

Delegated Decision Report

Application No:	25/0637	Statutory Period Expires:	3rd October 2025
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Site:	Castle Farm Bishton Road Bishton Newport NP18 2DZ		
Proposal:	PARTIAL DISCHARGE OF CONDITION 03 (BIO DIVERSITY ENHANCEMENT) OF APPEAL DECISION CAS-03471-R5M2D1 ERECTION OF A BUILDING FOR THE PURPOSE OF HOUSING VENDING MACHINES FOR THE SALE OF MILK AND MILKSHAKES		
Applicant:	M Webber		
Type:	Discharge Conditions	Ward:	Bishton And Langstone
Decision:	APPROVED		

1. BACKGROUND

- 1.1 A Lawful Development Certificate for the erection of an outbuilding for use as a milk vending machine and farm shop as part of Castle Farm agricultural business was refused under application ref.23/0844 in November 2023. Despite the refusal, the outbuilding continued to operate vending machines for the sale of milk and milkshakes. An enforcement notice was issued in May 2024.
- 1.2 The Enforcement Notice was appealed (ref.CAS-03471-R5M2D1) and subsequently, planning permission was granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended, for the above development subject to the conditions.

2. SITE LOCATION AND CONTEXT

- 2.1 Castle Farm is located immediately to the north of the settlement of Bishton, is located within the Electoral Ward of Llanwern and is located approximately 185 metres from the edge of the settlement boundary of Bishton village. The farmstead comprises the Farmhouse, two large animal barns, a further small barn, and a shed which houses a milk vending machine. A large, chicken shed is also located approximately 260m to the northeast of the Farmhouse. Castle Farm comprises a mixture of arable, poultry and dairy farming. The Farmstead is bound to the north and west by open fields, and to the east by a small number of residential properties, notably the Byre, the Windsong Barn, Long Barn and The Old Granary. These were originally agricultural buildings associated with Castle Farm, prior to their conversion to residential in 2004 under full planning reference 20/0402.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 This application seeks to partially discharge condition 3 (Biodiversity Enhancement) of appeal ref.CAS-03471-R5M2D1. Condition 3 reads:

"A scheme for biodiversity enhancement (including implementation) shall be submitted for approval to the local planning authority within 2 months of the date of this decision. The scheme shall be implemented in accordance with the approved details.

Reason: In the interests of maintaining and enhancing biodiversity, in accordance with Future Wales Policy 9"

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
23/0844	EXISTING LAWFUL DEVELOPMENT CERTIFICATE FOR USE OF MILK VENDING MACHINE AND FARM SHOP AS PART OF CASTLE FARM AGRICULTURAL BUSINESS	REFUSED	20.11.2023

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 9 - Resilient Ecological Networks and Green Infrastructure

5.2 PLANNING POLICY WALES (EDITION 12) 2024

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

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.

5.3 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

Policy GP5 General Development Principles – Natural Environment states that proposals should be designed to protect and encourage biodiversity and ecological connectivity and ensure there are no negative impacts on protected habitats. Proposals should not result in an unacceptable impact of water quality or the loss or reduction in quality of agricultural land (Grades 1, 2 and 3A). There should be no unacceptable impact on landscape quality and proposals should enhance the site and wider context including green infrastructure and biodiversity

6. CONSULTATION RESPONSES

6.1 ECOLOGY OFFICER

No Objection

The details are sufficient to partially discharge this condition subject to implementation in full as described.

7. PUBLIC REPRESENTATIONS

N/A

8. ASSESSMENT

8.1 1no bat box and 1no swift nest box are proposed. The specification of the swift nest box is a Vivara Pro Woodstone Swift Nest Box. Whereas the specification of the bat box is WoodStone Beaumaris Bat Box Midi. The bat box would be installed on the southern elevation of the building, positioned to benefit from maximum sunlight exposure and set at a minimum height of 3 metres. This location and specification ensure the measure is both practical and effective, in line with good practice guidance.

8.2 The details provided are commensurate with the approved scheme and sufficiently address the requirements of condition 3, pursuant to appeal ref.CAS-03471-R5M2D1. The Council's Ecology Officer has not offered any objection to a partial discharge of the condition, subject to implementation in full.

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 information submitted provides sufficient details relating to a biodiversity enhancement scheme. The information is sufficient to partially discharge condition 3 (biodiversity enhancement) of appeal ref.CAS-03471-R5M2D1.

11. **DECISION**

APPROVED

NOTE TO APPLICANT

01 This decision relates to plan Nos: Green Infrastructure Statement, Site Location Plan.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policy GP5 was relevant to the determination of this application.

03 Due to the minor nature of the proposed development (including any demolition) and the location of the proposed development, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.