

Delegated Decision Report

Application No:	25/0113	Statutory Period Expires:	9th April 2025
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Site:	<i>Holly House Coast Road St Brides Wentlooge Newport NP10 8SQ</i>		
Proposal:	<i>S73 APPLICATION TO REMOVE CONDITION 5 (REMOVAL OF PD RIGHTS) OF 10/1120 RETENTION OF REPLACEMENT DWELLING (AMENDED PROPOSAL FOLLOWING APPROVAL 08/1043)</i>		
Applicant:	<i>G Thomas</i>		
Type:	Renewals and Variation of Conditions	Ward:	Tredegar Park And Marshfield
Decision:	REFUSED		

1. BACKGROUND

- 1.1 In April 2008 planning consent was refused for “Erection of a replacement dwelling” under application ref: 07/0069 due to the scale of the proposed dwelling and its impact upon the character and appearance of the countryside/green wedge and due to lack of information relating to parking/highway safety.
- 1.1.2 In December 2008 consent was granted subjection to conditions under application ref: 08/1043 for “Construction of replacement dwelling (resubmission following refusal of 07/0069)”.
- 1.1.3 In August 2009 a planning enforcement investigation was opened under case ref: E09/0932 relating to the development not being built in accordance with the approved plans.
- 1.1.4 In December 2010 planning consent was granted under application ref: 10/1120 for “Retention of replacement dwelling (amended proposal following approval 08/1043)” thus regularising the unauthorised development under investigation in the aforementioned appeal decision.

2. SITE LOCATION AND CONTEXT

- 2.1 The application site comprises of a detached, 2 storey dwelling located on the north side of Coast Road. The property benefits from off street parking to its front and a private rear amenity space.
- 2.1.2 The application site is located beyond the limits of the defined settlement boundaries as identified by the proposals maps that accompany the Newport City Council Local Development Plan (LDP) therefore, for the purposes of planning, is located within the open countryside. Additionally, the site falls within the Wentlooge Levels Special Landscape Area (SLA), an adopted Green Wedge and undeveloped coastal zone.

- 2.1.3 The site is within the limits of the Gwent Levels Landscape of Outstanding Historic Interest and within the Gwent Levels Archaeologically Sensitive Area (ASA).
- 2.1.4 The application site is within the Gwent Levels Site of Special Scientific Interest (SSSI) and within a designated flood zone (C1 on the Development Advice Maps (DAM) that accompany the existing Technical Advice Note (TAN) 15 and Zone 3 defended zone of Natural Resources Wales (NRW) Flood Map for Planning (FMfP)).
- 2.1.5 From a site inspection and from google maps/satellite imagery it appears that a lean to side extension has been added to the property. The Local Planning Authority have no record of this development and therefore it has been reported to the Planning Enforcement Team for investigation.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 This application seeks consent for the removal of condition 5 attached to planning consent 10/1120 which limits permitted development rights for the property.

- 3.1.2 Condition 5 reads:

(5)Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or reenacting that Order), Schedule 2, Part 1, no development within Classes A, B, or E shall be carried out without the prior written permission of the Local Planning Authority.

Reason: To protect the open rural character of the designated green wedge.

- 3.1.3 Class A restricts general alterations/extensions to the dwellinghouse, Class B restricts alterations to the roof of the dwellinghouse and class E restricts the erection of outbuildings within the residential curtilage.
- 3.1.4 The reason provided within the application form for the removal is that it is not considered, by the applicant, to be necessary as, in accordance with the advice contained within Circular 11/95: The use of conditions in planning permissions: circular such restrictions should only be imposed in exceptional circumstances. The applicant has provided a number of appeal decisions as to support their case where the removal of such conditions has been granted by planning inspectors.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision
07/0069	Replacement Dwelling	Refused
08/1043	Construction of replacement dwelling (resubmission following refusal of 07/0069)	Granted subject to conditions
10/1120	Retention of replacement dwelling (amended proposal following approval 08/1043)	Granted subject to conditions

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 8 - Flooding
- Policy 9 - Resilient Ecological Networks and Green Infrastructure

5.2 Planning Policy Wales (Edition 12) 2024

2.4 Individual places can take many forms and interpretation of what makes a good place will vary. Each place will have its own unique characteristics, history and identity, based on how people have and will interact with the landscape and townscape. This 'sense of place' varies, from the rural countryside which provides an economic and environmental base for agriculture and tourism to thrive, to urban areas....

3.3 - Good design is fundamental to creating sustainable places where people want to live, work and socialise.

3.38 The countryside is a dynamic and multi-purpose resource. In line with sustainable development and the national planning principles and in contributing towards placemaking outcomes, it must be conserved and, where possible, enhanced for the sake of its ecological, geological, physiographic, historical, archaeological, cultural and agricultural value and for its landscape and natural resources. The need to conserve these attributes should be balanced against the economic, social and recreational needs of local communities and visitors. Fostering adaptability and resilience will be a key aim for rural places in the face of the considerable challenge of maintaining the vibrancy of communities and availability of services as well as contributing to the Cohesive Communities well-being goal. This is coupled with ensuring the countryside is resilient to the impacts of climate change and plays a role in reducing the causes of climate change through the protection of carbon sinks and as a sustainable energy source in line with the Resilient Wales wellbeing goal.

3.4 - Meeting the objectives of good design should be the aim of all those involved in the development process and should be applied to all development proposals at all scales.

3.64 Around towns and cities there may be a need to protect open land from development. This can be achieved through the identification of Green Belts and/or local designations, such as green wedges. Proposals for both Green Belts and green wedges must be soundly based and should only be employed where there is a demonstrable need to protect the urban form and alternative policy mechanisms, such as settlement boundaries, would not be sufficiently robust. The essential difference between them is that land within a Green Belt should be protected for a longer period than the relevant current development plan period, whereas green wedge policies should be reviewed as part of the development plan review process.

3.67 The purpose of Green Belts is to: prevent the coalescence of large towns and cities with other settlements; manage urban form through controlled expansion of urban areas; assist in safeguarding the countryside from encroachment; protect the setting of an urban area; and assist in urban regeneration by encouraging the recycling of derelict and other urban land.

3.68 Green wedges are local designations which essentially have the same purpose as Green Belts. They may be used to provide a buffer between the settlement edge and statutory designations and safeguard important views into and out of the area. Green wedges should be proposed and be subject to review as part of the LDP process.

3.71 To maintain openness, development within a Green Belt and green wedge must be strictly controlled. When including Green Belt and green wedge policies in their plans, planning authorities must demonstrate why normal planning and development management policies would not provide the necessary protection.

3.73 When considering applications for planning permission in Green Belts or green wedges, a presumption against inappropriate development will apply. Substantial weight should be attached to any harmful impact which a development would have on the purposes of Green Belt or green wedge designation. Policies should be devised to outline the circumstances when development would be permitted in these areas where the openness of the Green Belt or green wedge will still be maintained.

3.75 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 purpose 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.

6.1.2 The historic environment is made up of individual historic features which are collectively known as historic assets. Examples of what can constitute an historic asset include: Archaeological remains (including scheduled monuments).

6.1.3 The ways in which historic assets are identified can vary. The most important historic assets often have statutory protection or are included in formal registers which identify them as being of special historic interest. Other assets yet to be formally identified could include buried archaeological remains.

6.1.6 The Welsh Government's specific objectives for the historic environment seek to... conserve archaeological remains, both for their own sake and for their role in education, leisure and the economy....

6.1.23 The planning system recognises the need to conserve archaeological remains. The conservation of archaeological remains and their settings is a material consideration in determining planning applications, whether those remains are a scheduled monument or not.

6.1.25 In cases involving less significant archaeological remains, planning authorities will need to weigh the relative importance of the archaeological remains and their settings against other factors, including the need for the proposed development.

6.1.26 Where archaeological remains are known to exist or there is a potential for them to survive, an application should be accompanied by sufficient information, through desk-based assessment and/or field evaluation, to allow a full understanding of the impact of the proposal on the significance of the remains. The needs of archaeology and development may be reconciled, and potential conflict very much reduced, through early discussion and assessment.

6.1.27 If the planning authority is minded to approve an application and where archaeological remains are affected by proposals that alter or destroy them, the planning authority must be satisfied that the developer has secured appropriate and satisfactory provision for their recording and investigation, followed by the analysis and publication of the results and the deposition of the resulting archive in an approved repository. On occasions, unforeseen archaeological remains may still be discovered during the course of a development. A written scheme of investigation should consider how to react to such circumstances or it can be covered through an appropriate condition for a watching brief. Where remains discovered are deemed to be of national importance, the Welsh Ministers have the power to schedule the site and in such circumstances scheduled monument consent must be required before works can continue.

6.1.29 Archaeological remains – unscheduled archaeological remains and their settings, may be identified in development plans as of local importance and worthy of conservation. Development plans should not include policies relating to the financing of archaeological works in return for the grant of planning permission. Planning permission for archaeologically damaging development should not be granted merely because it is proposed to record sites whose physical preservation in situ is both desirable (because of their level of importance) and feasible.

6.2.3 Green infrastructure is capable of providing several functions at the same time and as a result offers multiple benefits, for social, economic and cultural as well as environmental resilience. The components of green infrastructure, by improving the resilience of ecosystems, can result in positive benefits to well-being including flood management, water purification, improved air quality, reduced noise pollution and local climate moderation, climate change mitigation and food production.

6.3.12 Planning authorities should provide for the conservation and, where appropriate, enhancement of local landscapes. This may include policies for landscape features, characteristics and qualities of local significance, and the designation of Special Landscape Areas (SLAs).

6.3.13 SLAs are non-statutory designations that define local areas of high landscape importance, which may be unique, exceptional or distinctive to the area. Planning authorities should apply these designations where there is good reason to believe that normal planning policies cannot provide the necessary protection.

6.4.24 SSSIs are of national importance. The Wildlife and Countryside Act 1981, as amended by the Countryside and Rights of Way Act 2000, places a duty on all public bodies, including planning authorities, to take reasonable steps, consistent with the proper exercise of their functions, to further the conservation and enhancement of the features by reason of which a SSSI is of special interest. SSSIs can be damaged by developments within or adjacent to their boundaries, and in some cases, by development some distance away.

6.4.25 Development in a SSSI which is not necessary for the management of the site must be avoided. This is a matter of principle to ensure that these sites can continue to fulfil their role at the heart of resilient ecological networks. What may be necessary for the management of a site will need to be considered on a case by case basis but it is likely to be limited to activities needed to meet its conservation objectives, including restoration and nature recovery, as well as site management infrastructure, natural flood management and other appropriate nature based solutions. There may be desirable interventions in SSSIs relating to public access, active travel, educational projects and other minor development necessary to secure its role as a living landscape. This may include agricultural development, such as new barns, slurry stores required to reduce pollution, barn conversions to support tourism or other alterations or extensions to existing houses or buildings on existing employment sites where effects on the features for which a site has been designated can be considered to be acceptable.

6.4.26 There is a presumption against all other forms of development in a SSSI as a matter of principle and this presumption should be appropriately reflected in development plans and development management decisions. There is also a presumption against development not within a SSSI but likely to damage a SSSI. In such cases, proposals must be carefully assessed to ensure that effects on those nature conservation interests which the designation is intended to protect are clearly understood and development should be refused where there are adverse impacts on the features for which a site has been designated.

6.4.27 In wholly exceptional circumstances and only where development is considered to be appropriate and is not likely to damage a SSSI and there is broad and clear agreement for mitigation and enhancement as part of a development plan should development be proposed. This means that development will be considered unacceptable in the absence of an agreed position in a development plan which indicates that it is acceptable in terms of its effect on the notified features of a SSSI.

6.5.9 Development should not normally be proposed in coastal locations unless it needs to be on the coast. In particular, undeveloped coastal areas will rarely be the most appropriate location for development. Where new development requires a coastal location, developed coastal areas will normally provide the best option, provided that issues associated with coastal change have been taken into account. Such issues include the risks of erosion, flooding, land instability, and the preferred approaches to address such risks, and impacts on biodiversity and ecological resilience.

6.5.12 Development proposals should aim to protect or enhance the natural or historic character and landscape of undeveloped coastlines. The particular landscapes of the coastline should be recognised and protected where they represent significant characteristics of place.

6.6.16 Diffuse pollution and surface water flooding arise as a result of run-off from built surfaces, from potentially polluting development types and through sewage discharges from overloaded sewers or from private infrastructure, for example, septic tanks. Planning authorities should secure better management of drainage and surface water so as to tackle these issues.

6.6.22 The climate emergency is likely to increase the risk of flooding as a result of sea-level rises, increased storminess and more intense rainfall. Flooding as a hazard involves the consideration of the potential consequences of flooding, as well as the

likelihood of an event occurring. Planning authorities should adopt a precautionary approach of positive avoidance of development in areas of flooding from the sea or from rivers. Surface water flooding will affect choice of location and the layout and design of schemes and these factors should be considered at an early stage in formulating development proposals.

6.6.25 Development should reduce, and must not increase, flood risk arising from river and/or coastal flooding on and off the development site itself. The priority should be to protect the undeveloped or unobstructed floodplain from development and to prevent the cumulative effects of incremental development.

Technical Advice Notes

- Technical advice note (TAN) 5: nature conservation and planning
- Technical advice note (TAN) 6: planning for sustainable rural communities
- Technical advice note (TAN) 12: design
- Technical advice note (TAN) 14: coastal planning
- Technical advice note (TAN) 15: development and flood risk (2004)
- Technical advice note (TAN) 24: the historic environment

5.3 Newport Local Development Plan (2011-2026)

Policies: SP1, SP3, SP5, SP7, SP8, GP5, GP6, CE6, CE9, H12, H13

5.4 Supplementary Planning Guidance

- Archaeology and Archaeologically Sensitive Areas SPG
- Wildlife and Development SPG
- House Extensions and Domestic Outbuildings SPG

5.5 Other material Policy/Guidance

Welsh Government Circular: The Use of Planning Conditions for Development Management (Circular Ref: WGC 016/2014)

The Historic Environment Wales Act (2024)

6. CONSULTATION RESPONSES

6.1 Local Highways Authority: No objection.

6.2 Landscape Officer: Objection.

6.3 Natural Resources Wales: No comment.

6.4 Heneb: No comment.

7. PUBLIC REPRESENTATIONS

7.1 In accordance with the publicity requirements of The Town and Country Planning (Development Management Procedure) (Wales) Order 2012 this application was advertised by means of direct neighbour notification and via a site notice.

8. ASSESSMENT

8.1 The basis of the applicants case in respect of the removal of the condition is that the condition should not have been applied to the consent as there were no exceptional circumstances as set out in guidance note 11/95.

- 8.1.1 It is noted that Circular 11/95: the use of conditions in planning permissions has been cancelled and is no longer in use. Instead, Welsh Government Circular Ref: WGC 016/2014 is in place, accordingly, this assessment gives little weight to the content of the cancelled circular and instead relies upon the guidance within the current.
- 8.1.2 The LPA strongly disputes the claim that the condition should not have been imposed as there was no exceptional circumstances and maintains that the condition is both necessary and required. As noted within an earlier section of this report the application site is subject to a number of designations many of which are highly sensitive and therefore need to be protected and any development within them strictly controlled and compensated/mitigated for.
- 8.1.3 The applicant claims that the condition was attached without proper consideration, this is disputed by the LPA who consider that the extent of limitations of Permitted Development Rights was limited only to the areas where harm could arise opposed to a blanket ban on all permitted development rights on the site. In this case the harmful impact could arise from development on the site that would undermine the openness of the countryside and green wedge to the detriment of the character of the area.
- 8.1.4 This submission has been supported by a number of case examples where conditions restricting permitted development rights have been appealed and allowed. It is noted that each of these appeals relates to England where there is a different Planning Policy Framework in place that places a different emphasis upon development within the countryside. Given that the appeal decisions relate to a different Planning Policy Framework these decisions have been afforded limited weight in the assessment of this application with this application being assessed upon the current Planning Policy for Wales and the individual site constraints/designations.

8.2 Countryside Development/Green Wedge

- 8.2.1 The application site is located outside of the defined settlement boundaries where development is strictly controlled and only appropriate and justified development that would not have an unacceptable adverse impact upon the countryside will be permitted.
- 8.2.2 To protect the countryside from inappropriate development the LDP has adopted a number of policies, including H12: Replacement Dwellings in the Countryside. H12 sets a 30% threshold for volume increases to replacement dwellings beyond the settlement limits and requires that any consent granted imposes a condition to prevent subsequent extension or outbuildings being constructed without the need for planning consent. Application 10/1120 was assessed as a replacement dwelling against the relevant policies of the previously adopted Unitary Development Plan. Policy H9 of the UDP covered Replacement dwellings in the countryside and also included a 30% threshold for volume increases to dwellings.
- 8.2.3 The replacement dwelling as approved under the 2010 application allowed a volume increase significantly beyond the 30% threshold as a pragmatic response to the relatively small size of the original property. Given that the replacement dwelling has already benefited from a volume increase beyond that allowed by the policy this

is considered to provide additional weight to the justification and need for the condition to ensure that the volume increase as a result of an extension/roof alteration did not further increase the volume of the dwelling to a point where it would be harmful to the character of the countryside. Again, this policy was adopted following examination by a Planning Inspector during the adoption of the current LDP and is considered necessary in this case in order to protect the countryside from inappropriate, incremental development that would undermine the open, rural character of the area.

- 8.2.3 The Green Wedge and its limits were assessed during the adoption of the LDP and forms part of the current adopted local planning policy. In relation to Green Wedges LDP Policy SP7 states “Within these areas development which prejudices the open nature of the land will not be permitted. an increase in size of a dwelling of more than 30% of the volume of the original size of the dwelling, or as existed in 1948, will not be approved”. Therefore, to remove the condition could undermine the policy requirements/rationale by allowing inappropriately scaled extensions to dwellings that would exceed the 30% threshold as adopted as well as allowing additional alterations to the dwelling and development within its curtilage that could undermine the openness of the area. In this instance, given that the replacement dwelling has already benefitted from a significant volume increase it is considered to add more weight to the need for the condition as to ensure that additional development does not occur onsite that would undermine the adopted local planning policies or character of the Countryside, Special Landscape Area or Green Wedge.
- 8.2.4 The application site falls within the Gwent Levels Special Landscape Area and Gwent Levels Landscape of Outstanding Historic Interest, therefore, LDP Policy SP8 is applicable to the assessment of this application. The supporting text of Policy SP8 states that “*2.31 Within Special Landscape Areas, priority will be given to landscape conservation and enhancement. The designation of a SLA does not preclude development but any proposals must demonstrate that they have been designed to respect the valued characteristics of the recognised landscape as well as being in accordance with other Policies of this Plan. 2.32 Developers will be required to ensure that proposals do not impact or affect the intrinsic character, quality, feature or conservation value of the SLA. 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*”. Therefore, given the requirement of the Policy it is again considered to add further weight to the need for permitted development rights on this site to be restricted as to protect the special character of the area and the LANDMAP designation as a Special Landscape Area as the removal of the condition could result in harmful development that would prejudice the SLA.
- 8.2.5 In this case the application site is a relatively large detached dwelling with a generous curtilage therefore the removal of permitted development rights pertaining to Classes A, B and E would be resisted by the LPA as this could allow very significant amounts of development on site that would materially alter the character and appearance of the dwelling, allow for significant extensions to the property to the detriment to the character of the area and allow for outbuildings to be constructed within the curtilage of the dwelling deteriorating the open character of

the area to the detriment of the countryside and undermining the objective of the Green Wedge and Special Landscape Area contrary to Policies SP7, SP8 and H13 of the Newport City Council Local Development Plan.

8.3 Archaeology/Historic Environment:

- 8.3.1 The application site is located within the Gwent Levels Archaeologically Sensitive Area and Landscape of Outstanding Historic Interest. Accordingly, significant weight is attached to the preservation of this landscape and any features of historic interest.
- 8.3.2 PPW12 places significant weight upon the preservation of such features and the LPA considers that the condition as imposed acts as means to ensure that there is no further development that could have an unacceptable effect upon potential remains. Whilst this was not cited as part of the reason for the condition within the original report/decision notice it is considered to be necessary and applicable as echoed within the circular (5.48) *In some areas, the exercise of permitted development rights can pose a risk to the archaeological resource and so when granting permission for certain developments a local planning authority may decide to remove these rights*. It is the view of the LPA that although the latest iteration of PPW places greater emphasis on the preservation of the historic environment given that this wasn't considered as part of the original application it would be unreasonable for this to form part of the reason for the refusal of this application.
- 8.3.3 Heneb have been consulted on this application and offer no objection/comment given the planning history of the site.

8.4 Residential Amenity:

- 8.4.1 Given the location of the property and its proximity to the closest residential dwellings no objection or concern is raised in respect of any impact upon the living conditions of neighbouring occupiers.

8.5 Drainage/ Flooding:

- 8.5.1 Drainage is a material consideration in the assessment of a planning application and the application site is located within a defined flood zone. Accordingly, LDP Policy SP3 and PPW states that development should not have an adverse impact upon flooding on or off site. Whilst the proposal could allow for a significant amount of additional hard surface to be constructed onsite without the need for planning consent, given the surroundings it is not considered that any harm would rise to a level that would warrant the refusal of planning consent on these grounds.

8.6 Biodiversity:

- 8.6.1 The application site is located with the Gwent Levels SSSI where PPW outlines that development which is not necessary for the management of the site must be avoided as a matter of principle to ensure that the sites can continue to fulfil their role at the heart of resilient ecological networks. However, PPW provides a number of exceptions to this in-principle objection including the alteration or extension to existing dwellings, therefore no in-principle objection is raised to the removal of the condition in this respect.

8.7 Other Issues

- 8.7.1 The application site is located within the undeveloped coastal zone, however as the dwelling is existing no conflict between Planning Policy and the proposed development has been identified.

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 application site is subject to a number of designations therefore resulting in the application site being highly sensitive. Given the scale of the existing dwelling and its curtilage within such a sensitive location the Local Planning Authority considers that the removal of condition 5 that would un-restrict permitted development rights on site could result in a significant level of harm to the character and appearance of the Countryside and the Special Landscape Area with the potential to undermine the purpose of the Green Wedge. The proposal is contrary to LDP Policies SP5, SP7, SP8 and H13 and the requirements of Planning Policy Wales 12.

11 DECISION

REFUSED

01 The removal of Condition 5 of Planning Consent 10/1120 is unjustified and would reduce control to future development to what is a replacement dwelling subject to the requirements of Policy H12 and so would result in a significant level of harm, namely adversely impact upon the open rural character of the designated green wedge, to the detriment of the character of the Countryside and Special Landscape Area contrary to LDP Policies SP5, SP7, SP8 and H13 of the Newport Local Development Plan 2011-26 adopted January 2015 and the requirements of Planning Policy Wales 12.

NOTE TO APPLICANT

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

02 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.