAY 388/20 BISHTON AND 388/18 BISHTON) (RESUBMISSION OF APPLICATION 14/0713).	REFUSED
16/0293	PARTIAL DISCHARGE OF CONDITIONS 01 (SURFACE WATER) AND 02 (HEDGEROW DETAILS) OF PLANNING PERMISSION 12/0164 FOR CONSTRUCTION OF NEW VEHICULAR/PEDESTRIAN ACCESS AFFECTING PUBLIC RIGHT OF WAY 388/3	APPROVED
17/0040	PRIOR NOTIFICATION FOR AGRICULTURAL DEVELOPMENT FOR THE ERECTION OF A STEEL BUILDING FOR AGRICULTURAL STORAGE	PRIOR APPROVAL NOT REQUIRED
20/0991	RETENTION OF TRACK BUILT IN VARIANCE TO PLANNING PERMISSION 12/0164 AFFECTING PUBLIC RIGHT OF WAY 388/3	REFUSED
21/0597	RETENTION OF EXISTING ACCESS TRACK AFFECTING PUBLIC RIGHT OF WAY 388/1 AND 388/3	GRANTED WITH CONDITIONS
21/0697	PRIOR APPROVAL FOR A STEEL FRAMED BUILDING FOR THE STORAGE OF MACHINERY, EQUIPMENT, FODDER AND BEDDING MATERIAL	PRIOR APPROVAL NOT REQUIRED
22/1122	CONSTRUCTION OF A COVERED MANURE STORE	GRANTED WITH CONDITIONS
26/0584	PARTIAL DISCHARGE OF CONDITIONS 2 (ODOUR MANAGEMENT PLAN) AND 3 (CEMP) OF 22/1122 CONSTRUCTION OF A COVERED MANURE STORE	CURRENTLY UNDETERMINED

5. CONSULTATION RESPONSES

5.1 Natural Resources Wales: No comments.

5.2 Local Highways Authority: The extensions do not require new access and are not expected to increase traffic. There are therefore no highway related objections.

5.3 Ecology officer: No response.

5.4 SAB Drainage: Having reviewed the submitted information, a SAB application may be required.

- 5.6 Public Rights of Way officer: No response.
- 5.7 Senior Scientific officer: No response.
- 5.8 Dwr Cymru – Welsh Water: No response.
- 5.9 Heritage officer: Whilst I would agree that views from the asset are to the south and east (where the land falls away) are significant ones, there are also long-held historic associations with the adjacent farmstead to the west; still called '*Castle Farm*' today. However, from the information provided, I would conclude that proposed extensions to the extant modern agricultural building are sufficiently distant from the scheduled asset, with views of the proposed sufficiently interrupted by existing development, so as not to impact upon the way in which the scheduled monument is experienced, understood, or appreciated.
- 5.10 Environmental Health: Having reviewed the supporting documentation. I confirm I have no objections to the proposals.

6. **ASSESSMENT**

- 6.1 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.
- 6.2 Part 6 of the GPDO 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. As noted above, the application form states that the agricultural unit in this case is 85 Hectares which means Class A is applicable.
- 6.3 Class A
Development on units of 5 hectares or more
Permitted development
A. The carrying out on agricultural land comprised in an agricultural unit of 5 hectares or more in area of—
(a)works for the erection, extension or alteration of a building; or
(b)any excavation or engineering operations,
which are reasonably necessary for the purposes of agriculture within that unit.
- 6.4 **Development not permitted**
A.1 Development is not permitted by Class A if—
(a)the development would be carried out on a separate parcel of land forming part of the unit which is less than 1 hectare in area;
(b)it would consist of, or include, the erection, extension or alteration of a dwelling;
(c)it would involve the provision of a building, structure or works not designed for agricultural purposes;
(d)the ground area which would be covered by—
(i)any works or structure (other than a fence) for accommodating livestock or any plant or machinery arising from engineering operations; or
(ii)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;
(e)the height of any part of any building, structure or works within 3 kilometres of the perimeter of an aerodrome would exceed 3 metres;
(f)the height of any part of any building, structure or works not within 3 kilometres of the perimeter of an aerodrome would exceed 12 metres;
(g)any part of the development would be within 25 metres of a metalled part of a trunk road or classified road;
(h)it would consist of, or include, the erection or construction of, or the carrying out of any works to, a building, structure or an excavation used or to be used for the accommodation of livestock or for the storage of slurry or sewage sludge where the building, structure or excavation is, or would be, within 400 metres of the curtilage of a

protected building; or

(i) it would involve excavations or engineering operations on or over article 1(6) land which are connected with fish farming.

Conditions

A.2(1) Development is permitted by Class A subject to the following conditions—

(a) where development is carried out within 400 metres of the curtilage of a protected building, any building, structure, excavation or works resulting from the development shall not be used for the accommodation of livestock except in the circumstances described in paragraph D.3 below or for the storage of slurry or sewage sludge;

(b) where the development involves—

(i) the extraction of any mineral from the land (including removal from any disused railway embankment); or

(ii) the removal of any mineral from a mineral-working deposit, the mineral shall not be moved off the unit;

(c) waste materials shall not be brought on to the land from elsewhere for deposit except for use in works described in Class A(a) or in the provision of a hard surface and any materials so brought shall be incorporated forthwith into the building or works in question.

(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;

(ii) the application shall be accompanied by a written description of the proposed development and of the materials to be used and a plan indicating the site together with any fee required to be paid;

(iii) the development shall not be begun before the occurrence of one of the following—

(aa) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;

(bb) where the local planning authority give the applicant notice within 28 days following the date of receiving his application of their determination that such prior approval is required, the giving of such approval; or

(cc) the expiry of 28 days following the date on which the application was received by the local planning authority without the local planning authority making any determination as to whether such approval is required or notifying the applicant of their determination;

(iv) (aa) where the local planning authority give the applicant notice that such prior approval is required the applicant shall display a site notice by site display on or near the land on which the proposed development is to be carried out, leaving the notice in position for not less than 21 days in the period of 28 days from the date on which the local planning authority gave the notice to the applicant;

(bb) where the site notice is, without any fault or intention of the applicant, removed, obscured or defaced before the period of 21 days referred to in sub-paragraph (aa) has elapsed, he shall be treated as having complied with the requirements of that sub-paragraph if he has taken reasonable steps for protection of the notice and, if need be, its replacement;

(v) the development shall, except to the extent that the local planning authority otherwise agree in writing, be carried out—

(aa) where prior approval is required, in accordance with the details approved;

(bb) where prior approval is not required, in accordance with the details submitted with the application; and

(vi) the development shall be carried out—

(aa) where approval has been given by the local planning authority, within a period of five years from the date on which approval was given;

(bb) in any other case, within a period of five years from the date on which the local planning authority were given the information referred to in sub-paragraph (d)(ii).

(3) The conditions in paragraph (2) do not apply to the extension or alteration of a building if the building is not on article 1(6) land except in the case of a significant extension or a significant alteration.

(4) Development consisting of the significant extension or the significant alteration of a building may only be carried out once by virtue of Class A(a).

6.5 D.2 For the purposes of Part 6—

(a) an area calculated as described in this paragraph comprises the ground area which would be covered by the proposed development, together with the ground area of any building (other than a dwelling), or any structure, works, plant, machinery, ponds or tanks within the same unit which are being provided or have been provided within the preceding two years and any part of which would be within 90 metres of the proposed development;

(b) 400 metres is to be measured along the ground.

- 6.7 The applicant has advised that the parent building was completed in February 2022 and the LPA has no information to refute this. The parent building falls outside the scope of D.2. However, whilst the applicant states that the manure store (consented under LPA reference 22/1122) has not been built, the permission is extant and the applicant has submitted an application to discharge conditions relating to the permission with clear intent to construct it. As such it is considered that the manure store is being provided in accordance with the wording of part D.2 above with the fact permission obtained and discharge of conditions submitted and pending sufficient to show this. There is some ambiguity over whether this building has been started or not with some documents in the discharge of condition saying it is yet to be started and some saying works have commenced. Either way, the manure store is “being provided” and is within 90m of the development sought under this Prior Approval and the combined floorspace of the manure store and extensions would exceed 465 square metres contrary to D.2 of Part 6. As such the extensions are not permitted development.

7. **OTHER CONSIDERATIONS**

7.1 ***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.

7.2 ***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.

7.3 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.

- 7.4 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.

7.5 ***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.

7.6 *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.

8. CONCLUSION

- 8.1 The development is contrary to Schedule 2, Part 6, D.2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) as the ground area which would be covered by the proposed development, together with the ground area of any building (other than a dwelling), or any structure, works, plant, machinery, ponds or tanks within the same unit which are being provided or have been provided within the preceding two years and any part of which would be within 90 metres of the proposed development exceeds 465sqm. Prior approval is required and is refused.

9. DECISION

PRIOR APPROVAL IS REQUIRED AND REFUSED

01 The development is contrary to Schedule 2, Part 6, D.2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) as the ground area which would be covered by the proposed development, together with the ground area of any building (other than a dwelling), or any structure, works, plant, machinery, ponds or tanks within the same unit which are being provided or have been provided within the preceding two years and any part of which would be within 90 metres of the proposed development exceeds 465sqm.

NOTE TO APPLICANT

01 This decision relates to plan Nos: PP01, Supporting Statement, site location plan.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). No Policies 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.