

Planning Statement Including Green Infrastructure Statement

**IN SUPPORT OF A SUBMISSION UNDER SECTION
73A OF THE TOWN AND COUNTRY PLANNING
ACT 1990 FOR MINOR ALTERATIONS TO
PREVIOUSLY APPROVED SCHEME REF. 21/0865**

AT

**THE GROVE BOWDENS LANE PENHOW
NEWPORT NP26 3AA**

1.INTRODUCTION

This Planning Statement has been prepared in support of a retrospective planning application submitted under Section 73A of the Town and Country Planning Act 1990 in respect of development at The Grove, Bowdens Lane, Penhow, Newport, NP26 3AA.

The application site comprises an established residential curtilage containing the principal dwelling, associated outbuildings and ancillary garden areas. Planning permission was previously granted under reference 21/0865 for the replacement of an existing outbuilding with a detached lodge to be used as a single unit of tourist accommodation, together with associated works including improvements to the access from Bowdens Lane.

The description of development for the current application is as follows:

Section 73A application for the replacement of an existing outbuilding with a single unit for tourist accommodation and associated works including improvements to access along Bowdens Lane by relocating the existing gateway and garage.

This statement sets out the planning background to the site, describes the development as constructed, and provides an assessment of the proposals having regard to the relevant planning considerations.

The application is submitted to regularise the development as built. As outlined in Section 4 of this statement, there have been extensive discussions with the Local Planning Authority regarding the status and implementation of the previous planning permission. While this application is intended to provide certainty in respect of the development as constructed, it is submitted without prejudice to the applicant's position that planning permission ref. 21/0865 was lawfully implemented.

The submission is therefore advanced as a pragmatic and proportionate means of resolving the outstanding matters, providing planning certainty, and enabling the development to be considered and determined on its planning merits.

2. SITE AND SURROUNDINGS

The located on the western side of Bowdens Lane in the rural settlement of Penhow, within the administrative area of Newport City Council. The property is addressed as The Grove, Bowdens Lane, Penhow, Newport, NP26 3AA.

The site lies within an established rural setting characterised by dispersed residential properties, agricultural land and mature vegetation. Bowdens Lane is a narrow country lane extending south from the village of Penhow and serves a small number of dwellings and farmsteads. The surrounding area is predominantly open countryside, with a low-density pattern of development typical of the rural character of eastern Newport.

The site comprises the principal dwelling known as The Grove together with associated outbuildings, garden areas and established access arrangements. The property occupies a generous plot set back from Bowdens Lane and is enclosed by mature landscaping and established boundary treatments, which provide a strong degree of visual containment.

Vehicular access is taken directly from Bowdens Lane via an existing entrance serving the dwelling and associated structures. The site benefits from an established lawful residential use and associated infrastructure.

The Grove is a former cottage that was historically subdivided to form two semi-detached dwellings. Within the residential curtilage, to the north-east of the principal dwelling, an existing outbuilding was demolished and replaced under planning permission ref. 21/0865 with a detached lodge approved for use as a single unit of tourist accommodation.

The lodge is located wholly within the established residential curtilage and occupies the position approved under the original planning permission.

3. PLANNING HISTORY

21/0783	CERTIFICATE OF LAWFULNESS FOR EXISTING USE OF LAND AS C3 (RESIDENTIAL)	Granted
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A lawful development certificate (ref no.21/0783) was approved at the site confirming that the land that occupies the existing outbuilding, to the northeast of The Grove, has had a continuous residential use for 10 years prior to the submission of the application and is therefore lawful.

21/0865	REPLACEMENT OF AN EXISTING OUTBUILDING WITH A SINGLE UNIT FOR TOURIST ACCOMODATION AND ASSOCIATED WORKS INCLUDING IMPROVEMENTS TO ACCESS ALONG BOWDENS LANE BY RELOCATING THE EXISTING GATEWAY AND GARAGE	Granted
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Planning permission (ref. 21/0865) was granted for the construction of a detached lodge for tourism accommodation, alongside associated works including access improvements and other ancillary development within the site.

The permission was subject to a number of conditions, including pre-commencement conditions (which were discharged), and conditions controlling occupation and use of the building.

Material operations were subsequently undertaken, and the lodge has been constructed and is substantially complete, however there are outstanding variations from the plans that are proposed to be regularised via this S73a application.

26/0010	DEMOLITION OF AN EXISTING SEMI-DETACHED DWELLING AND CONSTRUCTION OF A REPLACEMENT TWO-STOREY DETACHED DWELLING, TOGETHER WITH ASSOCIATED WORKS AND USE OF DETACHED HOLIDAY ACCOMMODATION OUTBUILDING AS PRIMARY RESIDENCE FOR DURATION OF CONSTRUCTION PERIOD	Awaiting Decision
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This application is currently pending decision, subject to the outcome of the S73a application enclosed. The proposed works subject to 26/0010 include the temporary occupation of the holiday accommodation during the construction works, and therefore cannot be determined until such time the outstanding minor deviations from permission 21/0865 have been regularised. We continue to work with the authority to agree an appropriate extension of time to allow for the determination of the S73a application prior to progressing the broader application for the replacement dwelling.

4.BACKGROUND AND CONTEXT

During the consideration of the pending application for a replacement dwelling (ref. 26/0010), the Local Planning Authority identified that the lodge approved under planning permission 21/0865 had been occupied for a temporary period as the applicant's primary residence. At that time, the main dwelling was in a dilapidated condition and was not considered suitable for continued occupation. The Authority also noted that certain access works required pursuant to a prior-to-occupation condition had only been partially completed.

Throughout this temporary period, the lodge was occupied solely by the applicant and there was no intensification in the use of the site or of the access beyond that associated with the existing lawful residential use of the property. As such, the temporary occupation did not give rise to any material change in highway conditions or any other adverse planning impacts.

The applicant engaged constructively with the Local Planning Authority and its enforcement team and took prompt steps to regularise the position. The unauthorised occupation ceased, the applicant returned to the main dwelling, and works to complete the remaining access requirements were commenced. The development is therefore now understood to be compliant with the relevant planning conditions.

In the course of discussions regarding application 26/0010, the Authority initially indicated that planning permission 21/0865 had not have been lawfully implemented, with earlier correspondence focusing primarily on the temporary breach of occupation-related conditions and the outstanding access works as the driver for this interpretation.

The applicant's position was, and remains, that these conditions regulate occupation and ongoing compliance rather than the lawful commencement of development, and therefore do not prevent the implementation of planning permission. Material operations were undertaken

following the discharge of all relevant pre-commencement conditions, and the applicant continues to maintain that planning permission 21/0865 has been lawfully implemented.

Following subsequent discussions and a detailed inspection of the development by the Authority's enforcement officers, further consideration has been given to whether the development as constructed differs from the approved plans. In particular, the Authority has indicated that the identified variations are such that they may not be appropriately addressed through the non-material amendment process, and that a retrospective planning application may be required.

While the applicant considers the variations from the approved scheme to be minor in nature and recognises that there is a difference in interpretation on this point, this application is submitted without prejudice to the applicant's position that planning permission 21/0865 was lawfully implemented. The application is advanced as a pragmatic and proportionate means of regularising the development as built and providing certainty as to the planning status of the development so that related planning matters may be progressed in a clear and efficient manner.

5. PROPOSED DEVELOPMENT (AS BUILT)

The application seeks retrospective planning permission for the lodge as constructed. The development closely reflects the approved scheme, with only minor deviations as outlined below. Following the enforcement site inspection, the variations from the approved scheme are identified by the Authority as below:

- Alterations to window and door locations
- Amended internal layout
- Siting of Lodge
- Scale of Lodge
- Scale of Garage
- Partial completion of Access (Condition No. 3 21/0865)
- Landscaping and Planting
- Ancillary Works

The following section will address these variations from the original consent and will clarify the as built details of the lodge and garage.

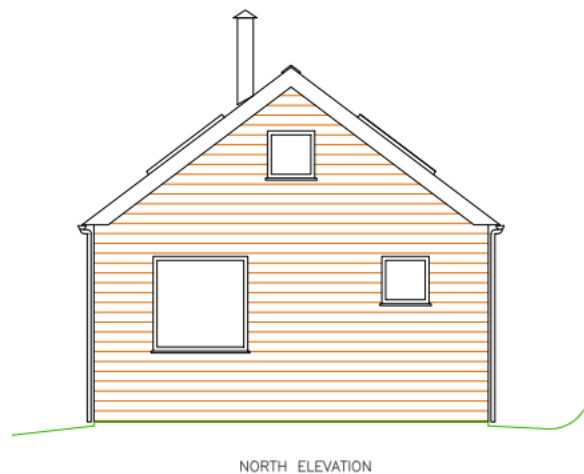
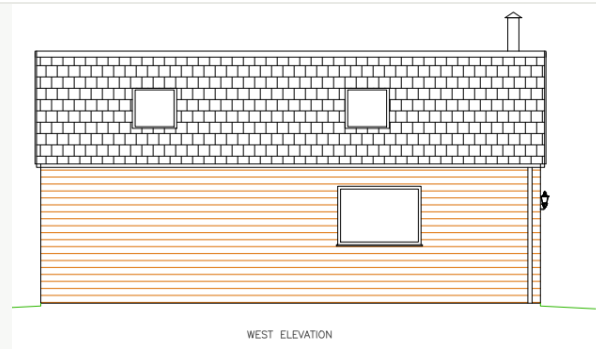
Alterations to window and door locations

The applicant acknowledges that the windows and doors have been altered from the original approved proposals. Following commencement of construction and the laying of foundations in accordance with planning permission 21/0865, it was determined that minor amendments to the fenestration layout would better suit the internal arrangement and overall functionality of the lodge.

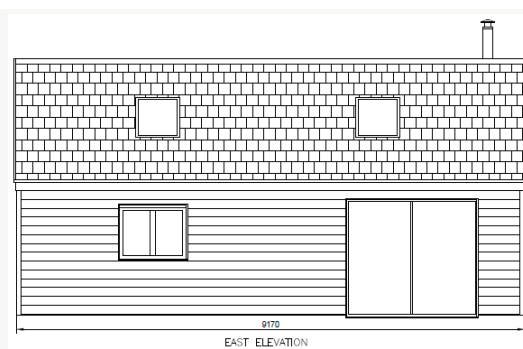
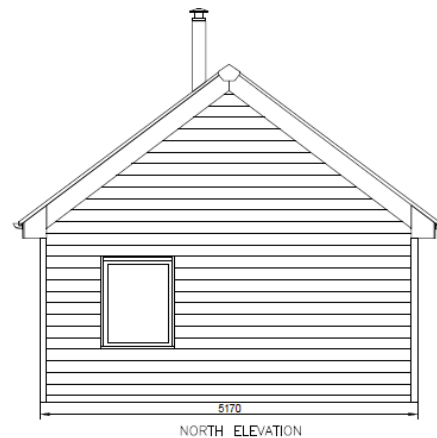
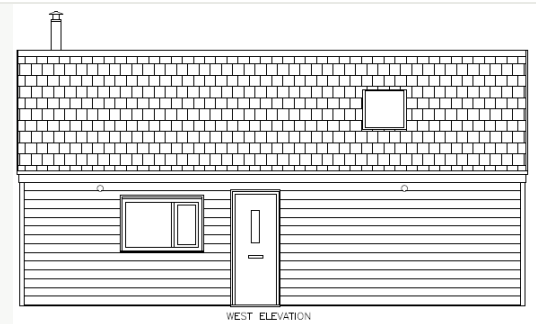
In practical terms, the window arrangement has been effectively mirrored, with a net reduction of two openings through the omission of one rooflight and one gable window. The remaining windows and doors have been subject to minor repositioning only, with no increase in their overall dimensions.

For ease of comparison, extracts of the approved plans and the as-built elevations are included below.

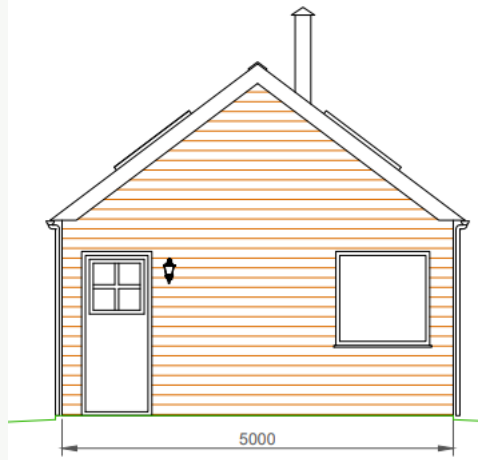
Approved 21/0865



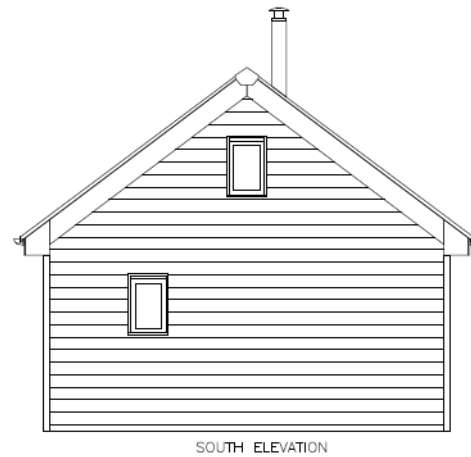
As Built (S73a)



Approved 21/0865



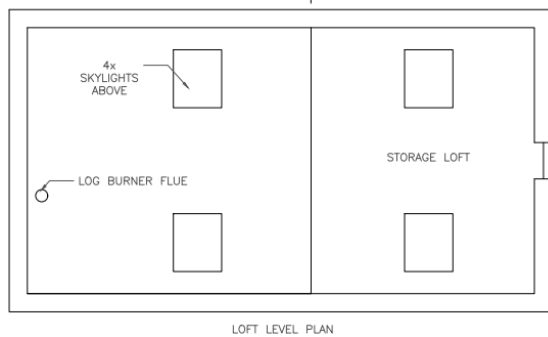
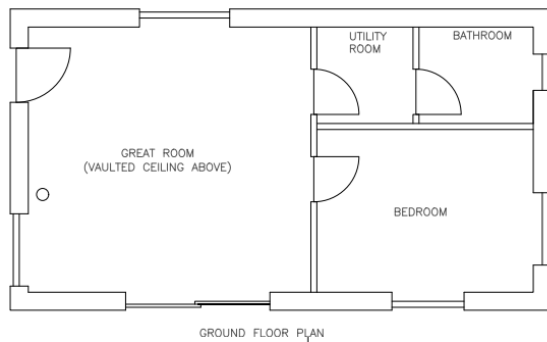
As Built (S73a)



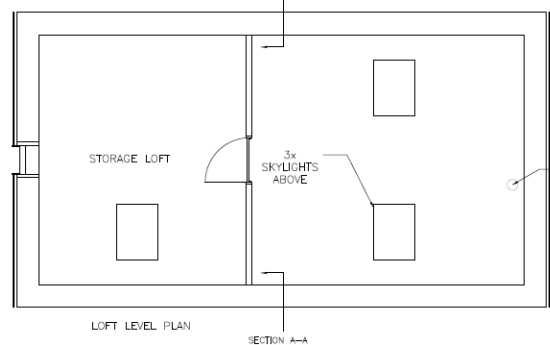
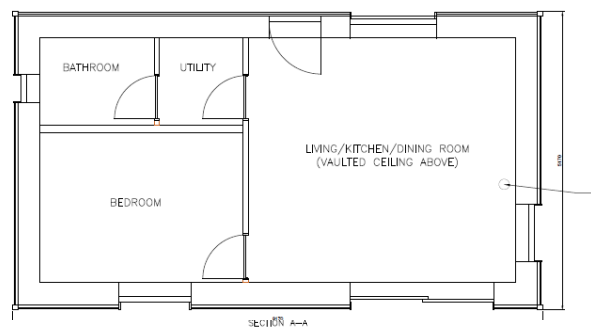
Internal Layout

Minor alterations to the internal configuration of the lodge, with no change to its overall function or use.

Approved 21/0865



As Built (S73a)



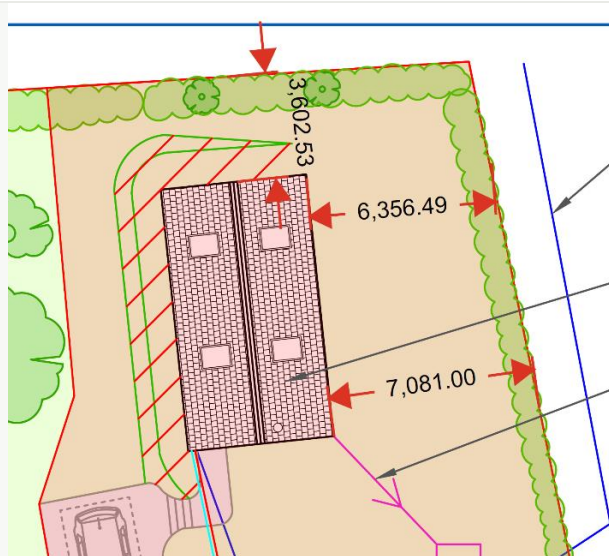
Siting of Lodge

The Authority has indicated that the enforcement site visit identified the lodge as being positioned differently from that shown on the approved plans. However, following further review and the preparation of the as-built survey drawings, any variation in position is limited and de minimis in nature. Such minor discrepancies are likely to reflect slight differences in the location of features rather than any material change to the approved siting.

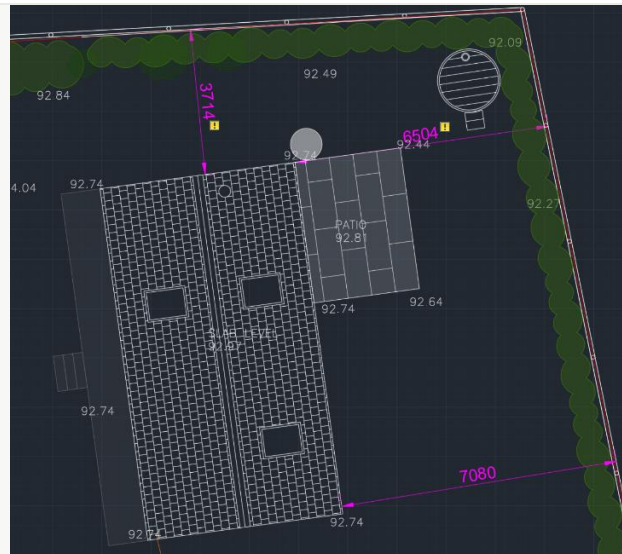
The lodge is therefore considered to occupy substantially the same position as that approved under planning permission 21/0865. The as-built drawings include these minor variations for completeness.

Extracts from the approved and as-built plans are provided below for ease of reference.

Approved 21/0865



As Built (S73a)



Scale of Lodge

The as-built plans submitted as part of this Section 73A application indicate a marginal increase in the external dimensions of the lodge of approximately 170mm on each elevation. This increase arises solely from the installation of external cladding to the outer face of the approved blockwork walls.

The foundations and structural blockwork were constructed in accordance with planning permission ref. 21/0865, and the apparent increase in overall dimensions reflects the thickness

of the external cladding rather than any intentional enlargement of the building. The internal dimensions and usable floor area remain substantially as originally approved.

Accordingly, the variation is attributable to construction detailing only and does not result in any material increase in the scale, footprint or massing of the lodge.

A photograph of the completed lodge is included below for ease of reference and illustrates the depth of the external cladding at the base of the walls.



Scale of the Garage

Following the site inspection undertaken by the Authority's Enforcement Team, the applicant was advised that measurements taken on site indicated a modest increase in the size of the garage, namely approximately 300mm on the east elevation and approximately 390mm on the south elevation.

Subsequent review of the approved plans has confirmed that the south elevation was originally approved at 5,600mm in length. On this basis, the as-built structure is approximately 175mm larger on this elevation, rather than the 390mm increase initially identified by the Authority. These dimensions are accurately reflected in the as-built drawings submitted as part of this application.

The garage has been constructed with a natural stone finish in accordance with the original planning permission and remains consistent with the approved design and appearance.

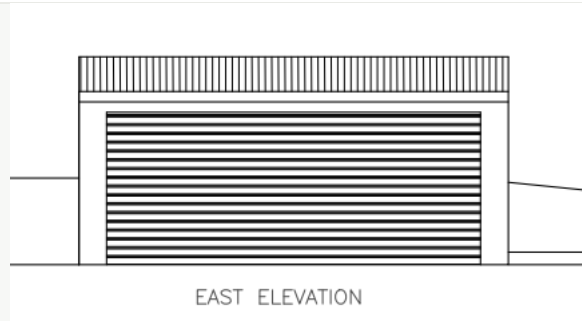
The Authority also noted a variation in the height of the southern elevation, with the front eaves height measuring approximately 2.70m compared with the approved dimension of 2.99m. This difference is considered to arise from localised variations in ground level. Measured from the highest point of the finished slab level, the structure has been constructed to approximately 2.98m and is therefore materially consistent with the approved height.

In addition, although not specifically identified by the Authority during the inspection, the position of the garage door on the southern elevation has been adjusted slightly along the same elevation. This alteration does not affect the scale, design or function of the building.

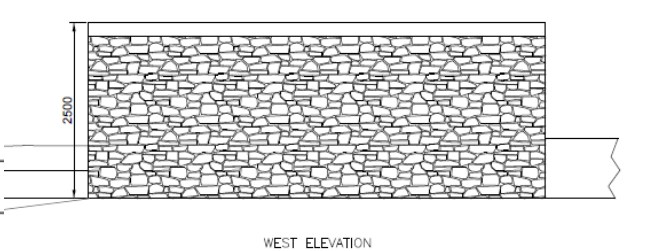
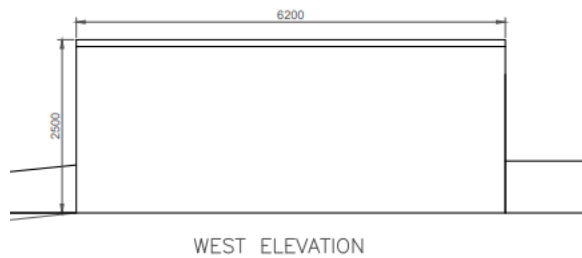
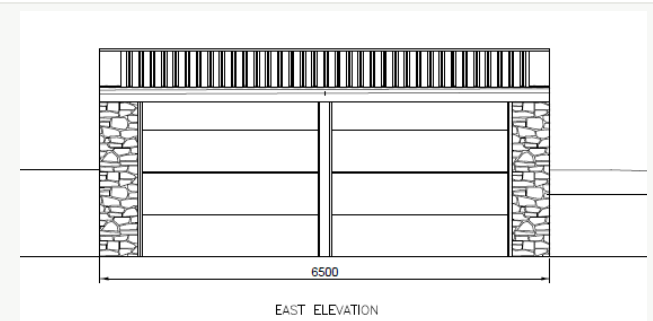
Taken together, the identified changes comprise only minor dimensional and positional adjustments and do not materially alter the appearance or operation of the garage. Importantly, they do not prejudice the approved visibility splays or the intended access improvements, as the relationship between the structure and the highway remains as originally approved.

Extracts of the approved and as-built plans are provided below for ease of reference.

Approved 21/0865

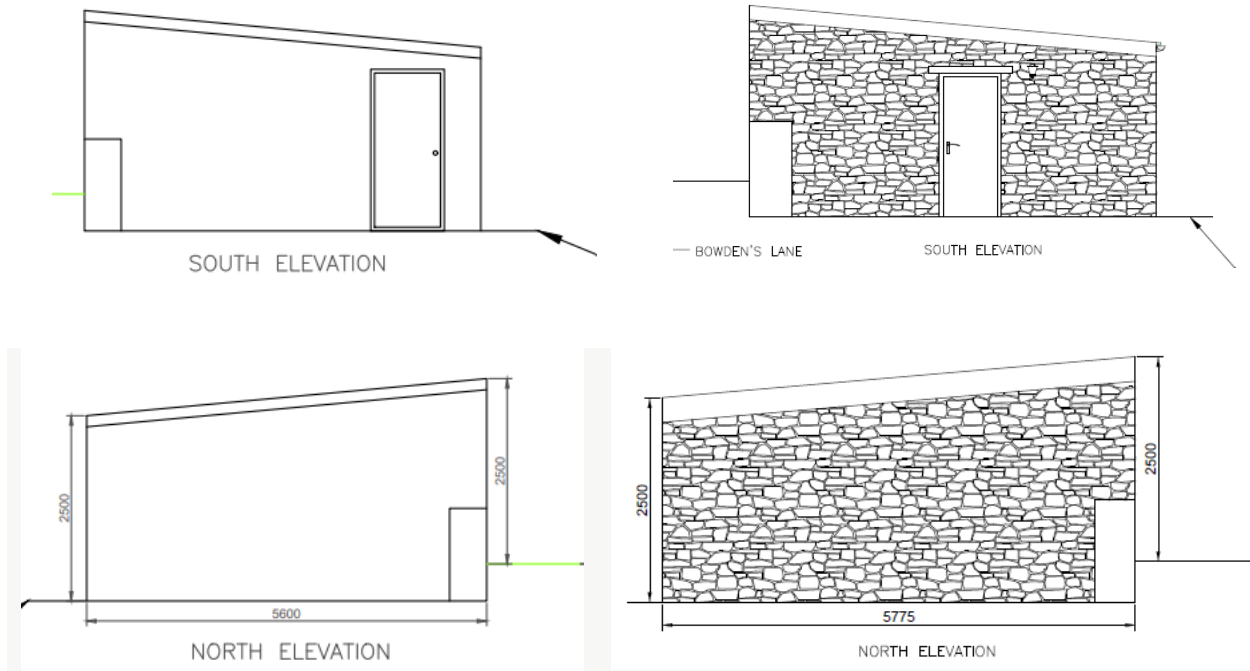


As Built (S73a)



Approved 21/0865

As Built (S73a)



Compliance with Condition No. 3 of 21/0865 Access

As outlined in Section 4 of this report, the applicant acknowledges that there was a temporary breach of the occupation condition and of Condition 3 of planning permission 21/0865, which requires the approved access improvements to be completed prior to occupation of the lodge. These matters were brought to the applicant's attention during the course of the Authority's investigations and have since been addressed.

The unauthorised occupation of the lodge has ceased, and the applicant has commenced works to complete the remaining access and visibility improvements in accordance with the approved plans. Photographs dated 4 May 2026 are included below to demonstrate the progress made on site towards full implementation of the approved access arrangements. It remains the applicant's clear intention to complete all outstanding works and to comply fully with the requirements of planning permission 21/0865. Updated plans are submitted as part of this Section 73A application to accurately reflect the as-built development and to provide a clear basis for the completion and ongoing control of the approved access works.



Landscaping and Planting

The original planning permission included a comprehensive landscaping scheme, supported by detailed planting plans and a planting schedule. The implementation of these works was secured by Condition 4 of planning permission 21/0865.

The landscaping associated with the approved development has been substantially implemented in accordance with the approved scheme and the requirements of the condition. The only outstanding element comprises two Magnolia trees to be planted to the west of the principal dwelling.

These magnolia trees were not planted at the time of the original works because the approved access improvements and associated wall realignment needed to be undertaken first to ensure that the final planting positions could be established accurately and without risk of disturbance.

As the access works are now progressing, the two remaining Magnolia trees will be planted in accordance with the original approved landscaping proposals.

The plans submitted as part of this Section 73A application include updated landscaping drawings which identify both the planting already undertaken and the remaining proposed works, thereby providing a clear mechanism for the completion and ongoing control of the approved landscaping scheme.

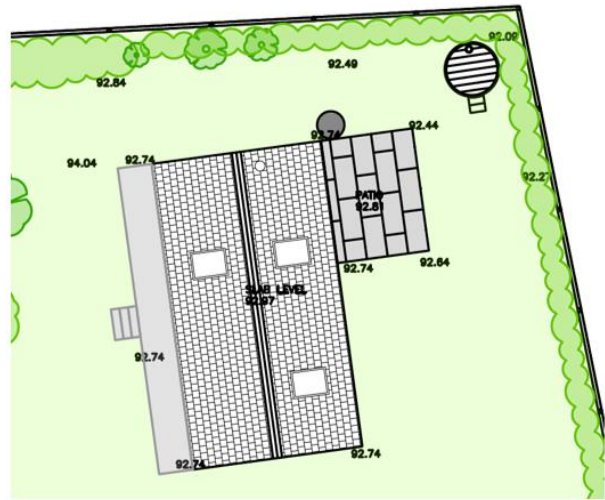
Photographs of the planting completed on site in accordance with the original permission are included below for ease of reference.



Ancillary works

Following the completion of the lodge, some minor ancillary works were completed and are included in this application for the purpose of completeness. These include a small patio located outside of the eastern sliding door, and a wood fired hot tub located in the northeast corner of the site. These are included on the as build plans for completeness.

I have included a GA below for ease of reference, along with photos.



6.ASSESSMENT

Materiality of Changes

The principal issue for consideration is whether the development as constructed results in a form of development that is materially different from that originally approved under planning permission 21/0865.

It is considered that the variations identified are minor in nature and do not alter the fundamental characteristics of the approved scheme. The development remains substantially consistent with the original permission in terms of its siting, scale, massing and overall form.

The changes relate primarily to construction detailing, internal layout adjustments and minor amendments to the position and number of openings. Individually and cumulatively, these variations do not give rise to any materially different planning effects from those previously assessed and found acceptable by the Local Planning Authority.

Scale, Design and Appearance

The lodge retains the same footprint, height and overall form as originally approved. The modest increase in external dimensions arises solely from the thickness of the external cladding and does not result in any material change to the scale, massing or visual presence of the building.

The repositioning of certain windows and doors, together with the overall reduction in the number of openings, does not give rise to any adverse visual effects. On the contrary, the reduction in openings results in a slightly simpler external appearance. The overall design approach, architectural character and appearance of the lodge therefore remain fully consistent with the scheme approved under planning permission 21/0865.

Residential Amenity

The development as built does not give rise to any additional impacts in terms of overlooking, overbearing effects, or loss of privacy. The repositioning of openings does not materially alter the relationship with neighbouring properties. There are no nearby residential receptors within close proximity to the lodge, and therefore no third parties are adversely affected by the minor amendments.

In addition, the reduction in the overall number of openings is considered neutral and may be marginally beneficial in amenity terms when compared with the approved scheme.

Use and Function

The use of the building remains as approved. The temporary breach of occupation-related conditions has now been fully resolved and does not represent an ongoing planning issue.

Matters relating to occupation are controlled through planning conditions and are separate from the assessment of the physical development. The original planning permission appropriately controlled occupation, and any subsequent determination of this Section 73A application can similarly secure and manage occupation through suitably worded conditions.

Policy Compliance

The development as constructed remains consistent with the relevant policies of the development plan. The principle of development, together with its siting, scale and design, has already been established as acceptable through the original planning permission.

There have been no material changes to policy within the Newport Local Development Plan or relevant national planning policy or guidance that would alter the policy context against which the scheme is to be assessed. Accordingly, the policy position remains materially the same as at the time the original permission was granted.

The minor deviations identified do not raise any new or materially different policy considerations, nor do they result in any conflict with adopted development plan policy.

Relationship to Original Planning Assessment

The original planning permission established the acceptability of a lodge in this location, The original planning permission established the acceptability of a lodge in this location, including its siting, scale, design, and impact on the surrounding area.

The development as constructed does not alter these fundamental considerations. The minor variations do not result in any materially different impacts from those previously assessed and

found acceptable by the Local Planning Authority.

7.GREEN INFRASTRUCTURE STATEMENT

The requirement for Green Infrastructure statements (GIS) was introduced in October 2023 as part of Planning Policy Wales Edition 12 (PPW 12), and the Environment (Wales) Act 2016 Section 6 duty to show that development has a net benefit to biodiversity and green infrastructure. As the previous application was submitted prior to the introduction of this requirement, no GIS was included.

Key to the incorporation of GIS is that to be proportionate to the scale and nature of the development, and in the case of minor development such as householder applications, PPW12 states that this should not be an onerous requirement for applicants but must demonstrate how the 'Step-wise Approach' has been applied as detailed in PPW12 section 6.4.11 – 6.4.16.

This Green Infrastructure Statement has been prepared in support of the retrospective Section 73A application relating to the lodge at The Grove, Bowdens Lane, Penhow. The purpose of the statement is to demonstrate how the development has retained and protected the site's existing green infrastructure assets while delivering a range of planting and biodiversity enhancements.

The statement has been prepared in accordance with the principles of the step-wise approach advocated by Welsh Government and demonstrates that the development conserves and enhances green infrastructure in a manner proportionate to the scale and nature of the proposal.

Existing Green Infrastructure

A comprehensive arboricultural impact assessment was undertaken as part of the original planning application. This assessment identified the established trees within the site, which represent the principal green infrastructure assets and make an important contribution to landscape character, visual amenity, habitat provision and ecological connectivity.

In addition to the existing tree stock, the site comprises predominantly managed grassland and established boundary hedgerows, particularly along the highway frontage and around the site perimeter. Together, these features form a robust and well-established green infrastructure network within the residential curtilage.

Protection of Existing Features

The development was designed and implemented to retain and protect all significant existing vegetation.

Tree protection fencing and root protection measures were installed in accordance with the recommendations of the arboricultural impact assessment and were maintained throughout the construction period to safeguard retained trees.

A short section of existing hedgerow was translocated within the site to accommodate the approved layout. This ensured that the hedgerow was retained and successfully re-established rather than permanently lost.

New Planting and Landscape Enhancements

The development has incorporated substantial additional planting to strengthen the site's landscape structure and ecological value.

Extensive new native hedgerows have been planted along the northern and western boundaries. These comprise a mix of native hedging at a density of least five plants per linear metre. This planting enhances habitat connectivity, improves screening and provides a valuable source of food and shelter for wildlife.

Additional tree planting has also been undertaken within the site, comprising:

- Two Pear trees;
- Two Apple trees; and
- Two Magnolia trees (proposed).

These trees contribute to visual amenity and provide seasonal blossom, fruit and habitat resources that will increase in value over time.

Biodiversity Enhancements

A number of targeted biodiversity enhancement measures are proposed in accordance with the ecological recommendations prepared for the original development.

These include:

- Placement of hedgehog boxes beneath boundary hedgerows to provide refuge opportunities for European hedgehog;
- Installation of a bee hotel constructed from bamboo or hollow plant stems in a suitable south-facing location; and
- Installation of a house sparrow nest box or terrace on the northern elevation to provide nesting opportunities for House sparrow.

These measures will provide additional nesting, roosting and foraging opportunities and will contribute to a measurable enhancement in biodiversity.

GIS summary

The development has retained existing trees and the established boundary hedgerows, with no loss of significant green infrastructure assets. Tree protection measures were implemented throughout construction, and a short section of hedgerow was successfully translocated within the site.

In addition, extensive new native hedgerow planting, six new fruit and ornamental trees, and a range of targeted biodiversity enhancements have been incorporated into the development.

Accordingly, the proposal follows the principles of the Welsh Government step-wise approach by first identifying and protecting existing green infrastructure assets and then delivering meaningful landscape and ecological enhancements. The development therefore results in a clear and positive enhancement to the site's green infrastructure network and overall biodiversity value.

8.CONCLUSION

This application, submitted under Section 73A of the Town and Country Planning Act 1990, seeks to regularise the lodge and associated works as constructed at The Grove, Bowdens Lane, Penhow.

Planning permission ref. 21/0865 established the principle of a detached lodge for tourist accommodation in this location, together with associated access and landscaping works. The development as constructed remains substantially in accordance with that permission, with only minor variations relating to window and door arrangements, limited internal layout adjustments, and minor dimensional differences arising from construction detailing, together with small adjustments to the garage and ancillary works.

These variations do not alter the fundamental siting, scale, massing, design or function of the development, and do not result in any materially different planning impacts from those previously assessed and found acceptable. The development therefore remains consistent with the planning balance established under the original consent and with the relevant policies of the adopted development plan and national planning policy.

The temporary occupation of the lodge has been fully addressed and the development is now compliant with the relevant planning conditions. No ongoing operational or land use issues remain that would prevent regularisation of the development.

The submitted Green Infrastructure Statement demonstrates that the development has retained existing trees and boundary hedgerows and has delivered additional planting and biodiversity enhancements, resulting in a net ecological benefit in accordance with Planning Policy Wales and Section 6 of the Environment (Wales) Act 2016.

In planning terms, the development is considered acceptable and results in no material harm to visual amenity, residential amenity, highway safety, landscape character or biodiversity.

Accordingly, it is respectfully requested that planning permission be granted under Section 73A of the Town and Country Planning Act 1990 to regularise the development as constructed.