

# Delegated Decision Report

|                 |         |                           |                             |
|-----------------|---------|---------------------------|-----------------------------|
| Application No: | 25/0741 | Statutory Period Expires: | 13 <sup>th</sup> March 2026 |
|-----------------|---------|---------------------------|-----------------------------|

|            |                                                                                                  |       |                               |
|------------|--------------------------------------------------------------------------------------------------|-------|-------------------------------|
| Site:      | <i>Land North Of And Adjacent To St Mary's Church Church Lane Marshfield Cardiff South Wales</i> |       |                               |
| Proposal:  | <b>CONSTRUCTION OF STABLE BLOCK, ALTERATIONS TO ACCESS AND ECOLOGICAL ENHANCEMENTS</b>           |       |                               |
| Applicant: | <b>J Price</b>                                                                                   |       |                               |
| Type:      | Full                                                                                             | Ward: | Tredeggar Park And Marshfield |
| Decision:  | <b>REFUSED</b>                                                                                   |       |                               |

## 1. BACKGROUND

1.1 An enforcement investigation has previously been carried out on site and a notice served, the notice was appealed and upheld. The upheld enforcement notice E21/0170 required the following:

- i) Remove all close board fencing and replace with a post and rail fence not exceeding 1.4 metres in height. The attached lighting shall also be completely removed.
- ii) Remove the tipped soil on the northern side of the Land, adjacent to the reën, or spread it over the entirety of the field and seed it with a general purpose meadow mixture.
- iii) To the rear of the post and rail fence, a mixed native hedge shall be planted in accordance with the attached scheme and be maintained in perpetuity.
- iv) Remove the hardstanding and the resultant material from the Land, and reinstate the ground to its former condition, including seeding with a general purpose meadow mixture.

1.2 The prosecution proceedings following the upheld enforcement notice were carried out on the 8<sup>th</sup> March 2024. The current planning application was validated on the 9<sup>th</sup> September 2025.

## 2. SITE LOCATION AND CONTEXT

2.1 The site is located in an archaeologically sensitive area, Flood Zone 3, countryside, Green Wedge, Special Landscape Area and within the Site of Scientific Interest (SSSI). Adjacent to the site is the Grade II\* Listed St Mary's Church and Scheduled Ancient Monument St Mary's Churchyard Cross. The site is accessible from the highway of Church Lane which links to the wider highway network onto Marshfield Road. The topography is relatively flat and features mature and semi-mature trees to the north and southern boundaries. The boundaries to the east and west of the site are open facilitating views onto adjacent fields. Neighbouring land uses are a mix of residential and agricultural.

## 3. DESCRIPTION OF DEVELOPMENT

3.1 The proposal seeks to use the land in association with an equestrian use with other development consisting of access apron, erection of field gate set back 5m from edge of highway, hardstanding area formed of crushed clean stone, planting scheme enclosing the site, post and rail boundary fencing, muck heap, L-shaped stable block comprised of 3no. stables, tack room and animal feed store. The details submitted confirm this is to serve 8no. horses and 2no. founs.

## 4. RELEVANT SITE HISTORY

| App Number | Proposal                                                                                   | Decision | Decision Date |
|------------|--------------------------------------------------------------------------------------------|----------|---------------|
| 21/1055    | CREATION OF HARDSTANDING YARD FOR PROPOSED STABLE BLOCK, MUCK HEAP AND HORSE/PONY EXERCISE | Refused  | 04.11.2022    |

|                        |                                                                                                      |                                             |            |
|------------------------|------------------------------------------------------------------------------------------------------|---------------------------------------------|------------|
|                        | MANEGE (PARTLY IN RESTOSPECT)                                                                        |                                             |            |
| APP/G6935/C/21/3279836 | Appeal under Section 174 of the Town and Country Planning Act against Enforcement Notice E21/0170    | Appeal Dismissed, Enforcement Notice Upheld | 07.02.2022 |
| E21/0170               | Hedge removal, fence and hardstanding.                                                               | Notice Issued                               | 02.07.2021 |
| 11/0570                | IMPROVE ACCESS TRACKWAYS ACROSS FARMLAND RAISING LEVELS TO ACCOMMODATE MODERN AGRICULTURAL EQUIPMENT | Granted with conditions                     | 22.08.2011 |
| 11/0659                | CERTIFICATE OF LAWFUL DEVELOPMENT FOR EXISTING STABLING OF HORSES AND COMMERCIAL GARAGE              | Issued                                      | 19.03.2012 |

## 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 4 – Supporting Rural Communities

Policy 5 – Supporting the Rural Economy

Policy 8 - Flooding

Policy 9 - Resilient Ecological Networks and Green Infrastructure

### 5.2 PLANNING POLICY WALES (EDITION 12) 2024

#### 5.3 Technical Advice Note 5: Nature Conservation and Planning

Technical Advice Note 6: Planning for Sustainable Rural Communities

Technical Advice Note 15: Development, Flooding and Coastal Erosion

Technical Advice Note 24: The Historic Environment

### 5.4 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

- SP1 – Sustainability
- SP3 – Flood Risk
- SP5 – Countryside
- SP7 – Green Wedges
- SP8 – Special Landscape Area
- SP9 – Conservation of the Natural, Historic and Built Environment
- GP2 – General Amenity
- GP4 – Highways and Accessibility
- GP5 – Natural Environment
- GP6 – Quality of Design
- GP7 – Environmental Protection and Public Health
- CE6 – Archaeology
- T4 – Parking
- T6 – Public Rights of Way and New Development
- CF7 – Horse Related Developments
- W3 – Provision for Waste Management Facilities in Development

## 5.5 SUPPLEMENTARY PLANNING GUIDANCE

- Waste Storage and Collection
- Archaeology and Archaeologically Sensitive Areas
- Wildlife and Development
- Parking Standards
- Trees, Woodland, Hedgerows and Development Sites

## 6. CONSULTATION RESPONSES

- 6.1 Principal Heritage Officer: The application has potential for impact upon the setting of the Parish Church of St Mary, a Grade II\* Listed Building.

### The Asset

The Parish Church of St Mary (Cadw ref: 2932), a Grade II\* listed asset, is set on the north side of Church Lane opposite Church Farm, leading from Marshfield Road. The church is surrounded by a low rubble wall, with a lych gate entrance to the western curtilage boundary against the road, where the masonry wall transfers to timber close-boarded fence. Considering the date of construction for the Lych Gate (1914), both boundary wall and lych gate are considered to fall under the GII\* listing of the principal asset.

The graveyard curtilage is further surrounded by mature trees (including a swathe of mature TPO Horse chestnuts to its north-western boundary), and expansive agricultural land to the east. These all provide for a strong sense of enclosure, isolation, and solitude; something which makes a very positive contribution towards the setting of this important religious asset.

### Current Proposals

A single-storey stable block building with hardstanding yard is now proposed to be constructed upon the site, some 80 metres to the north-west of the GII\* listed church curtilage. The building is proposed to be constructed with timber cladding to all walls, with a dark-grey metal-profile sheet roof. There is a single-downwash light proposed to its south-eastern elevation. The development is proposed to be bounded by timber fencing and a planted earth bank, for which our Ecology Officer has requested a planning condition to secure its submission and implementation.

I would reiterate here that that the proposed green boundary is of high importance and the Ecology Officer's recommendations should be fully implemented. Please also add ensure that no further lighting is proposed to the outside of the building - or the wider site (via condition if necessary).

Should the above mentioned recommendations be followed, and considering the distance of the proposed from the Grade II\* listed asset (and its curtilage listed assets (Lych Gate and Wall); the significant (and TPO protected) swathe of mature trees to the north-western edge of the church's curtilage; the form and materiality of the proposed structure; and the significant green boundary proposed to the new site; I would conclude that the proposed development will result in minimal impact upon the setting of this Grade II\* listed asset, or that of its curtilage listed structures.

### Other Assets

There is also a Scheduled Ancient Monument within the church site (ref: MM311), described as "a cross base in the churchyard of St. Mary's church, Marshfield. It is an unusual example of a medieval socket-stone and cross-shaft, probably dating to the 15th century." Please note that Cadw should be consulted upon:

- Development which has a direct physical impact on a scheduled monument.
- Development likely to be visible from a scheduled monument and which meets one of the following criteria:
  - o it is within a distance of 0.5 kilometres from any point of the perimeter of a scheduled monument;
  - o it is within a distance of 1 kilometre from the perimeter of a scheduled monument and is 15 metres or more in height, or has an area of 0.2 hectares or more;
  - o it is within a distance of 2 kilometres from the perimeter of a scheduled monument and is 50 metres or more in height, or has an area of 0.5 hectares or more;

- o it is within a distance of 3 kilometres from the perimeter of a scheduled monument and is 75 metres or more in height, or has an area of 1 hectare or more; or
- o it is within a distance of 5 kilometres from the perimeter of a scheduled monument and is 100 metres or more in height, or has an area of 1 hectare or more.

As the proposed stable building would require belowground excavation, Henneb (formerly GGAT) comments should be taken on board prior to any determination, due to the proposed location in proximity to the ancient site, and within the Archaeologically Sensitive Area of Gwent levels.

- 6.2 Ecology Officer: The site of this application is within the Gwent Levels - St Brides SSSI, so we should consult NRW on this application if we have not done so already.

I can advise on NRW's consultation response in due course, but apart from impacts on the SSSI my only other ecological concerns are the impacts upon the mature hedgerow to the west of the site, and the previous removal of the hedgerow along the frontage of the site.

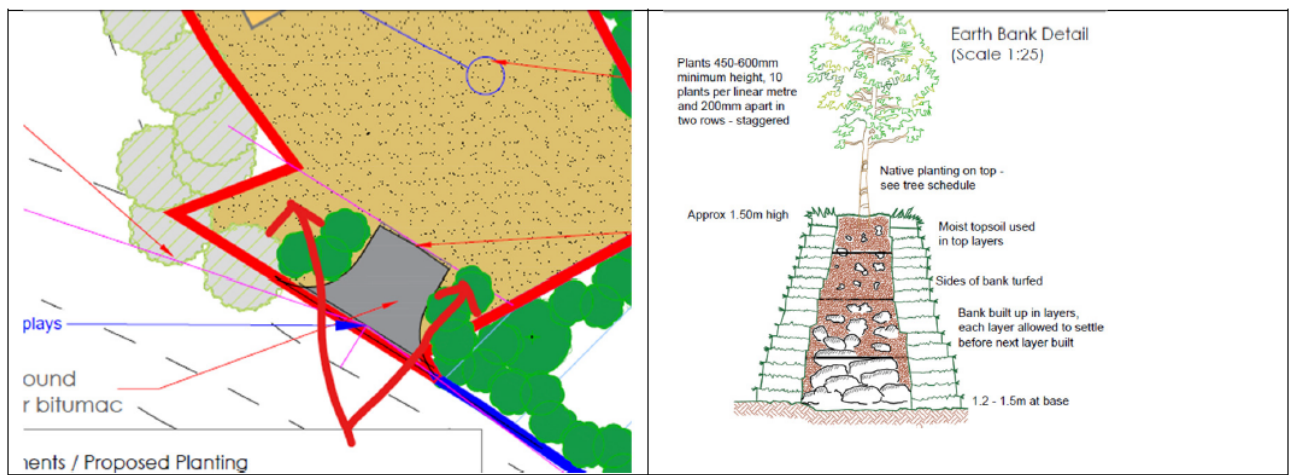
As set out in section 6.4.16 of PPW12, potential applicants should not conduct any pre-emptive site clearance works before submitting a planning application as this can make it more difficult for a development proposal to secure a net benefit for biodiversity. Where a site has been cleared prior to development its biodiversity value should be deemed to have been as it was before any site investigations or clearance took place. A net benefit for biodiversity must be achieved from that point.

In this instance, a mature hedgerow has been removed from along the site frontage, so any replacement planting should compensate for the loss of this feature, and in addition deliver a net benefit for biodiversity. Hedgerow planting and specimen trees are proposed for the periphery of the site as set out in the Site Plan, and in principle this could provide the compensation and net benefit required. However I would need to see detailed planting plans and ongoing management plans for these features, We should use a planning condition to secure the submission and implementation of these plans. The proposed bat and bird boxes on the building are welcomed, though we would need to see details of the make and model proposed. In a rural location such as this, a Barn Owl nest box would be an appropriate biodiversity enhancement to incorporate into a new stable block, and this should be included in any biodiversity enhancement plan.

I note that the Site Plan shows the existing western boundary of mature hedgerow to be unaffected, but we should take the advice of the Trees & Woodlands Officer as to whether they agree that this will be the case. If any significant impact on these trees is likely to occur, then the stepwise approach to mitigation should be applied such that a net benefit for biodiversity is achieved as above.

- 6.3 Landscape Architect:  
An updated Site Plan 03A by Hayston Developments & Planning Ltd has been submitted. Visibility splays are now shown – this confirms an opportunity for hedge planting along the site frontage onto Church Lane as looking north the stables will be open to views, parked vehicles will also be open to view in particular as parking is not defined.

It is not clear why the hard surface areas highlighted below are proposed, ideally these would be soft landscape with hedges, trees, grass which would restrict parking/storage etc away from the frontage.



A section for 'Earth banks' is now provided and confirms the 1.5m height to the north, east and south boundaries. Bunding of this height and over-steep profile does not reflect the level character of the Special Landscape Area: a low roll-over bank maybe suitable but this would be around 0.5m.

Following the Tree Survey, a significant area of 'no-dig' for the hard standing in order to protect the root zone of the screening hedge with trees along the public right of way. The no-dig area should be added to or at least noted on the Site Plan.

The planting proposals shown on the Site Plan are confusing. Woodland style planting at 1m centres and 12-14cm trees are proposed. What is needed to provide screening and would better reflect the location character are dense native hedges at ground level or on a low roll-over bank but this is not proposed.

Issues with the planting proposals include:

- Trees are proposed along the top of the 1.5m bank – in addition to not reflecting the local character, these are highly unlikely to succeed.
- There is no room for woodland style planting.
- The location of trees and woodland is unclear.
- No hedging is proposed along the Church Lane frontage.
- Tree species are incongruous [and including Tamarisk] I would recommend the use of locally native species.
- Hedge planting to banks is specified at 10 per linear meter is not recommended.

In addition to responding to the above, my previous comments below state what is required but this has not been delivered and as previously I would recommend this is tied into the full planning application rather than being conditioned given the sensitivity of the site:

- Proposals for hedging should show a staggered row at 5 plants per linear meter
- Planting proposals for trees are not clear eg. species locations, numbers are required.
- An outline maintenance proposal is required to include target hedge height.
- An outline of pre-planting ground treatment eg breaking up former hard surfacing, topsoiling, mulching is required.

***It is advised that a suitably qualified landscape specialist/professional is used to satisfy the above.***

6.4 Public Rights of Way Officer: The following need to be considered:

1. All PROW's (as shown on the Definitive Map) are legally required to remain completely unobstructed and be clear and available for safe public use at all times (including during construction works – unless a temporary closure/diversion order is applied for and granted beforehand);

2. The PROW users must not be endangered or disadvantaged in any way by the proposals (during construction and following completion);

3. The fabric of the PROW's must not be adversely affected in any way;

4. PROW users must be protected from any vehicles/plant associated with the works. All potential conflict should be risk assessed and managed accordingly.

There are two PROW's in this vicinity: 399/36/1 and 399/44/1 and therefore the above conditions will apply.

- 6.5 Tree Team: The application states that there are no trees on or adjoining the land and this does not seem correct as there appear to be trees and hedges within, and immediately adjoining the site, within potential influencing distance (refer to Google Streetview image screenshot below July 2023).



In accordance with BS5837 Trees in relation to design, demolition and construction – Recommendations (2012), a Tree Survey and Tree Constraints Plan must be submitted with the application, to include any trees, shrubs or hedges within the site, and within 15m of the site boundary (within potential influencing distance).

The tree survey must clearly show crown spreads and Root Protection Areas which must then be considered as a constraint to development. Any subsequent, proposed, design layouts submitted, must have the Tree Constraints Plan overlaid, clearly showing the crown spread, Root Protection Area and tree numbers.

Subsequently a combined Arboricultural Implications Assessment / Arboricultural Method Statement with Tree, Removal, Retention, & Protection Plan will be required to assess the impact the proposal will have on trees and how these impacts can be reduced or resolved, which may require a redesign.

All reports must strictly follow the specifications of BS5837 Trees in relation to design, demolition and construction – Recommendations (2012) and must..... be undertaken by an 1 arboriculturalist.....

- 6.6 Drainage Manager: No response.

- 6.7 Environmental Health Officer: No response.
- 6.8 SAB Officer: Having reviewed the submitted information, a SAB application may not be required but if there are any external works exceeding 100square metres then we would encourage the applicant to contact the SAB team [sab@newport.gov.uk](mailto:sab@newport.gov.uk) for further discussions
- 6.9 Waste Manager: No response.
- 6.10 Glamorgan Gwent Archaeological Trust: The **proposal requires archaeological mitigation**.

We previously commented on a similar application (21/1055) just to the southeast of the current proposal in our letter dated 19th January 2022 and our understanding of the archaeological resource remains unchanged.

Information in the regional Historic Environment Record, curated by this Trust, shows that the proposed application is located within the Gwent Levels Registered Historic Landscape, specifically the Marshfield Character Area (HLCA020), as well as the Newport Archaeologically Sensitive Area (ASA). It is also close to the intersection between the Old Red Sandstone and the alluvial marshes of the Wentloog Level. As such, it is a likely site for settlement in all periods, allowing the exploitation of the wooded hills, the good agricultural land of the lower slopes and the marshland of the Levels. The suitability of such geological interfaces as likely settlement sites is clearly demonstrated in the immediate area by the medieval settlements of Coedkernew and nearby Blacktown, where archaeological evaluation showed evidence of the medieval settlement of the area. The application is also located close to the Parish Church of St Mary's, which is believed to have medieval origins and is mentioned in documents of the 12th century and whose churchyard contains a medieval cross; a Scheduled Monument (Cadw ref: MM311). Consequently, it may be that similar evidence for medieval settlement exists within the current proposed development area; as the church is likely to have been a focus for settlement and activity in the area during this period.

Therefore it is our recommendation that a condition requiring the applicant to submit a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource should be attached to any consent granted by your Members. This is consistent with previous applications in the vicinity.

We envisage that this programme of work would take the form of a watching brief during the groundworks required for the development, with detailed contingency arrangements including the provision of sufficient time and resources to ensure that any archaeological features or finds that are located are properly investigated and recorded; it should include provision for any sampling that may prove necessary, post-excavation recording and assessment and reporting and possible publication of the results. To ensure adherence to the recommendations we recommend that the condition should be worded in a manner similar to model condition 24 given in Welsh Government Circular 016/2014

*No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.*

*Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.*

We also recommend that a note should be attached to the planning consent explaining that: *The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), ([www.archaeologists.net/codes/ifa](http://www.archaeologists.net/codes/ifa)) and it is recommended that it is carried out either by a CIfA Registered Organisation ([www.archaeologists.net/ro](http://www.archaeologists.net/ro)) or an accredited Member.*

6.11 Highways Officer: Not supported.

Highways note that the proposal includes a permeable apron and gates being set back and opening inwards, which are appropriate details.

It is generally acceptable to have a field access without a paved track however the domestic nature raises concerns as it is unlikely to be access for a tractor and may not be a four-wheel drive even.

The concern is that without any hardstanding within the site vehicles may not enter and turn around to exit in forward gear. This is mainly a concern when the field is wet/in winter. Grass-crete or geogrids that allow grass to grow through should be considered to create a parking/turning area within the site.

The access is only suitable for domestic levels of use. Therefore, should the planning officer be minded to grant the permission, we would request a condition to prevent any events or commercial activity on the site, in the interests of highway safety.

6.12 Natural Resources Wales:

We continue to have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding protected sites. If this information is not provided, we would object to this planning application. Further details are provided below.

We also have concerns with the application as submitted in regard to flood risk; further details are provided below.

**Protected Sites**

The site lies within the Gwent Levels -St Brides Site of Special Scientific Interest (SSSI).

The Gwent Levels SSSIs are notified for its range of aquatic plants and invertebrates associated with the interconnected reens and ditches of the drainage system. In summary, the special interests of the SSSI are dependent on the water quality, water quantity, the existence of the drainage system and its continued management. Any works which has an impact on water quality of the nearby ditches and reens can have an adverse impact on the wildlife for which the area was notified.

**Muck Store**

Based on the information submitted it is not clear if the muck heap is constructed to British Standard, to ensure the base is impermeable preventing effluent entering ground water. We requested conformation of the construction standards.

No muck to be spread within 10m of any ditches and reens to safeguard water quality of the connected watercourses within the SSSI. This is reflected in the Code of Good Agricultural practice which identifies no muck spreading within 10m of watercourses <https://gov.wales/code-good-agricultural-practice>.

Also, there should be no planting of vegetation within 10m of the reen on site. It appears from the plans that this required buffer would be met by the application. New planting within the site should be taken from the Gwent Levels SSSI native species list.

**Flood Risk**

The planning application proposes less vulnerable development (stable block). The Flood Map for Planning identifies the application site to be at risk of flooding and within Flood Zone 2 and 3 (Sea) and Technical Advice Note 15 (TAN 15) Defended Zone.

We refer you to Section 10 of TAN 15: Development, flooding and coastal erosion, dated 2025 for advice on how you should consider this application in line with current planning

policy. Our role is to provide you with detailed advice on the findings and conclusions of the Flood Consequences Assessment (FCA) in relation to flooding from rivers and/or the sea, including the impact on flooding elsewhere. For advice on flood risk from surface water and or small watercourses you should consult with your Lead Local Flood Authority.

Therefore, we have reviewed the FCA undertaken by Francis Sant, dated May 2025, reference C/WSG/P/2434. Our advice to you is that the FCA fails to demonstrate that the potential risks and consequences of flooding are manageable for the reasons explained below.

#### Acceptability Criteria - Frequency thresholds

Section 2.2 of TAN15 indicates the site levels range between 6.60 – 8.40m Above Ordnance Datum (mAOD) and states 'Preferably the finished floor level of the stables should be set above 8.944m'. However, it is unclear whether finished floor levels (FFL) are proposed to be set at this level. Our advice is based on the assumption that the FFL will be set at 8.944m.

Fluvial risk: The site is outside the fluvial extents on Flood map for planning (Fmfp), therefore remains flood free for fluvial sources.

Tidal risk: Section 3.2 of the FCA indicates the following extreme sea levels:

-0.5% (1 in 200 year) event plus climate change allowance (CCA) (95% confidence) – 8.94 mAOD. -0.5% (1 in 200 year) event plus climate change allowance (CCA) (97.5% confidence) – 9.40 mAOD.

During the 0.5% (1 in 200 year) event plus climate change allowance (CCA 0.5% + CC (95% confidence) event, the proposed site could flood up to 2.34m, however the stable would remain free.

During the 0.5% (1 in 200 year) event plus climate change allowance (CCA 0.5% + CC (97.5% confidence) event, the proposed site and stable could flood up to 2.80m and 0.46m respectively.

Therefore, this is non-compliant with Figure 5 of TAN 15.

#### Tolerable Conditions

Section 3.2 of the FCA indicates the 0.1% (1 in 1000 year) event plus CCA is 9.28 mAOD. Based on the ground levels, the site could flood up to 2.68m and the stable could flood up to 0.34m.

The FCA has indicated flow velocity at the upper end of the tide is expected to be low, however, no flood velocities have been specified or corresponding hazard ratings.

The depths on site would exceed the tolerable threshold.

Therefore, this is non-compliant with Figure 6 of TAN 15.

#### Increase in flood risk elsewhere

When taking into account the development footprint in comparison to the overall floodplain at this location, the impact on flooding elsewhere would be negligible.

#### Climate change

We note that the FCA has assessed both the central and upper end allowance, in accordance with TAN 15.

#### Overtopping and/or breach assessment

The proposed site is located in an area which benefits from flood defences.

The FCA concludes the site is not considered to be at risk during potential overtopping of defences from wave action especially considering the distance between the proposed site and coastline. We agree with this conclusion.

The FCA has assessed a potential breach of the defences during the 0.1% AEP + CC event, no assessment has been undertaken for the 0.5% AEP + CC event. The FCA indicates that flood depths onsite during a 0.1% AEP + CC breach scenario could reach up to 800 mm.

#### Proposed access to the site

Section 3.2 of the FCA indicates access could be along Church Lane towards Castleton. However, no flood risk information has been provided along these routes which is recommended for completeness. This is a matter for yourselves the local planning authority and emergency planners to review.

We recommend you consider consulting other professional advisors on matters such as emergency plans, procedures and measures to address structural damage that may result from flooding. Please note, we do not normally comment on the adequacy of flood emergency response plans and procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement during a flood emergency would be limited to delivering flood warnings to occupants/users.

#### **Other Matters**

The advice in this letter relates to matters which are included on our consultation topics list. We do not rule out the potential for the proposed development to affect other environmental interests that are not included on this list.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details.

#### **Advice for the Developer**

Further Advice for applicant - Pollution Prevention Appropriate pollution prevention measures must be employed to protect the water quality during construction. Guidance for Pollution Prevention (GPP) documents are available on [www.naturalresourceswales.gov.uk](http://www.naturalresourceswales.gov.uk) [www.cyfoethnaturiolcymru.gov.uk](http://www.cyfoethnaturiolcymru.gov.uk) Page 3 of 4 the NetRegs website: <http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

- 6.13 Dwr Cymru/Welsh Water: Since the proposal intends on utilising an alternative to mains drainage we would advise that the applicant seek advice from Natural Resources Wales and the Building Regulations Authority as both are responsible to regulate alternative methods of drainage.

## **7. PUBLIC REPRESENTATIONS**

- 7.1 In accordance with the publicity requirements set out in The Town and Country Planning (Development Management Procedure) (Wales) Order 2012 letters were sent to the neighbouring properties on the 17<sup>th</sup> September 2025 and the 26<sup>th</sup> September 2025, and a Site Notice was put up on the 26<sup>th</sup> September 2025.

- 7.2 NEIGHBOURS: 1no. representation and 73no. objections (summarised):

- Concerns regarding land use and intent
- Compliance with Enforcement Notice
- Impact upon ecology and the SSSI
- Impact upon Grade II\* St Marys Church
- Highway safety and access
- Located within flood zone 3
- Scale and design of stable block
- Concern regarding future uses
- Impact upon the village atmosphere
- Impact upon trees and hedgerows

- 7.3 COUNCILLORS:

- 7.3.1 Councillor Screen:

My principal objections would include:

- Impact on views and vistas: The stables may intrude on important views of the church and village approaches.
- Noise and disturbance: Daily equestrian activity, particularly early mornings and evenings, risks disrupting church services and funerals.
- Ecology: The site may host protected species (bats, owls, birds, amphibians). A full ecological survey should be required.
- Light pollution: Artificial lighting would adversely affect bats, owls, and the dark rural character of the site.
- Cumulative impact: The proposal risks contributing to the gradual erosion of the historic and rural character of the Marshfield area.

In addition, If the application was approved I would like to see a condition imposed to prevent the siting of caravans on the site.

#### 7.4 Marshfield Community Council:

##### *Safe Use of a Recreational Route, Highway and Traffic*

Church Lane is a narrow, single-vehicle-width unclassified highway bordered by narrow soft verges. It serves as an important and popular route within the community, forming a convenient semi-circular loop that connects with Marshfield Road at two points. The lane offers walkers and cyclists' picturesque views over the surrounding countryside and passes several notable historic landmarks, including the 17th-century Court Farm and the 11th-century Church of St Mary's. Further along lies Church Farm, dating from the 18th century, positioned opposite the church on a holding with post-medieval origins. The stone stable conversion at Church Lodge contributes to the area's historic character, enhancing the lane's appeal as a tranquil and scenic route enjoyed by families, children, and churchgoers alike.

Vehicular traffic along Church Lane mainly consists of cars accessing local properties and the church. Since the farm is no longer in operation, the number of tractors and lorries has significantly decreased. However, there is concern that the proposed application could lead to an increased number of larger vehicles using this narrow route, where limited verge space offers little room for safe passing. Large lorries will inevitably be necessary during construction if planning permission is granted. Afterwards, there will be horse-drawn vehicles and delivery lorries related to horse-keeping using this lane, raising concerns about the safety of pedestrians and cyclists.

##### *Historic and Heritage Setting*

Marshfield is fortunate to be home to the beautiful 11th-century Church of St Mary's, a cherished place of worship that stands as a cornerstone of the community's spiritual and historical heritage. The church is a **Listed Grade II\*** Norman church, built in 1135 and of architectural and historic interest, and is of exceptional importance. The proposed stables would intrude upon and degrade the church's historic setting, harming its aesthetic and cultural value. The block-work stables clad with wooden slats would appear out of character with the surrounding landscape and historic appearance of the church. The site may contain significant archaeological remains, and construction could irreversibly damage evidence of historic importance. Planning Policy Wales (TAN 24) requires that development should preserve or enhance heritage assets. In this case, the development would cause harm to the church's setting with no overriding public benefit, contrary to planning policy. The application would diminish the historic and cultural character of the church and its surroundings, negatively impacting both local heritage and community identity.

The church and its surrounding churchyard exude an atmosphere of peace, reverence, and timeless beauty. Within its serene grounds, where mature trees, vibrant greenery, and carefully tended lawns create a sense of calm, many local families find comfort in visiting the resting places of their loved ones. It is a place for quiet reflection, contemplation, and

remembrance, an environment that offers solace and connection across generations. There is concern that the proposed development will bring increased noise, activity, and disruption directly adjacent to the church, threatening to disturb the tranquility that defines this sacred setting. Recent works on the site have already introduced noise, frequent vehicle movements, and general disturbance, undermining the stillness and spiritual calm that make St Mary's such a treasured and peaceful haven for the Marshfield community.

The recent return of a former vicar, a young, devoted Welsh clergyman whose energy, faith, and enthusiasm have rejuvenated the parish, has brought renewed vitality to St Mary's Church. His leadership has inspired an increase in congregation numbers, breathing new life into worship and community participation. As a result, church services and events attract greater attendance; there are particular concerns about disturbances from the application site, which may be exacerbated by any further developments or increased traffic in the area. It is therefore essential to preserve the peace and accessibility of this historic and much-loved place of worship to ensure it continues to serve the community with dignity and respect.

#### *Environment, Protected Landscape and Visual Impact*

The application site is contained within the St Brides SSSI protected landscape, and under the *Wildlife and Countryside Act 1981*, it is protected for its reed and ditch network, marginal aquatic habitats and assemblage of aquatic plants and invertebrates that need to be carefully considered in planning applications. Under Section 6 of the Environment (Wales) Act 2016, Newport City Council should,

***'Seek to maintain and enhance biodiversity in the exercise of their functions and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions'.***

Chapter 6, Planning Policy Wales Edition 12, builds this duty into national planning policy; it is not optional. It means that biodiversity and ecosystem resilience must be a core consideration in all planning decisions, not just designated sites; however, it is essential in this case, particularly for the SSSI. Planning decisions should aim to achieve a Net Benefit for Biodiversity, resulting in an overall positive impact on biodiversity and ecosystem resilience.

This site has already experienced significant environmental degradation due to previous activities. These involve a mature roadside hedge that was scrubbed out, burning has taken place on the field, large quantities of gravel have been laid over the roots of trees protected by Tree Preservation Orders (TPOs); these trees have been damaged and show signs of demise. In addition, substantial amounts of topsoil have been displaced across an area of recognised archaeological sensitivity and within a Site of Special Scientific Interest (SSSI). Grassland management has been poor, with invasive weeds left unchecked and no evidence of effective pasture management. These actions demonstrate a lack of appropriate environmental stewardship, raising serious concerns that the current landowner does not possess the necessary expertise or understanding to manage the site responsibly or in accordance with environmental and land-use best practices. Given the site's sensitive ecological and heritage context, any further development risks causing additional irreversible harm, undermining the environmental integrity of the area and the historic character of its surrounding setting.

The mature hedgerow that was removed provided effective natural screening and shelter for the site and supported a variety of wildlife, including birds, invertebrates, and small mammals. The removal of this well-established natural screen was both unfortunate and difficult to comprehend, as it had provided an effective and attractive visual barrier. Its loss resulted in a more open and visually harsh outlook that detracts from the area's character and setting, which neither landowner has made little effort to repair. In an attempt to satisfy

the Enforcement Notice, *laurel* plants were introduced; this is a well-known invasive species. Other plants, such as *maple* and *rhododendron*, were also planted in the field and are recognised as toxic to equines. While the landowner identifies as an experienced horse owner, this planting choice suggests a lack of awareness regarding essential aspects of equine care and land management. This apparent lack of care has been evident under both current and previous ownership, which does not inspire confidence that the site will be appropriately managed or enhanced in the future. The creation of a large open area with extensive hardcore surfacing gives the impression of an urban-style development that is out of keeping with the site's historic and rural character. As the hardcore material is proposed for use elsewhere within the development, this incongruous appearance is likely to remain.

#### Site and Scale of Application, Stable Design, Manure Store, Stocking Levels

The revised siting of the stable building brings it notably closer to an existing mature hedgerow, public right of way and to the public highway. Its proximity to the road means that it will now be visible to walkers approaching from the direction of the church and from the nearby public vantage points. The proposed blockwork structure with timber cladding would appear visually prominent and would not be in keeping with the traditional stone character of the nearby buildings, including the adjacent church. This could result in harm to the character and appearance of the rural setting and aims of Planning Policy Wales **Chapter 6**, development proposals must respect local character, landscape setting, and the distinctiveness of place.

The justification statement suggests that the blockwork stables will be “mobile,” but the inclusion of fixed footings would prevent this. The proposal should therefore be treated as a permanent structure and assessed accordingly under relevant planning policies for new buildings in the countryside.

It is noted that the proposal includes the creation of an additional gateway onto a rural lane that currently has a national speed limit (60 mph). There appears to be no evidence of either planning or local highway authority consent for this new access point. The location of the access on a stretch of road with limited visibility raises significant highway safety concerns, particularly if vehicles need to reverse onto the carriageway. The site area of approximately 2.7 acres appears limited for the number of horses proposed. The British Horse Society (BHS) recommends a stocking density of one horse per 1–1.5 acres for permanent grazing. Based on these guidelines, the land would only reasonably support a maximum of two horses or ponies. The indication that up to six ponies and two foals would be accommodated, therefore, represents overstocking, with potential impacts on land quality, animal welfare, and surface water management. Consideration should be given to reducing the number of stables to reflect the site's capacity if permission were to be granted. There appears to be some uncertainty regarding whether change of use permission has been granted. Application 11/0659 (Certificate of Lawfulness) authorises the use of two stables and a barn functioning as a garage. However, the permission does not extend to the surrounding land, which was historically used by the farmer for grazing cattle and sheep and therefore retains its agricultural designation.

The introduction of a concrete manure storage area raises potential environmental concerns. Should the cover become dislodged or not used consistently, rainfall could percolate through the manure and cause effluent pooling on the hardstanding. This increases the risk of nutrient-rich runoff entering nearby watercourses (Church Reen) of the SSSI. Furthermore, the proposed use of soakaways for surface water drainage may not be suitable in combination with animal waste storage, as it could facilitate effluent seepage.

The introduction of external lighting in what is currently a dark rural area will cause light pollution and disturbance of nocturnal wildlife species. While the addition of a bat box and

bird box is noted, this represents a minimal biodiversity enhancement. The proposal does not demonstrate a proportionate or effective approach to biodiversity net gain.

*Breach of Planning Control and Non-Compliant Behaviour*

It is understood that both the previous and current landowners, believed to be related as father and son-in-law, have undertaken a series of unauthorised and inappropriate works on the site. As mentioned previously, these include the removal of a mature hedgerow, the importation and tipping of substantial quantities of hardcore, and groundworks carried out without due regard to the mature horse chestnut trees protected under Tree Preservation Orders (TPOs). These activities have caused visible deterioration to the affected trees and altered the site's natural character. Significant volumes of soil have also been displaced within a designated **Site of Special Scientific Interest (SSSI)** and an **archaeologically sensitive area**, undertaken without the benefit of professional archaeological oversight or consent. A few months ago, cars were observed being stored on the field area, adjacent to the trees, where the gravel was previously. This was without planning permission, raising concerns over potential contamination from oil or other pollutants seeping into the SSSI.

Furthermore, the removal of the close-board fencing and leaving the widely spaced post-and-rails has proved inadequate for safely containing livestock, resulting in repeated escapes of small ponies onto the public highway. This has created avoidable safety hazards for both animals and road users, contrary to the aims of **Policy SP3 (Transport and Accessibility)** and **Policy GP7 (Environmental Protection and Public Safety)** of the **Newport Local Development Plan (LDP)**.

Additionally, members of the local community have reported instances of verbal abuse and intimidating behaviour from the landowners, allegedly aimed at deterring the public from lawfully using the route for recreation. Such conduct not only undermines community well-being but also conflicts with the objectives of **Policy GP2 (General Amenity)** and the Welsh Government's broader commitment to promoting safe, inclusive, and accessible environments for all. For these reasons, it appears that the landowner has shown little intention of engaging constructively or harmoniously with the local community. The pattern of behaviour and activity on the site has fostered an atmosphere of hostility and intimidation, which is wholly inconsistent with the principles of good neighbourliness and community cohesion promoted in **Planning Policy Wales** and **Newport City Council's Local Development Plan**. In light of these concerns, and given the negative social and environmental impacts already experienced, it is considered that this application should be **refused** because it fails to demonstrate respect for the surrounding community, the local environment, and the shared public interest.

Given the historic and ongoing issues associated with the site, as well as the pattern of unauthorised activity and non-compliance demonstrated by the landowners, it is highly likely that this site will continue to generate complaints, enforcement action, and community concern into the future, if permission is granted. Allowing the proposal to proceed would therefore risk creating a long-term source of controversy and administrative burden for **Newport City Council**, contrary to the principles of sustainable, responsible, and well-managed development promoted in **Planning Policy Wales** and the **Newport Local Development Plan**.

Marshfield Community Council respectfully request that the application be refused due to the impacts described above.

## 8. ASSESSMENT

### 8.1 Principle of Development

8.1.1 The application site is located beyond the defined settlement boundaries within the open countryside as designated by the maps contained within the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policy SP5 states *'Development in such areas will only be permitted where the use is appropriate in the countryside, respects the landscape character and biodiversity of the immediate and surrounding area and is appropriate in scale and design.'*

8.1.2 Policy CF7 specifically refers to horse related developments:

*'Horse related developments, both recreational and commercial, including stables, shelters and riding schools will be permitted provided that:*

- i) The scale, design, siting and materials do not detract from the character and appearance of the locality;*
- ii) The proposal does not result in an excessive number of buildings or inappropriate ancillary structures;*
- iii) The proposed development does not require the provision of a new dwelling unless classified as a rural enterprise dwelling;*
- iv) The proposed development does not require the provision of unsightly infrastructure.*

8.1.3 The proposed stables measures 11.5m x 10.8m x 3.6m (h) formed of green timber cladding and dark grey metal roof sheeting. The hardstanding area is proposed to be formed of clean crushed stone. A muck heap is also proposed, measuring 3m x 2.5m x 1.5m (h) formed of concrete blocks. The overarching principle of stables in a countryside setting is acceptable, however this is subject to the proposals impact upon the specific details not detracting from any other material planning considerations. The locality has a number special and sensitive designations which include, Flood Zone 3 (sea), Green Wedge, Special Landscape Area, Public Right of Way, Archaeologically sensitive, siting adjacent a Grade II\* listed building, Schedule Ancient Monument and nearby Tree Preservation Order. The impacts on these designations are addressed in the following paragraphs.

### 8.2 Green Wedge and Special Landscape Area

8.2.1 Planning Policy Wales (Ed. 12) paragraph 3.73 has a presumption against inappropriate development to ensure the special characteristics of the Green Wedge are maintained, which includes openness. Paragraph 3.75 of PPW (Ed.12) is very clear stating that *'The construction of new buildings in a Green Belt or green wedge is inappropriate development unless it is for the following purposes:*

- Justified rural enterprise needs;*
- Essential facilities for outdoor sport and outdoor recreation, cemeteries, and other uses of land which maintain the openness of the Green Belt or green wedge and which do not conflict with the purposes of including land within it;*
- Limited extension, alteration or replacement of existing dwellings; or*
- Small scale diversification within farm complexes where this is run as part of the farm business.*

8.2.2 Policy SP7 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015) reflects this position setting out that development which prejudices the open nature of the land will not be permitted.

8.2.3 Policy SP8 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015) states 'proposals will be required to contribute positively to the area through high quality design, materials and management schemes that demonstrate a clear appreciation of the area's special features'. The supporting text states that designs will be required to be of a high standard, appropriate in scale and massing, integrated sympathetically into the landscape as well as ensuring long term management.

8.2.4 The Landscape Architect has also raised concerns with the scheme due to the excessive amount of hardstanding and the installation of 1.5m high bunds with trees above as this would represent as an alien feature within an otherwise open setting. Furthermore, concerns are raised as to whether the proposed trees would even become established given the steepness

of the banks. Also, the nonnative species proposed and the absence of a native hedgerow are also considered to result in an incongruous appearance when compared to the wider landscape character.

- 8.2.5 The proposals are not related to a rural enterprise, nor a dwelling or farm diversification. There is policy support for horse related development providing the criteria set out in paragraph 8.1.2 of this report are met and the scale and massing of the development is appropriate within the Special Landscape Area. It is considered that the proposed design and materials are acceptably rural in appearance. However, the proposed stable remains to be considered excessive within its context and would prejudice the open nature of the green wedge and the Special Landscape Area, an area where development is strictly controlled.
- 8.2.6 In addition the hardstanding introduces a very hard and urban feature into this otherwise rural area such features are not typical in the locale and is deemed to be an incongruous addition that detracts from the pleasant rural character and appearance of the setting. There are public views of the site from two public rights of way (PROW's 399/36/1 and 399/43/1) and as such the impact of the stables and hardstanding within the surrounding landscape are readily visible. This is particularly true from the public right of way which runs through the adjacent church graveyard.
- 8.2.7 Overall, it is considered that the proposals are contrary to policies SP5, SP7 and SP8 for the reasons as outlined above.
- 8.2.8 A further factor to note is the size of land equates to approximately 2.88 acres as indicated by the blue edged plan Location and Block Plan (Ref: 02); the British Horse Society provides guidance on minimum land requirements to suitably serve the needs of horses. As a general guide, the recommendation is for 1 – 1.5 acres per horse. The proposal seeks to keep 8no. horses and 2no. founs on the site. Using the guidance from the British Horse Society, the acreage of the application site could only support up to 2 – 3 horses. As such, this could raise animal welfare concerns given the intensive use of the site; while animal welfare is not directly controlled through planning legislation, the scheme does raise significant concern with the intensity of the proposed equestrian land use and further adds to the concern of the over development of the site. It is therefore considered that the scheme is likely to result in an over-use of the site which could result in adverse impact upon the character of the area through the loss of pasture given the number of movements across the site from the number of horses sited in addition to potential animal welfare concerns which are controlled separately. No information in relation to the site management has been submitted in support of this application that would alleviate such concerns.
- 8.3 *Impact upon The Listed Building and Schedule Ancient Monument*
- 8.3.1 The adjacent site to the east is occupied by St Mary's Church including its graveyard and a Scheduled Ancient Monument (St Mary's Churchyard Cross – MM311). The Historic Environment (Wales) Act 2023 states that Local Planning Authorities shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interests which it possesses.
- 8.3.2 The Principal Heritage Officer notes the siting of the stable block being 80m north-west of the Grade II\* St Marys Church and associated curtilage. Furthermore, the high importance of the proposed screening of the planted bank is highlighted to ensure impacts upon the heritage features are suitably mitigated from any public views within the setting of the Listed Building. Providing the bank is provided along with a scheme of suitable planting, the scheme is considered to result in minimal impact upon the heritage asset. However, to reiterate, this is subject to sufficient planting and ongoing management.
- 8.3.3 It is also noted that planting is proposed alongside Church Lane; this would provide a further degree of mitigation to the setting of the listed building when viewed from the roadside. However, as per the above this is reliant upon sufficient planting and ongoing management. It is the view of the LPA that such details could be controlled via condition should this application progress with a positive recommendation.

#### 8.4 Impact upon Archaeology

8.4.1 Glamorgan Gwent Archaeological Trust (GGAT), now known as Heneb, were consulted and have confirmed that the proposal requires archaeological mitigation as the site lies within the Gwent Levels registered historic landscape as well as the Newport archaeologically sensitive area. The consultation response provided for the neighbouring application 21/1055 directly relates to the same site. As such the issues raised there are similar to the proposed development.

8.4.2 Heneb advise it is a likely site for settlement in all periods and there is evidence of medieval settlement in nearby areas of Coedkernew and Blacktown. The Trust also note the adjacent St Mary's Church which is believed to have medieval origins and the churchyard cross, also likely to be medieval. They consider that the application site has potential for similar evidence of medieval settlement as the church is likely to have been a focus for settlement and activity in the area during this period.

8.4.3 Furthermore, Heneb consider that it is possible that archaeologically significant material could be encountered during the course of the proposed work. Also, Heneb recommend that a condition could be imposed which requires the submission of a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource. They envisage that this programme of work would take the form of a watching brief during the groundworks required for the development, with detailed contingency arrangements including the provision of sufficient time and resources to ensure that any archaeological features or finds that are located are properly investigated and recorded; it should include provision for any sampling that may prove necessary, post-excavation recording and assessment and reporting and possible publication of the results. If all other matters were acceptable then this condition could ensure the archaeological resource is protected.

#### 8.5 Impact upon Trees

8.5.1 There are trees subject to Tree Preservation Orders along the common boundary with St Marys Church. The application site as shown on the submitted proposed layout drawings is located approximately 66m away from the protected trees.

8.5.2 The submitted application form states that no trees are located on or around the site; this is not accurate as trees are located adjacent Church Lane and to the northern boundary.

8.5.3 The application is supported by a tree survey and arboricultural impact statement to ascertain what impact the erection of the building and laying of hardcore could have upon root protection areas of existing trees.

8.5.4 The Landscape Architect has not raised concern regarding the content of the Tree Survey or Arboricultural Impact assessment. However, it is noted that the siting of the stables would be within root protection areas and that a T4 Ash is noted to be felled given its 'U' classification. The AIA states that the root protection zone of T3 prevents the use of a traditional foundation, and that a no-dig hardstanding would reduce the impacts upon the root protection zone to *minor*. The Arboricultural Method Statement sets out how the no dig surface could be formed, but no comments are given with regard to the foundation type. As such, should all other matters be acceptable, details of the foundations could be secured by way of condition in the interests of tree protection and retention.

#### 8.6 Impact upon Ecology

8.6.1 The application site is located within the Gwent Levels – St Brides SSSI. The special interests of the SSSI are dependent on the water quality, water quantity, the existence of the drainage system and its continued management.

8.6.2 Natural Resources Wales have concerns with the scheme regarding protected sites. As set out within Natural Resources Wales consultation response, the Gwent Levels are notified for its range of aquatic plants and invertebrates- associated with the interconnected reens and ditches. The special interests of the SSSI are dependent on water quality. A reen is located along the northern boundary of the site.

8.6.3 The specific construction method of the muck store contains no specific details as to whether mitigation measures will be used in the form of impermeable barriers to prevent effluent

entering the ground waters. As detailed within the response from NRW such details would be required at application stage to demonstrate that the development could be implemented without resulting in harm to the SSSI and not controlled via condition to be submitted later.

- 8.6.4 The Councils Ecologist notes the previous removal of hedgerow along the frontage of the site and that Planning Policy Wales (Ed.12) states that any net benefit for biodiversity shall be based upon the ecological value of the site prior to the removal of the hedgerow.
- 8.6.5 The proposed planting plan *may* provide the level of compensation and enhancement required to offset the loss of the hedgerow, however this will be dependent on species and ongoing management. It is noted the enforcement notice set out which species would be appropriate, as such should all other matters be acceptable this could be secured by way of condition along with a 5 year management plan.
- 8.6.6 The provision of bird and bat boxes would also provide some level of biodiversity net gain, however, specific details on the type would ensure that those installed provide the most benefit for the area.
- 8.6.7 Planning Policy Wales (Ed.12) sets out within paragraphs 6.4.24 – 6.4.28 to further the conservation and enhancement of the SSSI features. The proposal is not necessary for the management of the SSSI and the stables are not considered as an agricultural use. Therefore, within para. 6.4.26 outlines a presumption against all other forms of development in a SSSI as a matter of principle. Given the insufficient details relating to the muck heap, there is no assurance that the effect on the nature conservation interests and protected, conserved or enhanced.
- 8.6.8 To summarise, the SSSI land designation highlights the sites important contribution toward biodiversity with PPW (Ed.12) outlining the types of development considered appropriate in such locations. In this instance, the proposed use is not considered to be an acceptable use in terms of paras 6.4.24 – 6.4.28 and that insufficient information has been provided to confirm the muck store would not adversely impact the wider hydrology of the area and SSSI features. Therefore, the proposal is contrary to Planning Policy Wales (Ed.12) and Policy GP5. It is noted that there is general support for equestrian type developments through Policy CF7, however the current national policy position through Planning Policy Wales (Ed.12) is given more weight in the consideration of this application.
- 8.7 *Impact upon Flood Risk*
- 8.7.1 The application site lies within a TAN15 defended zone (sea) and flood zone 3 (sea), the type of development proposed would be considered as a *less vulnerable development*.
- 8.7.2 The previous application was considered through the lens of the previous Technical Advice Note 15 (2004) and the associated Development Advice Maps. The site was previously categorised as flood zone C1 – ‘*areas of the floodplain which are developed and served by significant infrastructure, including flood defences.*’ The application of category C1 is ‘*used to indicate that development can take place subject to application of justification tests, including acceptability of consequences.*’
- 8.7.3 The vulnerability of the development proposed has not altered between the revisions of Technical Advice Note 15, with both concluding that the stable block is a form of less vulnerable development.
- 8.7.4 Section 6.2 of Technical Advice Note 15 (2004) sets out the justification tests for development within flood zone C1 and are included below for reference:
- i. Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement<sup>1</sup>; **or**,
  - ii. Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region;

**and,**

- iii. It concurs with the aims of PPW and meets the definition of previously developed land; and,
- iv. The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and appendix 1 found to be acceptable.

- 8.7.5 The Officers report of application 21/1055 found that the scheme accorded with the justification criteria (i) and (ii) as the scheme was for horse related development for which there is general support through Policy CE7. Regarding criterion (iii), the Officer report found that while the site did not meet the definition of *previously developed land*, given the proposed horse related use, this weighed in favour of its acceptability.
- 8.7.6 Since the determination of the previous application 21/1055, the policy context regarding flooding and flood risk has changed through the introduction of Technical Advice Note 15 – Development, Flooding and Coastal Erosion (2025) (TAN15). Along with this, a new mapping system known as the Flood Map for Planning (FMfP) has also been introduced which represents the most up to date data regarding flooding. Flood Zones have also been recategorised as Flood Zones 1, 2 and 3; with Flood Zone 3 being an area at the highest risk of flooding. The FMfP goes further in identifying what type of flood risk a site may have, for example, rivers, sea, surface water and small watercourses.
- 8.7.7 The application site is located within a TAN15 (2025) defended zone from Sea, Flood Zone 3 Sea. The proposed use would be considered as a form of less vulnerable development as per the definition within TAN15 (2025).
- 8.7.8 Section 10.23 of TAN15 states that:  
*‘Other proposals will only be appropriate if they are essential to the Development Plan Strategy to regenerate an existing settlement or achieve key economic or environmental objectives. Any redevelopment proposal must be consistent with the acceptability considerations in section 11. In addition, proposals which include residential development must ensure that such uses do not occur at ground floor level. Proposals that address national security or energy security needs, mitigate the impacts of climate change, that are necessary to protect and promote public health may also, by exception, be appropriate provided that their locational need is clear and the potential consequences from flooding have been considered and found to be acceptable.’*
- 8.7.9 It is noted that TAN15 (2025) Section 10.23 places emphasis on proposals only being appropriate if they are **essential** to the Development Plan Strategy. This differs from the justification tests within TAN15 (2004) whereby a scheme was only required to *assist, or be part of, a local authority regeneration initiative or strategy to sustain an existing settlement*.
- 8.7.10 The provision of a stable and associated hardstanding is considered to not be essential to regenerate the existing settlement as the scale of development is not proportionate to be considered to *regenerate* an existing settlement. It is due to the change in emphasis between TAN15 (2004) and TAN15 (2025) as to why a different conclusion is drawn regarding the schemes justification within a flood zone.
- 8.7.11 Furthermore, notwithstanding some benefit to the local economy through supply chains and employment opportunities during the construction phase, it is considered these benefits would be minor and therefore not significantly contribute toward key economic or environmental objectives.
- 8.7.12 The consultation response from Natural Resources Wales (NRW) sets out that their role is to provide detailed advice on the findings and conclusions of the Flood Consequences Assessment (FCA) only and it is the role of the LPA to assess the acceptability of a development.
- 8.7.13 An updated FCA was received and NRW were reconsulted; their comments confirm that the FCA fails to demonstrate that the potential risks and consequences of flooding are manageable. The assessment by NRW sets out that the scheme is non-compliant with Figure 5 of TAN15 as the site and stable could flood during the 1 in 200 year event. Furthermore,

the flood depths on site would exceed the tolerable thresholds demonstrating non-compliance with Figure 6 of TAN15 also.

8.7.14 In this case it is concluded that the proposed scheme is not considered as a regeneration scheme to an existing settlement and would not significantly contribute toward economic or environmental objectives as outlined within the Local Development Plan. The national policy changes that have occurred between the previous application being determined and that considered under the current application are materially, and significantly different which thereby justifies how the scheme is now considered in terms of flood risk. Furthermore, the findings of the FCA show that the does not accord with Figures 5 and 6 of TAN15 (2025). As such, the scheme is found to be unacceptable within Flood Zone 3, contrary to the requirements of Technical Advice Note 15 (2025) and Policy SP3.

#### 8.8 Impact upon Residential Amenity

8.8.1 The nearest residential properties are around 90m from the application site. The proposed use is unlikely to result in noisy or unneighbourly activity, although lighting may have potential to cause a nuisance if used at inappropriate times. Nevertheless, it is considered that the site is suitably distanced from residential properties to not cause harm to amenity and the use of lighting could be controlled via condition. The scale and position of the stable block and muck heap would not lead to the loss of daylight, sunlight or overshadowing of neighbouring properties given the separation between sites nor is the use considered to be incompatible with the closest residential dwellings therefore the proposal is not considered to result in an unacceptable impact upon the living conditions of neighbouring occupiers.

#### 8.9 Impact upon the Highway and Parking

8.9.1 The Highways Officer notes the use of an apron and gates being set back into the site to allow waiting vehicles refuge from the highway. The Highways Officer also notes the absence of a track from the field access gate leading into the paddock area. This is not considered essential as the paddock should be left as grazing for horses. To request a track crossing the field is considered inappropriate in this location. Furthermore, the area of crushed stone forms the parking and turning area to allow vehicles to enter and leave in a forward gear. It is noted that the access and turning area within the site is only suitable for domestic levels of use. No concerns have been raised regarding visibility splays at the junction with Church Lane with the associated planting scheme. Accordingly, the proposed development is not considered to result in an unacceptable impact in respect of highway safety, however the proposal would remain unjustified and conflicts with other key considerations.

8.9.2 The site location is unsustainable as it is outside of a defined settlement boundary and is not accessible from any form of public transport or formalised active travel links. However, on the basis of the proposed use being limited to personal use, no significant concerns are raised on the sites sustainability.

### 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 The proposed development is hereby refused due to the significant change in policy position regarding redevelopment in Flood Zone 3, insufficient information regarding impact upon the special landscape area, unjustified development within the green wedge, insufficient information regarding potential hydrology impacts upon the reën, the urbanisation of an otherwise rural setting through the introduction of a significant hard landscaping area. While it is noted that there is general policy support for horse related developments, when the application is considered in the round, the harm identified outweighs the general policy support for horse related developments.

**11. DECISION  
REFUSED**

01 The proposed less vulnerable development on greenfield land is considered to not contribute toward key employment, economic aims or the regeneration of the existing settlement contrary to the justification criteria and requirements as set out within Technical Advice Note 15 – Development, Flooding and Coastal Erosion (2025). Furthermore, the updated Flood Consequences Assessment fails to demonstrate the consequences of flooding could be suitably managed. Therefore, the proposal is contrary to Technical Advice Note 15 (2025) and Policy SP3 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

02 The proposal would result in the construction of new buildings within the Green Wedge which is not justified through any of the exemption tests as outlined within Planning Policy Wales (Ed.12) and is therefore contrary to national and local policy SP7 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

03 Insufficient information has been submitted to demonstrate that the proposal would not have an unacceptable impact upon the hydrology of the area given the sites location within a Site of Special Scientific Interest (SSSI) contrary to Planning Policy Wales (Ed.12) and Policy SP9 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

04 The proposed hard standing would introduce an urbanising feature thereby eroding the open countryside character of the area resulting in demonstratable harm on the green wedge,

Special Landscape Area contrary to Policies SP5, SP7, SP8 and GP5 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

#### *NOTE TO APPLICANT*

01 This decision relates to plan Nos:

- Surface Water Drainage Information (Received: 05.02.2026)
- Drainage Statement Requirements (Received: 05.02.2026)
- Flood Map Extract (Drawing ref: 09)
- Site Plan – Stable Area (Drawing ref: 03a)
- Arboricultural Impact Assessment (Received: 05.02.2026)
- Tree Protection Plan (Received: 05.02.2026)
- Tree Location Plan and Arboricultural Impact Assessment (Received: 05.02.2026)
- Arboricultural Method Statement (Received: 05.02.2026)
- Flood Consequences Assessment (Received: 01.12.2025)
- Green Infrastructure Statement (Received: 10.09.2025)
- Muck Heap Details (Drawing ref: 06)
- Elevations – Stable Block (Drawing ref: 05)
- Floor Plan – Stable Block (Drawing ref: 04a)
- Location and Block Plan (Drawing ref: 02)
- Expanded Location Plan (Drawing ref: 01)

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP3, SP5, SP7, SP8, SP9, GP2, GP4, GP5, GP6, GP7, CE6, T4, T6, CF7 and W3 were relevant to the determination of this application.

03 The proposed development (including any demolition) has been screened under the Environmental Impact Assessment Regulations and it is considered that an Environmental Statement is not required.