

Delegated Decision Report

Application No:	25/0384	Statutory Period Expires:	25th July 2025
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Site:	Woodside Cottage Farm Mynydd Alltir-Fach Lane Llanvaches Newport NP26 3AZ		
Proposal:	LAWFUL DEVELOPMENT CERTIFICATE (PROPOSED) TO RE CLAD/REFURBISH/REBUILD EXISTING STABLE BLOCK AND RECLAD DUTCH BARN		
Applicant:	A Sutton		
Type:	Lawful Development Proposed	Ward:	Bishton And Langstone
Decision:	REFUSED		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 The stable block and Dutch barn form part of a collection of buildings to the east of the dwelling, Woodside Cottage Farm.

2.2 The lawful use of the land is unknown and is not being considered as part of this application.

3. DESCRIPTION OF DEVELOPMENT

3.1 The application makes reference to 'recladding/refurbishing/rebuilding' of the stable block and Dutch barn on a 'like for like' basis. With regard to the Dutch barn, the applicant advises that the existing Dutch barn contains corrugated metal walls and a metal roof. They are proposing to re-clad the walls using shiplap/wood. They are also proposing to re-roof the building in metal. Regarding the stable block, the applicant has advised that due to the current state of disrepair of the stable block, it would need to be totally rebuilt.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
20/1109	REPLACEMENT OF LIVERY BUILDINGS WITH 3NO. HOLIDAY LETS (USE CLASS C3), CONVERSION AND ALTERATION OF 1NO. RETAINED SHED TO DOMESTIC STORAGE AND ALTERATIONS AND REDUCTION IN SIZE TO 1NO. BARN TO PROVIDE 3NO. STABLES, FODDER AND BEDDING STORAGE FOR HORSES, PARKING AND GENERAL STORAGE IN ASSOCIATION WITH THE HOLIDAY LETS, STORAGE FOR DOMESTIC GARDEN EQUIPMENT AND ASSOCIATED WORKS AND LANDSCAPING (RESUBMISSION)	REFUSED – APPEAL DISMISSED	04/02/2021

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.

6. CONSULTATION RESPONSES

6.1 None.

7. PUBLIC REPRESENTATIONS

None.

8. ASSESSMENT

8.1 The lawful use of the land is not known and this application does not make reference to this. Notwithstanding this, it is worth noting that equestrian uses do not benefit from any permitted development rights. There are agricultural permitted development rights under Part 6 Agricultural Buildings and Extensions of the Town and Country Planning (General Permitted Development) Order 1995) however there is a different process for agricultural permitted development rights under part 6 through the prior notification process. The LDC does not confirm agricultural use of the land and buildings.

8.2 Section 55 Town and Country Planning Act 1990 defines development as follows:

(1) Subject to the following provisions of this section, in this Act, except where the context otherwise requires, "development," means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.

(1A) For the purposes of this Act " building operations " includes—

(a) demolition of buildings;

(b) rebuilding;

(c) structural alterations of or additions to buildings; and

(d) other operations normally undertaken by a person carrying on business as a builder.

(2) The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land—

(a) the carrying out for the maintenance, improvement or other alteration of any building of works which—

(i) affect only the interior of the building, or

(ii) do not materially affect the external appearance of the building,

and are not works for making good war damage or works begun after 5th December 1968 for the alteration of a building by providing additional space in it underground;

8.3 Regarding the stable block, as per Section 55 of The Town and Country Planning Act referenced above, rebuilding is confirmed as likely and is development that is not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (as amended). The rebuilding of the stable block requires a planning application and is not lawful.

8.4 With reference to the Dutch barn, the recladding of the walls of the barn in a different material will materially affect the external appearance of the building and is development. Any development to agricultural buildings must have regard to Part 6 of the 1995 Order. The size of any agricultural unit is not given or known. Under Class A, alteration of an

agricultural building must be subject to an application to the Local Planning Authority for a determination as to whether its prior approval is required for specified matters. Class B explicitly excludes works that materially affect the external appearance of the premises and therefore, if the building is agricultural, such works are not permitted by the Order.

- 8.5 All the works set out are not lawful and either require the prior approval of the Authority or a planning application.

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 works to the stable block and Dutch barn are development and are not lawful.

11. DECISION

REFUSED

01 The proposed works are development as defined by Section 55 of the Town and Country Planning Act and are not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (as amended). The works are not lawful.

NOTE TO APPLICANT

01 This decision relates to plan Nos: Block and Location Plan Drawing No.SD436-00B, Existing Dutch Barn Elevations Drawing No.SD436-30, Existing Dutch Barn Plan Drawing No.SD436-31 and Existing Stable Plan and Elevations Drawing No.SD436-32.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). No policies 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.