

APPLICATION DETAILS

No: 26/0197 **Ward:** Bishton And Langstone

Type: Full (Major)

Expiry Date: 12th May 2026

Applicant: R & J Gill

Site: Penhow Film Studios Old Turnpike Road Llanvaches Newport South Wales

Proposal: **CHANGE OF USE TO COMMERCIAL DOG WALKING FIELD AND ASSOCIATED WORKS**

Recommendation: **Granted With Conditions**

1. INTRODUCTION

- 1.1 This application seeks retrospective full planning permission for the change of use of agricultural land to a dog walking field (sui generis) and retention of a hard standing area. The site is located in the Bishton and Langstone ward. The application has been submitted following an ongoing enforcement investigation.
- 1.2 The application is being reported to Planning Committee as it comprises major development as the site area exceeds 1Ha.

2. RELEVANT SITE HISTORY

- 2.1 The proposed dog walking field would operate alongside an existing dog day care centre on the site. Although there is no recorded planning history for the day care use, it appears to have been operating continuously for over 10 years and is considered to be well established.

3. POLICY CONTEXT

- 3.1 **The Newport Local Development Plan (NLDP) 2011-2026 (Adopted January 2015)**
Policies SP1 (Sustainability), SP5 (Countryside), SP8 (Special Landscape Areas), SP9 (Conservation of the Natural, Historic and Built Environment), GP2 (General Amenity), GP4 (Highway Safety and Accessibility), GP5 (General Amenity), GP6 (Quality of Design), GP7 (Environmental Protection and Public Health), of the Newport Local Development Plan 2011-2026 (adopted January 2015) are relevant to the determination of this application
- 3.2 **Future Wales: The National Plan 2040**
Policy 9 Resilient Ecological Networks and Green Infrastructure) states that in all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals through innovative, nature-based approaches to site planning and the design of the built environ.
- 3.3 **Planning Policy Wales 12**
Paragraph 3.58 states that Agricultural land of grades 1, 2 and 3a of the Agricultural Land Classification system (ALC) is the best and most versatile, and should be conserved as a finite resource for the future.

Paragraph 3.59 goes on to state that Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations.

4. CONSULTATIONS

- 4.1 None.

5. INTERNAL COUNCIL ADVICE

5.1 **Ecology Officer:** No comments received

5.2 **Landscape Officer:**

May 2026

Recommendations made in March have been followed up by submission of photos, this shows all elements including 1.8m fence and gravel path are retrospective. The Tree Survey by TDA confirms crown raising was not required for the fenceline. The TDA soft landscape proposals allow for tree replacement in addition to native hedge planting to soften/blend in the line of fencing and car parking along the south boundary. No further comments.

March 2026

A 1.8m high fence is proposed to the entire site boundary, although this is an imposing height in a rural location and so is not ideal, the height is becoming a standard for dog field use. Where seen by site users (as other views are generally screened) the fence would be seen against either a wooded backdrop or a new hedge which will grow on to 1.8m ie any impacts have been minimised. The need for crown raising to accommodate the fence is not covered in the applications, this may not be required but either-way needs to be confirmed. Recommendations:

1. Submission of photos to show: the car park; its surface; and gates are required.
2. Clarification on whether the path through the field should be included in the application. If yes, this should be added to the site plan and photos of the surface would be required.
3. Confirmation that the 1.8m fence will not require extensive crown raising – photos would be needed to confirm this. Note that the Tree Survey states 'All 4 no. woodlands are covered by Tree Preservation Order. Woodlands 1, 2 and 4 are located outside of the site. W3 is located within the site.'

5.3 **Public Right of Way Officer:** No comments received

5.4 **Tree Officer:** No comments received

5.5 **Environmental Health Officer:** No objection.

5.6 **Waste Manager:** No comments received

5.7 **Highways:** We are not aware of any issues arising from the current use of the field and the access is remote from highway. There appears to be sufficient space for parking and servicing, therefore there are no highway related objections.

5.8 **Principal Heritage Officer:** No objection.

6. REPRESENTATIONS

6.1 **NEIGHBOURS:**

All properties within 50m were consulted (18no. properties), a site notice displayed and a press notice published in South Wales Argus. The following positive comments were received in support of the application:

My dog already loves using the daycare facilities. I think it would be a fantastic addition for the community to use.

As someone who uses dog related facility I think that this will be a good addition for this area.

6.2 **COUNCILLORS:** Cllr Ray Mogford and Cllr William Routley were consulted. No representations were received.

6.3 **LLANVACHES COMMUNITY COUNCIL:** No objection, however requires clarification on the following points:

1. When did the land change to agricultural?
2. What safeguards are in place against future development?

7. ASSESSMENT

7.1 Site Context and Description of development

7.1 The application site comprises of an approximately 2ha parcel of land, located to the north of the Rock & Fountain public house and to the east of Perfect Pet Services. The site is located off Pike Road and approximately 140m from the junction with the A48. The site forms an irregular shaped parcel of well maintained grassland bound by existing hedgerows. The application site is currently being used as a dog walking field, however is Grade 3a Agricultural Land which is considered best and most versatile. The site falls within the countryside, Wentwood Special Landscape Area and a mineral safeguarding area. The Rock and Fountain Inn and associated building are grade II listed.

7.2 This application seeks retrospective full planning permission for the change of use of agricultural land to a dog walking field (sui generis) and retention of a hard standing area and fencing. The hard standing area measures approximately 109sqm and includes parking for up to 4no. cars. Access is gained via a gate to the south-east of the site leading to the hardstanding/parking area. The remainder of the site is enclosed with 1.8m high galvanised steel mesh fencing. A footpath has also been developed within the field and a small engineered feature is visible that appears to be an addition to add interest for dog activities.

7.3 The supporting statement accompanying the application states that the field operates as a dual-use facility, supporting the existing dog day care close by (but not part of this application) and being available for public hire. Bookings are managed online in 50-55 minutes sessions, with a 10-minute interval between users. A maximum of four cars and up to 12 dogs are permitted on site at any one time, including day care use. Access is controlled via a secure gated entry with coded access. The site operates during daylight hours only, with seasonal variation (approximately 6am–9pm in summer), and is available to the public when not in use by the day care, which typically occupies the field for around three hours per day. A full-time member of staff oversees bookings, site management, and daily maintenance, including waste management and security checks, supported by a part-time employee responsible for landscaping upkeep. Bookings are taken online only with last Summertime booking at 8pm for 55 minutes.

7.2 Principle of the Proposed Development

7.2.1 Policy SP5 confirms that *“Development in the countryside 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.”* Given its nature, it is considered that the proposed development represents an appropriate use within the countryside. The site represents a parcel of enclosed land which benefits from some existing screening from established vegetation and hedgerows. The development does not demonstrably harm the open and rural character of the location and the physical elements of the use would be limited mainly to the fencing and parking area. The visual effect of these is softened by existing and proposed landscaping and the works do not appear unduly prominent in their setting.

7.2.2 The site is located within Grade 3a Agricultural Land Classification. Planning Policy Wales (Edition 12) states that *“Agricultural land of grades 1, 2 and 3a of the Agricultural Land Classification system (ALC)16 is the best and most versatile, and should be conserved as a finite resource for the future. When considering the search sequence and in development plan policies and development management decisions considerable weight should be given to protecting such land from development, because of its special importance. Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations.”*

7.2.3 The planning statement accompanying the submission states that the field will remain a field and the proposed activity would not result in the removal or excavation of soils. Aerial footage shows that the site has not been used for agricultural purposes for some time. A recent appeal decision at Church Farm (ref. CAS-04703-L3C4W2) allowed for a dog walking field to be used on Grade 2 Agricultural Land, as there was no evidence to suggest that the proposal would affect soil structure, drainage or quality, either physically or chemically. As such, the land could be returned to agricultural use in the future if required. This current application is comparable to the application at Church Farm. The field appears as mown grass with limited permanent infrastructure required to support the use. Although policy SP1 of the Newport Local Development Plan (LDP) does not explicitly mention agricultural land quality, it states that proposals will be assessed as to their potential contribution to conserving and ensuring the efficient use of resources. Policy GP5 is more specific in referring to high quality agricultural land in Grades 1, 2 and 3a. These LDP policies are in general accordance with the 'ecosystems services' aim of Future Wales policy 9, and with Planning Policy Wales (PPW) which states that land of ALC grades 1, 2 and 3a is the best and most versatile and should be conserved as a finite resource for the future. PPW adds that such land should only be developed if there is an overriding need for the development, and where other specific factors outweigh the agricultural considerations. Other than the perimeter fencing and hardstanding including path, the latter of which is modest in size, the development primarily relates to a change of use in the land. Rather than referring to the use of BMV land, the wording of LDP policy GP5 instead seeks to avoid a loss or reduction in its quality. PPW aims are to conserve BMV land for the future. Whilst Technical Advice Note (TAN) 6 'Planning for Sustainable Rural Communities' says that the return of agricultural land to BMV land is seldom practicable after it has been developed, there is no evidence that this development would fundamentally alter soil profiles or drainage in a way that would make its return to productive agricultural use (should the dog walking use cease) unachievable. Given the low intensity of the development, it is not considered that the proposed use would result in a harmful loss or reduction in agricultural land quality, and therefore a refusal on this basis would not be justified.

7.2.4 Whilst there is little compelling evidence that the need for the use is essential, there is evidently a current local demand for such a facility particularly as associated with an established related use. The site does not appear to form part of a larger productive farming operation but is rather associated with a separate commercial pet related operation located closeby. The applicant does not make a case of farm diversification but argues that *the field will remain a field with the proposed activity being the only change whilst not requiring any excavation or removal of soils. Should the operation of the dog field ever cease then the land could easily be farmed for arable or pastoral use, or the grazing of horses.* The operational development, notably the fencing and hardsurfacing would constrain this future use to a degree and a condition to restore the site to enable beneficial agricultural use in the future is necessary. Such restoration conditions are allowed under the Planning Act and in this case a restoration condition is considered justified. The quality of land is BMV and therefore when a non-agricultural use of land ceases, a planning condition that removes any permanent structures/buildings associated with the non agricultural use is legitimate and will help facilitate its return to agriculture. It will need to include removal of any infrastructure that impedes future agricultural operations.

7.3 Visual Amenity

7.3.1 The application site lies within the Wentwood Special Landscape Area. Policy SP8 requires proposals to positively contribute to the area through high-quality design, appropriate materials, and management schemes that demonstrate a clear appreciation of its special characteristics. The site is also located in proximity to The Rock and Fountain Inn and the Former Stables at the Rock and Fountain Inn, both Grade II listed buildings, and therefore consideration has been given to the potential impact of the proposal on these heritage assets.

7.3.2 The proposal includes the installation of a 1.8m-high galvanised mesh fence to enclose the field. It is recognised that a secure boundary treatment is necessary for this type of use, and the fence would run alongside the existing hedgerow and natural boundary features. While a fence of this nature would not typically be encouraged, we know from other uses of this type that it is essential to serve the use. The site occupies an elevated position and is

not highly visible from the public realm or the adjacent highway. Furthermore, the open mesh design allows views through the structure, reducing its visual impact. As such, the fencing is not considered to be unduly obtrusive. The site is well-screened by vegetation and no associated paraphernalia such as agility equipment is proposed. The development is generally considered to be 'light touch' and would not result in an adverse impact on the countryside.

7.3.3 The Council's Landscape Officer has raised no objection to the scheme, and additional native hedgerow planting is proposed to soften the appearance of the fence, which can be secured by condition.

7.3.4 Overall, given the limited visibility of the development, the proposal would not demonstrably and adversely affect the character of the Special Landscape Area, the openness of the countryside, or the setting of nearby heritage assets, in accordance with Policies SP5, SP8, GP6, and SP9.

7.4 **Residential Amenity**

7.4.1 In terms of amenity, the nearest residential property is Rock View, located approximately 162 metres to the east of the site boundary. Additional residential properties are situated to the south, separated from the application site by the A48. Consideration has been given to the potential for noise and the overall impact on neighbouring occupiers. While it is acknowledged that dog barking has the potential to cause disturbance, it should be noted that there is already an established dog daycare business nearby, the Rock and Fountain Inn and a working farm in the area, all of which are sources of existing noise. In addition, the A48 contributes a significant level of background traffic noise. The number of dogs permitted per booking would be restricted to 12 spread across an approximate 2ha area, no part of which is adjoined by domestic garden areas, and vehicles are limited to a maximum of four on site at any time. The Planning Statement confirms that no external lighting is proposed, which is welcomed. A condition will be added to control hours of operation to ensure minimal impact on neighbouring occupiers. These are confirmed as follows:
Between 1st April and 31st October: 06:00 to 21:00 Monday to Sunday including Bank Holidays, with the last daily booking being no later than 20:00; and
Between 1st November and 31st March: 07:00 to 19:00 Monday to Sunday including Bank Holidays, with the last daily booking being no later than 18:00.

On this basis, the proposal is not considered likely to result in a detrimental impact on neighbouring occupiers, in accordance with policy GP2.

7.5 **Highways and Parking**

7.5.1 The Council's Parking Standards Supplementary Planning Guidance (SPG) does not cover this type of use. The staggered use of the dog walking field would allow for 4no. cars to access the site at any time. There is ample space to accommodate this level of parking along with the turning on the gravelled area. Access to the site will be off a gravel lane off Pike Road, via the access that currently serves the existing pet daycare facility. The access is already established and the gravel lane is not shared with any other use. The Highways Officer offers no objection to the proposal and as such the proposed development is considered to accord with policy GP4.

7.6 **Biodiversity and Trees**

7.6.1 Policy 9 of Future Wales states that in all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated. Policy SP9 of the LDP supports this and states that proposals will be expected to maintain, protect and enhance ecological networks and features of importance for biodiversity. The application is supported by a Green Infrastructure Statement. The GIS states that the existing woodland and trees provide a primary ecological habitat within the area which will be retained a part of the proposal. Additional tree planting and native hedgerow planning to soften the line of fencing and car park is proposed. It is considered that these measures are proportionate to the scheme and are acceptable. A condition will be added to secure this.

7.6.2 The application is also supported by a Preliminary Ecological Assessment. The assessment concluded that the retention of the dog walking field is unlikely to have significant impact on

protected species or habitats. There are no structures on site for roosting bats. No adverse comments have been received by the Ecology Officer. The proposal is considered to accord with policy GP5.

7.6.3 There is TPO woodland around the site, protected by TPO 02/2020. A tree survey has been undertaken to assess the condition, quality and retention value of the trees on site, located on and around the site. The report concluded that the fence would not impact on these trees. The landscape officer has offered no objection.

7.6.4 It is considered that the proposed development would not have any adverse impact on the cited landscape features and is compliant with Policy GP5 of the NLDP 2011-2026 (adopted January 2015).

7.7 **Minerals**

7.7.1 The site is located within a minerals safeguarding area and as such policy M1 is relevant to the proposal. The proposed use is not considered to prejudice the future extraction of this resource and therefore the proposal is considered acceptable in this regard.

7.8 **Other Matters**

7.8.1 Llanvaches Community Council has queried how long the land has been used for agricultural purposes and how it will be protected from future development. The lawful use of the site is currently agricultural with some evidence of this type of use on some historical aerial imagery. Should consent be granted, it is recommended that conditions be applied controlling the installation of any new movable structures and lighting in order to safeguard against future development. Any buildings for example, would require separate planning permission.

8. **OTHER CONSIDERATIONS**

8.1 ***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.

8.2 ***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.

8.3 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.

A Socio-economic Duty is also set out in the Equality Act 2010 which includes a requirement, when making strategic decisions, to pay due regard to the need to reduce the inequalities of outcome that result from socio-economic disadvantage.

8.4 The above duties have 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. There would also be no negative effects which would impact on inequalities of outcome which arise as a result of socio-economic disadvantage.

8.6 ***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.

8.7 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.

9. CONCLUSION

- 9.1 The proposed change of use of the land to secure dog walking field and associated operational development is acceptable in this particular case and compliant with the relevant Local Development Plan policy. It is recommended that planning permission is granted with conditions.

10. RECOMMENDATION

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents: Revised Site Layout, Detailed Soft Landscape Proposals, walking path location layout, and the documents entitled; Dog Walking Field, Pike Road - Pre-Development Tree Survey & Assessment, Planning Statement (by Boardman Planning Ltd), Preliminary Ecological Assessment, Landscape Specification & Management Plan, and Green Infrastructure Statement.

Reason: In the interests of clarity and to ensure the development complies with the submitted plans and documents on which this decision was based.

02 The hours of operation shall be restricted to the following:

Between 1st April and 31st October: 06:00 to 21:00 Monday to Sunday including Bank Holidays, with the last daily booking being no later than 20:00; and

Between 1st November and 31st March: 07:00 to 19:00 Monday to Sunday including Bank Holidays, with the last daily booking being no later than 18:00.

Outside of these hours the site shall be vacated and closed to the public.

Reason: In the interests of amenity, in accordance with policy GP2 of the Newport Local Development Plan 2011-2026.

03 The dog walking area hereby permitted shall be by appointment only, in accordance with the terms of the bookings set out in the document entitled 'Planning Statement' by Boardman Planning Ltd dated March 2026. Access to the field shall be limited to 4 users per 55 minutes appointment.

Reason: In the interests of amenity and highway safety, in accordance with policies GP2 and GP4 of the Newport Local Development Plan 2011-2026.

04 No lighting shall be installed unless details have first been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed in accordance with the details approved and retained in that state thereafter.

Reason: In the interests of local amenity and the natural environment in accordance with Policy SP5, SP8, SP9, GP2 and GP5 of the Newport Local Development Plan 2011-2026 (adopted January 2015).

05 The parking layout and turning area as shown on the 'Site Plan' hereby approved shall be retained as such for the lifetime of the development. Ref: CAS-04703-L3C4W2 4

Reason: In the interests of highway safety, in accordance with policy GP4 of the Newport

06 If the use of the land for the permitted purposes ceases (either permanently ceases or there is a period of continuous inactivity for a duration of 6 months or more), all operational development (including fencing, pathway and car parking) must be removed from the land in its entirety within 3 months of the cessation of the use, unless otherwise approved in writing with the Local Planning Authority.

Reason: In the interests of the character and appearance of the area, and the preservation of best and most versatile agricultural land in accordance with policies SP1, GP5 of the Newport Local Development Plan 2011-2026 and Planning Policy Wales.

07 The scheme of landscaping, tree planting and management schedule hereby approved in documents 'Landscape Specification & Management Plan' (received 12/03/2026) and 'Detailed Soft Landscape Proposals' (received 12/03/2026) shall be carried out in its entirety by a date not later than the end of the full planting season immediately following the decision date. Thereafter the trees and shrubs shall be maintained for a period of 5 years from the date of planting and any which die or are damaged shall be replaced and maintained until satisfactorily established. For the purpose of this condition, a full planting season shall mean the period from October to April.

Reason: To secure the satisfactory implementation of the proposal.

08 No moveable structures or equipment shall be installed on the land without the prior written permission of the Local Planning Authority.

Reason: In the interests of the visual amenities of the area.

NOTE TO APPLICANT

01 This decision relates to plan Nos: Drawing No. 0003-08-D02 – Location Plan; Drawing No. 0003-08-D03A – Existing Site Plan; Tree Constraints Plan; Planning Design and Access Statement

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP3, SP5, SP7, SP9, GP2, GP4, GP5, GP6, GP7, CE4, W3, T4 were relevant to the determination of this application.

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