

Delegated Decision Report

Application No:	25/1076	Statutory Period Expires:	30th April 2026
Site:	Greenmoor Farm, Greenmoor Nurseries Coast Road St Brides Wentlooge Newport NP10 8SQ		
Proposal:	ERECTION OF A RURAL ENTERPRISE DWELLING ASSOCIATED WITH THE EXISTING DOG KENNELS AND WIDER ENTERPRISE AT GREENMOOR NURSERIES		
Applicant:	H Thomas		
Type:	Full	Ward:	Tredegar Park And Marshfield
Decision:	REFUSED		

1. BACKGROUND

- 1.1 The current application follows the refusal and dismissed appeal for a rural enterprise dwelling on a nearby site by the same applicant. The Local Planning Authority refused application 22/1222 for 8no. reasons relating to failure to address the requirements of Technical Advice Note 6 – Sustainable Rural Communities, unjustified development within the Green Wedge, impact upon the Special Landscape Area, absence of a Section 106 agreement, failure of justification tests within Technical Advice Note 15 (2004), insufficient information relating to foul drainage and its impact upon the Site of Special Scientific Interest, and poor dwelling design.
- 1.2 Following the Local Planning Authority's decision to refuse, the scheme was appealed. The Inspector found that (Para.42) *'In conclusion, an essential need for a dwelling to accommodate a rural worker has not been demonstrated and the development is not justified. I therefore find that the dwelling would be inappropriate development in the green wedge, which would have an adverse effect on its openness, as described by PPW. Moreover, there would be material harm to the character of the surrounding area and SLA and given its position within the flood zone, the site would not represent a sustainable location for new residential development, which also carries substantial weight against the development. In addition, I have found that the proposal has not demonstrated it would not result in unacceptable harm to the environment, notably the SSSI.'*
- 1.3 Since the determination of the dismissal, two further applications were submitted and refused by the Local Planning Authority relating to the erection of a cattery serving the same rural enterprise. The refusal was based upon the absence of information relating surface water and foul drainage. No appeals have been submitted to Planning and Environment Decisions Wales relating to either application to date.
- 1.4 When carrying out a site visit for the current application on the 14th January 2026, it was noted that an additional cattery, carport and grooming parlour have been erected on site without the benefit of planning permission.
- 1.5 The site has an extensive planning history as set out in the previously considered scheme which is included below for reference:
 - 1.5.1 An assessment of the planning history shows that a previously refused application under reference 98/0646 outlined the extent of the existing agricultural unit as shown in *Figure 1*. It is noted that the landowner (applicant's father) purchased an adjoining property known as Moorfield Bungalow to the east of the agricultural holding. Moorfield Bungalow was a distinct property in its own right and is therefore not considered as part of the agricultural holding. Since the applicant's father has owned Moorfield Bungalow, this was redeveloped to provide a replacement dwelling and is now known as *Holly House*. This property was owned by the applicant's father, the applicant, applicant's brother and applicant's nephew, however *Holly House* was sold in 2025 to the applicant's nephew and partner.

- 1.5.2 Since 1998 there has been piecemeal development resulting in the addition of 1 no. dwelling known as Oakmeadow House which is subject to an agricultural occupancy condition, along with several barns, polytunnels and other structures. Furthermore, a park home is sited centrally within the agricultural unit which now benefits from a Lawful Development Certificate



Figure 1: Location plan showing the extent of the agricultural unit from planning application 98/0646.

LOCATION PLAN 1:2500 scale

which confirms its use as a dwellinghouse. Therefore, within the agricultural and planning unit there are 3 no. dwellings currently. During my site visit on the 14th January 2025, it was commented by the applicant that the park home has been vacated by their nephew who now resides at Holly House (formerly Moorfield Bungalow). Within the *Rural Enterprise Dwelling Appraisal by Landsker Business Solutions* they confirm that the park home now provides accommodation to the applicants' niece.

- 1.5.3 A previous planning application 12/1058 was granted for the erection of a dog kennels business within the agricultural unit. This consent contained the following condition:

08 The kennels shall be operated by Greenmoor Nurseries and at no point should it become a separate enterprise from the nurseries.

REASON: To prevent potential pressure to provide a workers dwelling in the countryside and in the interests of residential amenity.

- 1.5.4 Following a site visit it was confirmed that Oakmeadow House still retains a linked relationship with the wider agricultural unit. This is demonstrated through the shared vehicle access from the main highway leading into the site, the gated access for the delivery of parcels and mail, and through the shared use of the adjacent agricultural barn (right of *Figure 2 below*). Also, the occupier of Oakmeadow House – applicants brother – remains as an agricultural worker in association with the nursery business as confirmed by the Greenmoor Nurseries website shown in *Figure 4*.
- 1.5.5 According to the website for Greenmoor Nurseries, the applicant continues to be involved in the day-to-day running of the nurseries and the production of plants – this can also be seen in *Figure 4 below*. This adds further to the conclusion that the kennels have continued to be ancillary to the main nurseries business as per the condition of the previous consent 12/1058.

- 1.5.6 The evidence presented clearly demonstrates that the kennels continue to be part of the wider agricultural unit by virtue of its unfettered access within the wider agricultural unit and that the principal commercial enterprise on that unit remains as the nursery. The previous consent 12/1058 specifically contained a condition preventing the kennels from becoming a rural enterprise in its own right. Given the existing relationship of the kennels within the wider agricultural unit and the applicants continued involvement in the nursery business, it is considered that this condition has not been breached and remains necessary, enforceable and reasonable in all respects.



Figure 2: Site photograph of shared access with Oakmeadow House and communal mail drop off point serving the wider site.



Figure 3: Secure gated access leading into the wider agricultural unit.

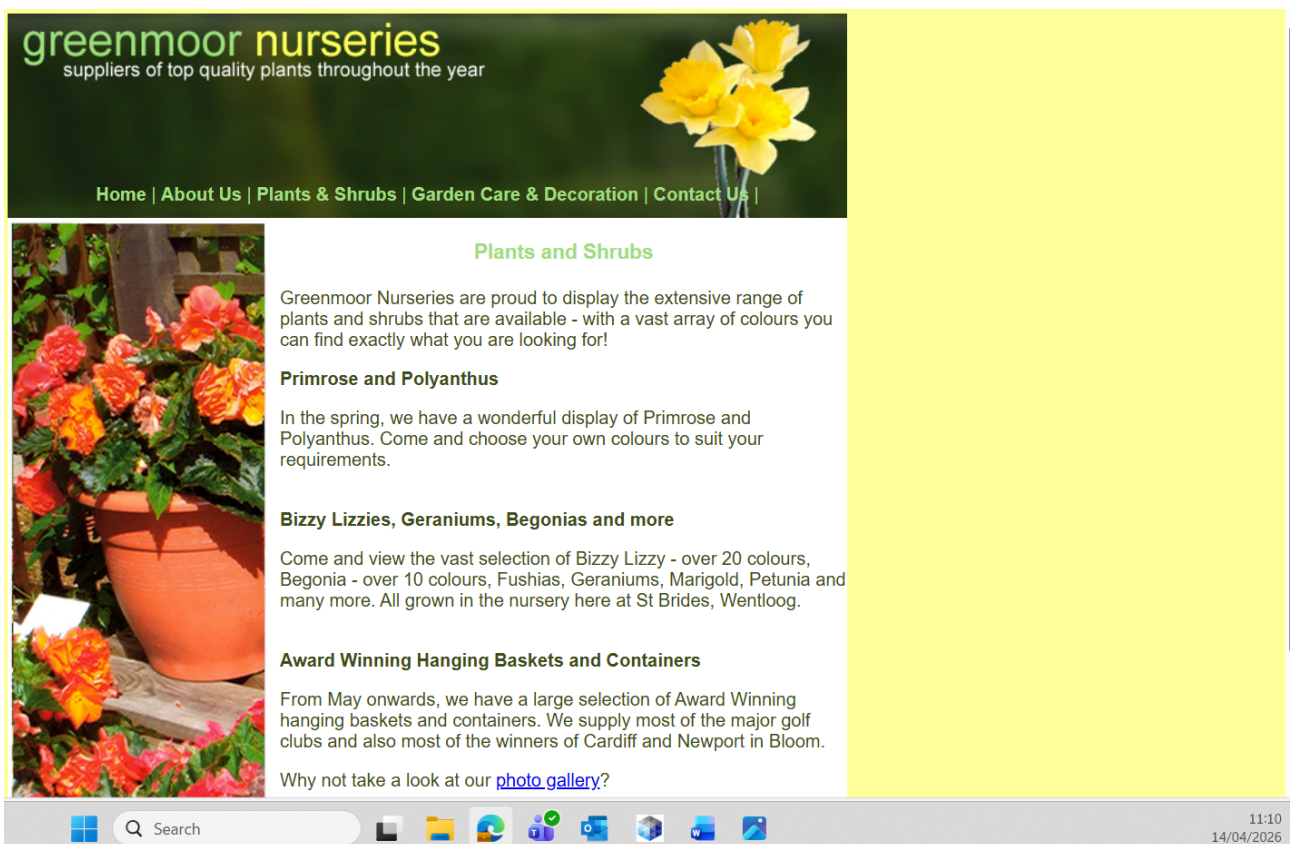


Figure 4: Screenshot of Greenmoor Nurseries website demonstrating the applicants role within the wider agricultural unit.

1.5.7 It is noted that the description of development includes reference to the wider rural enterprise of Greenmoor Nurseries; this accords with the previous planning condition

contained in 12/1058 as the kennels alone could not be considered as a rural enterprise in its own right in this case.

- 1.5.8 Since the 98/0646 planning application, the ownership of the agricultural unit has changed from the applicants parents to varying divisions amongst other family members. *Figure 5* below shows the ownership layout as per the details held by the publicly available Land Registry search in 2023. Since that time, it is noted that the applicant, and other landowners have sold their share of Holly House to the applicants nephew and partner.

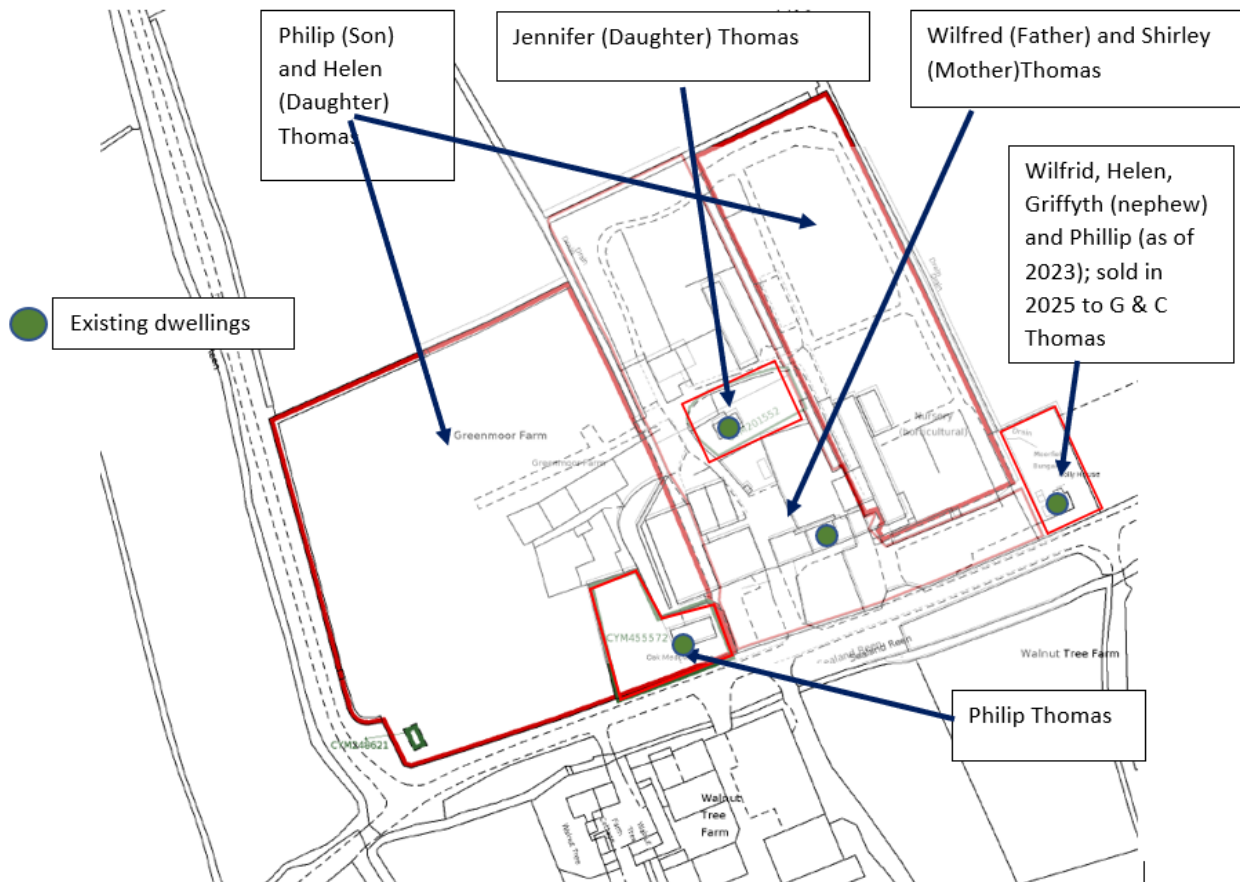


Figure 5: Site ownership layout of Greenmoor Nurseries and Holly House (formerly Moorgate Bungalow).

- 1.5.9 This raises the question of whether the subdivision of ownership has removed what was considered as the agricultural unit and therefore altered the planning unit. Within Burdle V Secretary of State (1972) this set out three separate broad categories for planning units:
1. A single unit of occupation with a single primary use with ancillary and incidental activities;
 2. A single unit of occupation with two or more separate primary uses that are not incidental to one another (mixed use);
 3. A unit of occupation where two or more physically separate areas which are occupied for different and unrelated purposes. Each area in scenario (3) forms a separate planning unit.
- 1.5.10 Taking into account the existing kennels was only justified through it being ancillary to the primary use of the nursery and there being an enforceable condition to ensure this, coupled with the onsite relationship between the existing dwellings and occupation of those dwellings reliant upon the operation of the nursery, it is considered that the site would represent as a single unit of occupation within a single primary use with ancillary and incidental activities.
- 1.5.11 Therefore, we turn to consider the proposed dwelling in association within the wider agricultural unit. As such, the proposed dwelling would represent as a fourth dwelling within this agricultural and planning unit. The park home subject of the Lawful Development

Certificate is not excluded from this calculation as it is centrally located within the planning unit and remains under control of persons involved in the agricultural unit.

2. SITE LOCATION AND CONTEXT

2.1 The site is located to the north of the B4239 and forms part of the wider rural enterprise unit of Greenmoor Nurseries. Hawes Lane lies to the west of the site. The site has several land designations which include:

- Countryside
- Undeveloped Coastal Zone
- Special Landscape Area
- Green Wedge
- Archaeological Sensitive Area
- Site of Special Scientific Interest (SSSI)
- Landscape of Outstanding Historic Interest – Gwent Levels
- Grade 4 – Poor Quality Agricultural Land
- TAN15 – Defended Zone (Sea)
- Flood Zone 3 (Sea)

3. DESCRIPTION OF DEVELOPMENT

3.1 The proposal seeks the change of use of land forming residential curtilage serving a proposed two storey detached dwellinghouse along with parking and turning area, rear private amenity space and associated landscaping. The proposed dwelling also includes a storm porch with solar panels to the southern roof slope, and modest sized dormer windows to the front and rear roof slopes.

3.2 It is noted that the unauthorised cattery buildings, car port and grooming parlour have not been included within the site location plan area or existing and proposed layout plans; as such, these elements are excluded from the considerations of this application.

3.3 Furthermore, the accounts information submitted is not explicitly clear whether the accounts submitted include income from the unlawful catteries and grooming parlour, or just the authorised kennels.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
24/0597	RETROSPECTIVE APPLICATION FOR THE CATTERY BUILDING TO THE EXISTING KENNELS (RESUBMISSION FOLLOWING REFUSAL OF 23/0320)	Refused	19.12.2024
22/1222	ERECTION OF RURAL ENTERPRISE DWELLING ASSOCIATED WITH THE EXISTING DOG KENNELS	Refused Appeal Dismissed	23.05.2024 06.03.2025
23/0320	CONSTRUCT BUILDING TO CREATE CATTERY ANCILLARY TO THE EXISTING DOG KENNELS (RETROSPECTIVE)	Refused	14.12.2023
23/0771	LAWFUL DEVELOPMENT CERTIFICATE FOR AN EXISTING DWELLING WITH EXTENSION	Issued	08.12.2023
12/1058	CONSTRUCTION OF DOG BOARDING KENNELS BUILDING	Granted with conditions	11.04.2013
10/1120	RETENTION OF REPLACEMENT DWELLING (AMENDED PROPOSAL FOLLOWING APPROVAL 08/1043)	Granted with conditions	18.11.2010
08/1043	CONSTRUCTION OF REPLACEMENT DWELLING (RESUBMISSION FOLLOWING REFUSAL OF 07/0069)	Granted with conditions	12.12.2008
07/0069	ERECTION OF A REPLACEMENT DWELLING	Refused	24.04.2008

04/0570	RETENTION OF DWELLING FOR AGRICULTURAL WORKER	Granted with conditions	27.01.2006
04/0332	ERECTION OF KIOSK AND FENCING ASSOCIATED WITH NEW PUMPING STATION AND WIDENING OF ACCESS TO SITE	Granted with conditions	05.05.2004
04/0051	PARTIAL DISCHARGE OF CONDITION 03 (ARCHAEOLOGICAL INVESTIGATION) OF PLANNING PERMISSION 03/1201	Approved	02.03.2004
03/1201	ERECTION OF A CONTROL KIOSK IN ASSOCIATION WITH NEW PUMPING STATION	Granted with conditions	13.10.2003
99/1239	CHANGE OF HOUSE TYPE FOR AGRICULTURAL WORKERS DWELLING	Refused	09.03.2001
99/0373	ERECTION OF AGRICULTURAL WORKERS DWELLING	Refused	14.09.1999
98/0646	ERECTION OF ONE TWO STOREY DWELLING WITH ASSOCIATED WORKS TO REPLACE PARTLY CONSTRUCTED DWELLING	Refused	08.03.1999

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 5 – Supporting the Rural Economy

Policy 7 – Delivering Affordable Homes

Policy 8 - Flooding

Policy 9 - Resilient Ecological Networks and Green Infrastructure

5.2 PLANNING POLICY WALES (EDITION 12) 2024

5.3 Technical Advice Note 5 – Nature Conservation and Planning

Technical Advice Note 6 – Planning for Sustainable Rural Communities

Technical Advice Note 12 – Design

Technical Advice Note 15 – Development, Flooding and Coastal Erosion

Technical Advice Note 24 – The Historic Environment

5.4 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

- SP1 – Sustainability
- SP3 – Flood Risk
- SP4 – Water Resources
- SP5 – Countryside
- SP7 – Green Wedge
- SP8 – Special Landscape Area
- SP9 – Conservation of the Natural, Historic and Built Environment
- SP10 – House Building Requirement
- SP13 – Planning Obligations
- GP2 – General Amenity
- GP4 – Highways and Accessibility
- GP5 – Natural Environment

- GP6 – Quality of Design
- GP7 – Environmental Protection and Public Health
- CE6 – Archaeology
- CE9 – Coastal Zone
- H2 – Housing Standards
- H4 - Affordable Housing
- T4 – Parking
- W3 – Provision for Waste Management Facilities in Development

5.4 SUPPLEMENTARY PLANNING GUIDANCE

- Sustainable Travel
- Planning Obligations
- Affordable Housing
- New Dwellings
- Waste Storage and Collection
- Archaeology and Archaeologically Sensitive Areas
- Wildlife and Development
- Parking Standards

6. CONSULTATION RESPONSES

6.1 Natural Resources Wales: We continue to have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding protected sites and flood risk. If this information is not provided, we would object to this planning application. Further details are provided below.

We also advise that based on the information submitted to date a condition regarding protected sites should be attached to any planning permission. Without the inclusion of this condition, we would object to this planning application.

Protected Sites

The red line boundary of the application site is located within the Gwent Levels – St. Brides Site of Special Scientific Interest (SSSI).

The decision as to whether the proposed development's location within a SSSI is justified, is entirely a matter for your Authority, having followed the step-wise approach in Planning Policy Wales (PPW). Our advice provided below focuses on the likelihood and significance of impacts on the notified features of the SSSI from the proposed development.

Paragraphs 6.4.24 – 6.4.28 of PPW (edition 12) state that development should seek to avoid SSSI's as a matter of principle. PPW does allow for some exceptions to this position, where it can be demonstrated that:

- The development is necessary for the management of the site; or
- The development represents a minor form of development necessary for a SSSI to secure its role as a living landscape; or
- There are 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.

If your Authority considers that the proposed development is justifiable within the SSSI, we have concerns that insufficient information has been submitted to demonstrate how likely damage to the SSSI will be avoided. Planning permission should only be granted if information is provided which demonstrates that the proposed development will not unacceptably damage the features by reason of which the SSSI is of special interest.

Paragraph 6.4.26 of Planning Policy Wales states that proposals must be carefully assessed to ensure that effects on those nature conservation interests which the designation is intended to protect are clearly understood; development should be refused where there are adverse impacts on the features for which a site has been designated.

The Gwent Levels SSSIs are notified for the range of aquatic plants and invertebrates associated with the reens and ditches of the drainage system.

We consider that the proposed development is likely to damage the features by reason of which the Gwent Levels SSSI is of special interest. However, the applicant has not provided sufficient information to demonstrate how the proposed development will avoid damaging the special interest features of the SSSI.

Permanent land take from the SSSI

Based on the submitted application form, we note that the land take from the SSSI would be 0.08 hectares.

We consider that the proposed development is not necessary for the management of the SSSI and therefore it is ultimately up to your Authority to determine whether the proposal meets 'wholly exceptional' circumstances and whether all criteria have been met.

We have considered the information submitted in support of the above planning application and, although there would be land take from the SSSI, based on the information submitted and satisfactory implementation of the proposed mitigation and enhancement measures we consider that the proposed development is not likely to damage the notified features of the Gwent Levels – St. Brides SSSI.

Foul Drainage

No information has been submitted in regard to the discharge point for the proposed package treatment plant and therefore we are unable to confirm if it will be hydrologically linked to the SSSI.

The special interest features of the SSSI are dependent on water quality, water quantity, and the existence of the drainage system and its continued management. Any development / operation / discharge / abstraction which has an adverse impact on any of these factors is likely to have an adverse impact on the wildlife for which the area was notified.

The drainage plan (dated August 2025, drawing number A-120) only shows the proposed location of the Private Sewage Treatment Plant (PTP). It does not include details of the expected line of pipes connecting the house to the PTP. We expect that new pipes will need to be laid as part of the construction of the PTP. Therefore, full details of the proposed installation of the PTP and the layout of the pipes should be provided to enable us to fully assess the potential implications of the development on the SSSI.

In addition, due to the site's location within a flood risk area, details should be submitted which demonstrate that in times of flood, the treatment plant would be able to fully function without causing any adverse effects to the SSSI and the water environment. There should be provision for sealing off or shutting down the PTP during times of flood to prevent pollution. The PTP must be able to function fully during times of flood, without causing any adverse effects such as the sewage system backing up and flooding the dwelling(s).

Please note that we consider discharges to watercourses are the only viable foul drainage option within the Gwent Levels SSSI as discharges to ground are not deemed appropriate. Additionally, due to the location an environmental permit will be required to own and operate a PTP due to the proximity to the SSSI. Guidance on how this can be done can be found via the NRW website: Natural Resources Wales / Apply for a permit to discharge domestic sewage.

Construction run-off

The nearest ditch to the proposed development boundary is approximately 12m to the east of the site but there are no reens within 100m of the development site. There is potential for construction run-off to enter the nearby ditch and damage the plant and animal features of the SSSI which are dependent on appropriate water quality.

Confirmation should be provided that only water of appropriate quality and quantity would be discharged to the watercourses of the SSSI, during construction and operation. Any clean

water discharged to the drainage system should be of a quality compatible with the Gwent Levels SSSIs and should not exceed greenfield run-off rates.

Buffer Zones

To protect the SSSI, buffer zones of a minimum 7m from works to the top of the ditch bank and 12.5m to the top of reën bank should be implemented. In this buffer there should be no physical development, no storage of materials including soil piles or fuel storage, no refuelling of machinery, and where possible no vehicle traffic. This is required to ensure that contamination of reens and impacts on the interest features of the SSSI are avoided. We note from the Ecological Appraisal (by Abbey Sanders Ecology, dated 2022-2025) that the proposed development would be located outside of these buffer zones and that these buffers will be adhered to.

Shrill carder bee

Shrill carder bee, a feature of the Gwent Levels SSSIs, has been recorded within 2km of the proposed development site, though the habitat within the proposed development boundary offers limited potential to support the species. We advise that if any vegetation removal is required, a check for shrill carder bee and their nests (depending on the time of year) is undertaken prior to removal.

We welcome the proposal to enhance the grassland onsite to benefit the shrill carder bee. For any seeding within the SSSI seed mixes should be of UK provenance and locally sourced. NRW's preference would be for the applicant to source wildflower seed from Great Traston Meadows Reserve from Gwent Wildlife Trust or another suitable local source.

Management recommendations for shrill carder bee focus on ensuring that plentiful flower rich habitat with suitable forage is available from April to late September/October, in addition to providing undisturbed nesting habitat. Shrill carder bee is one of the last species of bumblebee to emerge from hibernation in the UK with queens nesting between November and May inclusive. We advise that the enhancement area should be mown once per year in late September to mid-October to leave flowers in place for Shrill carder bees to forage. All cuttings should be collected and removed.

Please advise the applicant that SSSI Consent would be required from NRW for any application of pesticides, including herbicides (weedkillers), and destruction, removal or pruning of any plant or plant remains within the SSSI.

Tree planting

Any landscape planting should be at sufficient distance from the watercourses to ensure that it does not shade the field ditches. For a reën to be able to support submerged aquatic flora and achieve favourable condition status, it should be open to sunlight especially from the south bank to allow more sunlight to reach the watercourse. This enables the aquatic plants and invertebrates for which the SSSI is designated to flourish. We welcome that tree species for planting will be selected from our Gwent Levels native tree list. Our preference would be for any planting to use species from the first section (natives) of the Gwent Levels tree list. Plants should be of UK native provenance (grown in British nurseries) to remove the risks of importing diseases that our plants have no resistance to and pests that have no natural predators in the UK.

Pollution Prevention

Given the location and sensitivity of the Gwent Levels – St. Brides SSSI we advise that a Construction Environmental Management Plan (CEMP) should be submitted to ensure all appropriate environmental considerations and protections would be in place prior to the commencement of the work. We therefore advise that the following condition should be attached to any planning permission granted for this proposal.

Condition

No development, including site clearance, shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include:

- Construction methods: details of materials, how waste generated will be managed;

- General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- Biodiversity Management: details of tree and hedgerow protection; invasive species management; species and habitats protection, avoidance and mitigation measures.
- Soil Management: details of topsoil strip, storage and amelioration for re-use.
- CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.
- Control of Nuisances: details of restrictions to be applied during construction including timing, duration and frequency of works; details of measures to minimise noise and vibration from piling activities, for example acoustic barriers; details of dust control measures; measures to control light spill and the conservation of dark skies.
- Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use
- Traffic Management: details of site deliveries, plant on site, wheel wash facilities
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details
- Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Justification: A CEMP should be submitted to ensure necessary management measures are agreed and implemented for the protection of the environment during construction. The guidance outlined in the following documents are seen as the best environmental practices for pollution prevention: Guidance for Pollution Prevention (GPP) documents.

In the absence of the above information, we cannot rule out adverse impacts on the special interest features of the SSSI from the scheme.

We therefore recommend that planning permission should only be granted if information is provided which demonstrates that the proposed development will not damage features for which the SSSI is of special interest.

Should you be minded to grant permission for the above planning application in the absence of this information, we ask that you notify us under the provisions contained in Section 281 of the Wildlife and Countryside Act 1981 (as amended).

Flood Risk

The planning application proposes highly vulnerable development (residential). The Flood Map for Planning identifies the application site to be at risk of flooding and within Flood Zone 3 (Sea).

We refer you to Section 10 of Technical Advice Note 15: Development, flooding and coastal erosion, dated 2025 (TAN15) for advice on how you should consider this application in line with current planning policy. Our role is to provide you with detailed advice on the findings and conclusions of the Flood Consequences Assessment (FCA) in relation to flooding from rivers and/or the sea, including the impact on flooding elsewhere. For advice on flood risk from surface water and or small watercourses you should consult with your Lead Local Flood Authority.

Therefore, we have reviewed the updated FCA undertaken by JBA Consulting, dated March 2026. Our advice to you is that the FCA fails to demonstrate that the potential risks and consequences of flooding are manageable for the reasons explained below.

For this development, the data that has been used within the FCA has been obtained under licence from NRW using the Wentlooge Tidal model. At the time of the model completion by NRW (2022), the best available data was used.

However, since completion there may be material changes that could impact the results of this model. This may include topography/survey data, updates to the methodology for calculating hydrological flows and updates to Hydraulic modelling software. We are unable to confirm the validity of the data presented in the FCA, as it is unclear if the data has been checked and verified as suitable for use. On receipt of the data supplied under licence, the consultant was advised of these constraints and the need to verify the data before use

Acceptability Criteria - Frequency thresholds

Section 2.2 of the FCA indicates the site ground levels will range between 5.43 – 8.21m Above Ordnance Datum (AOD).

Section 2.5 of the FCA specifies the Finished Floor Level (FFL) will be set at 6.14 mAOD

Section 5.3.1 indicates the maximum flood level on site would be 6.41 mAOD during a 0.5% annual exceedance probability (AEP) + Climate Change (CC) (Breach Scenario) event. This would result in a maximum flood depth of 710mm, which would be found within a topographic depression in the western part of the proposed building footprint.

This FCA indicates flood levels within the building footprint would reach 6.39 mAOD, which based on the FFL will result in 0.25m of internal flooding.

Therefore, the proposed site is not compliant with Figure 5 of TAN15.

Paragraph 10.26 of TAN15 states, “where an assessment is required for the breach of a defence or blockage of a structure, this should be considered as the ‘design event’”. In this case, the breach scenario would be considered the ‘design event’.

Tolerable Conditions

Section 5.3.2 of the FCA identifies flood depths of 0.95 m of external flooding in the western part of the site and 0.49 m of internal flooding during the 0.1% AEP + CC (breach scenario).

The external flood depths exceed the tolerable thresholds set out in Figure 6 of TAN15 and No flood velocity data or corresponding flood hazard ratings have been provided.

The proposed site therefore is not compliant with Figure 6 of TAN15.

Increase in flood risk elsewhere

Section 6 of the FCA indicates the proposal will not increase flooding elsewhere due to the extensive floodplain at this location, we agree with this assessment.

Climate change

Section 5.2.3 of the FCA has considered it disproportionate to model the 0.5% AEP + CC (Upper End) event and instead has deemed the 0.1% AEP + CC (Central allowance) event to be an appropriate alternative event due to the minimal difference in sea level projections between events.

As the design event would be considered the breach scenario, it is recommended that the FCA also assesses the 1% AEP + 70% climate change (breach scenario) to ensure the development is appropriately future-proofed.

Overtopping and/or breach assessment

The site is in an area which benefits from flood defences. Therefore, as per paragraph 6.8 of TAN15 an assessment of breach and/or overtopping should be undertaken.

As mentioned above the FCA has reviewed breach scenarios for both the 0.5% AEP + CC and 0.1% AEP + CC events. Also, the FCA has indicated that any impact during wave overtopping would be typically contained to the area immediately adjacent to the inland side of the flood defence.

Proposed access to the site

Section 5.3.2 of the FCA indicates should a breach occur, access and egress to the proposed development site may be restricted due to significant flood depths during the 0.1% AEP + CC (Breach Scenario) event. Figure 5-5 of the FCA shows depths of up to 0.90m on the unnamed road which connects the site with the B4239.

This is a matter for yourselves the LPA/emergency planners to decide upon.

Additional comments:

It should be noted that both the 0.5% AEP + CC (Breach Scenario) and 0.1% AEP + CC (Breach Scenario) has only been assessed up to 2122 as opposed to the full allowance of climate change (100 years). Section 5.1 of the FCA states that it's considered disproportionate to update the model to reflect the additional 4 years and would likely have a negligible impact on the results.

Paragraph 15.4 of TAN15 (2025) is clear that where insufficient information is provided, the planning authority should use its powers to request further information. Furthermore, should you be minded to go against our advice, you should inform us at the earliest opportunity prior to granting consent and allow reasonable time for us to make further representations.

Please note, if an amended FCA is not submitted or any subsequent amended FCA fails to demonstrate that the consequences of flooding can be acceptably managed over the lifetime of the development, then we are likely to object to the application.

Other Matters

The advice in this letter relates to matters which are included on our consultation topics list. We do not rule out the potential for the proposed development to affect other environmental interests that are not included on this list.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details.

- 6.2 Ecology Officer: This application is supported by an 'Ecology Assessment 2022 - 25' report dated 12th December 2025, and I agree with the methodology and conclusions of that assessment.

The Assessment and Conclusions Section 4.0 of that report includes a list of general ecological protection, mitigation and enhancement measures, incorporating the comments from NRW on the previous scheme. I agree with these proposed measures and ask that their implementation is secured by planning condition if consent is granted.

In relation to the impacts upon the Gwent Levels: St. Brides SSSI, I note in their comments of 30th March 2026 that NRW have advised '*We have considered the information submitted in support of the above planning application and, although there would be land take from the SSSI, based on the information submitted and satisfactory implementation of the proposed mitigation and enhancement measures **we consider that the proposed development is not likely to damage the notified features of the Gwent Levels – St. Brides SSSI.***'. The last section of this sentence which I've highlighted is ambiguous if taken in isolation, in that it could be read as applying to the development as a whole. However I think we can assume that it is intended to relate solely to impacts arising from land-take, and does not apply to the other impacts subsequently listed, such as foul drainage and construction run-off.

If this is the case, then notwithstanding the measures which would mitigate impacts arising from land-take in the SSSI, which NRW agree with, it is clear that NRW's concerns about foul drainage and construction run-off have not been addressed. Therefore we should invite the Applicant to consider these concerns, provide the information that NRW require, and then re-consult NRW.

NRW have pointed out that PPW12 advises development should avoid SSSIs as a matter of principle, with some exceptions. 6.4.25 of PPW 12 includes '*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'. NRW have given their view that they don't have enough information to be sure that the effects on the SSSI features are acceptable, and we would have to consider TAN 6 in coming to a view as to whether this proposed new dwelling is a 'desirable intervention' in the context of this section of PPW 12.

The Green Infrastructure Statement is adequate, however it simply re-iterates the mitigation and enhancement measures set out in the Ecology Assessment. Ideally, the GI Statement should set out a holistic approach to sustainable drainage, soft landscaping, landscape protection, and ecological mitigation & enhancement.

6.3 Landscape Architect: ADDITIONAL INFORMATION REQUIRED (Please re-consult when received)

The site lies within the Wentlooge Special Landscape Area so policy SP8 will apply. Proposals are required to contribute positively to the area through high quality design, materials, and management schemes that demonstrate a clear appreciation of the area's special features.

As for the previous refused application 22/1222, input from a landscape professional is strongly advised given the policies of Special Landscape Area and Green Wedge in order to identify existing soft landscape screening and its future management, any visual impacts, new planting and seeding appropriate to the sensitive location.

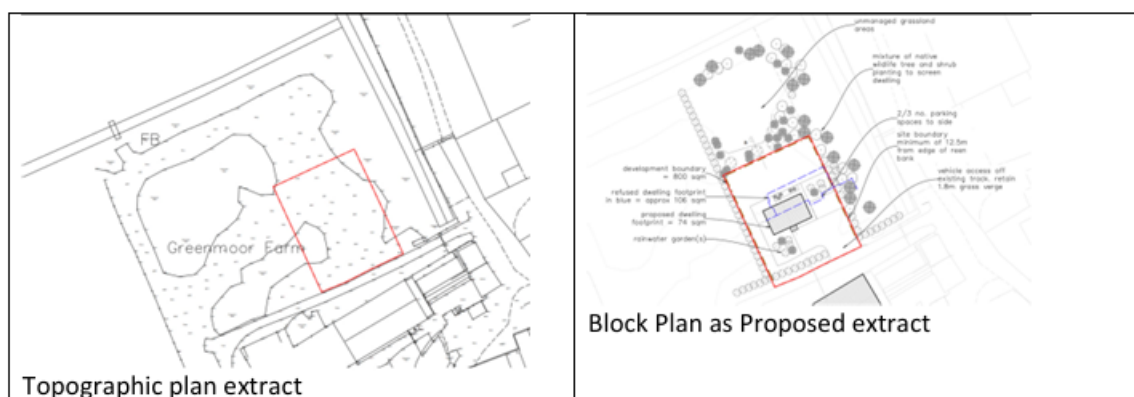
The soft landscape information shown on the 'Block Plan as Proposed' by Gerald Blain Associates is insufficiently detailed. Sometimes a soft landscape plan including management can be conditioned, but given the sensitivity of the location I would advise the impacts and opportunities for mitigation and enhancement are submitted at this full planning stage.

Landscape Impacts

Insufficient landscape based information has been submitted to enable an assessment of impacts.

It is likely that views from the B4239 will be screened, and views from Hawse Lane generally screened but photo evidence is required from key points to illustrate that there will not be a negative impact on public or private views.

The north, west and east boundaries as shown on the topographic plan below are not currently defined by existing features and this risks intrusion into the open flat historic landscape.



The following is required:

1. Professional landscape architect input to provide photos taken as panoramas into and out from the site in all compass directions with annotation to show the development extent with analysis of the landscape impacts. If impacts are identified, there may be an

opportunity to mitigate through redesign or through new planting or management of existing planting.

2. Provision of a soft landscape plan to meet LDP Policy GP5, appropriate to the conserving the strong landscape character undertaken by a professional landscape architect input showing:

- condition and management of existing trees, hedgerows, scrub or other screening vegetation
- any constraints to planting
- detailing plant species, size, density, location; SUDs planting; tree pit details which should be reviewed in relation to the guidance in BS 8545 (2014) 'Trees: from nursery to independence in the landscape
- specification for ground preparation and planting: planting season; plant protection; watering of newly planted stock; mulching;
- proposals for reuse of site won soil to meet BS8601:2013 for subsoil (including remediation of compacted soils) and BS3882:2015 for topsoil to ensure successful establishment of planting.

3. Boundary treatment and hard surfacing will require confirmation of type, location, extent, these should be appropriate to conserving the strong rural landscape character.

4. Rain garden areas have been identified although no planting has been proposed.

6.4 Drainage Manager: No response.

6.5 Education Information Officer: No response.

6.6 Housing Development Manager: No response.

6.7 Leisure Services Manager: No response.

6.8 Planning Contributions Manager: Planning contributions required.

6.9 Planning Policy Manager: No response.

6.10 Environmental Health Officer: No objection.

6.11 SAB Officer: No response.

6.12 Waste Manager: We anticipate a requirement for trade waste and recycling. NCC trade waste services would be happy to quote for services ahead of opening.

6.13 Newport Access Group: No response.

6.14 HENEB: The proposal will require archaeological mitigation.

The information in the Historic Environment Record (HER) curated by this Trust shows that the proposed development site is situated within the statutorily designated Gwent Levels Registered Historic Landscape, specifically the Western St Brides Character Area (HLCA016), summarised as being laid out within a framework of elements surviving from the Roman landscape. Its key characteristics are: Regular field pattern of long narrow fields, significant boundaries of probable Roman origin, drainage features include Peterstone Gout, the old sea wall, and a number of fen-banks (some ridging/surface drainage also survives), limited linear roadside settlement. It is also within the Gwent Levels Archaeologically Sensitive Area, which is subject to Policies within your LDP regarding assessment and mitigation for the historic environment. The area of the ASA is defined by the concentration of evidence of activity dating to the Roman and medieval periods primarily for reclamation of land and water management, with buried land surfaces. Several archaeological works in the surrounding area have shown evidence of human occupation from the pre-historic period onwards. Sealand Reen is located immediately south of the proposed development, and is described as an important NE-SW boundary, which may be a reflection of the Roman

landscape to the south of nearby Wheel Lane. Additionally, part of the original Roman drainage system is preserved in its major NE-SW land divisions.

The proposed development involves the erection of a rural enterprise dwelling associated with the existing dog kennels and wider enterprise at Greenmoor Nurseries, St Brides. The Proposed works will involve extensive groundworks in an area of high archaeological potential, and in close proximity to several known Roman features. Therefore, it is possible that buried archaeological remains could be encountered during the groundworks.

In such circumstance. Planning Policy Wales 2024 (Edition 12) Section 6.1.26 states that “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” More detail on this guidance can be found in TAN24 sections 4.7 and 4.8. Section 4.9 of TAN 24 specifically requires the Local Authority to consult their archaeological advisor as to the adequacy of mitigation proposed. It is our assertion that a field evaluation is appropriate in this particular case.

It is therefore our opinion in our role as the professionally retained archaeological advisors to your Members that the applicant should be requested to commission the required archaeological work. Consequently, as the impact of the development on the archaeological resource will be a material consideration in the determination of the current planning application this should be deferred until a report on the archaeological evaluation has been submitted to your Members.

We recommend that this work be undertaken to a brief approved by yourselves and upon request, we can provide a suitable document for your approval

- 6.15 Highways Officer: No objection subject to conditions.

Highway Comments:

The site is remote from highway and has an existing access. The dwelling may impact positively if it saves trips to work.

There are therefore no objections subject to conditions to provide electric vehicle charging and cycle parking in line with current standards. For the avoidance of doubt a shed would be appropriate for cycle storage in a dwelling.

Suggested Conditions:

Except for site clearance and remediation no development shall take place until a scheme for the provision of cycle parking in accordance with the Council’s current standards has been submitted to and approved in writing by the Council as Local Planning Authority. The scheme shall be implemented as approved before any part of the development is brought into use and shall be retained as such thereafter. Notwithstanding the provisions of the Town and Country Planning Act (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) no building works, which reduce this provision, shall take place except following the express grant of planning permission by the Council.

Reason: To ensure that adequate provision is made for parking cycles on the site; and to establish measures to encourage non-car modes of transport.

A scheme for the provision of electric vehicle charging points, or passive provision, shall be submitted to and agreed in writing with the Local Planning Authority. The agreed scheme shall be provided prior to first occupation of each unit and retained as such thereafter.

Reason: To ensure that appropriate provision for current and future electric and electric/hybrid vehicles and encourage more sustainable means of transport.

- 6.16 CADW Historic Buildings and Landscapes: No response.

- 6.17 Dwr Cymru/Welsh Water: We note that the applicant has not submitted any details on how they intend to drain both foul and surface water. Therefore, we request that this information

is obtained via condition prior to the commencement of development or further details are submitted prior to the determination of this application and that we are reconsulted.

In light of the above, should the application be determined without details of how the site will drain both foul and surface water, we request that the below **condition and advisory notes** are included in any subsequent grant of planning consent.

Condition

No development shall commence until a drainage scheme including the provision for foul, surface and land water, and an assessment of the potential to dispose of surface water by sustainable means has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented strictly in accordance with the approved details prior to the beneficial occupation of the development hereby approved and shall remain in perpetuity. Thereafter, no further foul, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

6.18 Reading Agricultural Consultants: 5 Summary

- 5.1 Ms Helen Thomas is seeking planning permission to construct a principal rural enterprise worker's dwelling at Home and Away Kennels to enable her effectively to manage the business. She currently lives with her parents in the nearby farmhouse but this arrangement is unable to continue as she desires an independent form of accommodation which is in close proximity to the kennels.
- 5.2 There is an accepted essential functional need to live on site. This is met due to the need to provide close care and attention of customers' pets. This need persists throughout the year.
- 5.3 The dwelling would be occupied by a full-time worker.
- 5.4 The financial test is met. It has determined that
 - the business has been established for over three years;
 - it has been profitable in each and every year of operation;
 - the business is capable of paying a wage equivalent to the principal and meeting notional mortgage payments;
 - it is considered that the business has long-term financial stability.
- 5.5 On the availability of any other suitable accommodation:
 - there are no other dwellings or buildings suitable for conversion on the land owned by the applicant;
 - there are no other suitable and available dwellings on the market which sufficiently close to meet the identified essential needs and ensure that animal welfare is not compromised; and
 - the existing need is met by the applicant living in the main farmhouse. However, it is stated that her parents may wish to sell the nursery business and their dwelling and consequently the dwelling would no longer be available to the applicant.
- 5.6 All criteria in the appropriate TAN 6 Policy need to be met. All are considered to be met subject to legal interpretation of the availability of Holly House to the Applicant.

7. **PUBLIC REPRESENTATIONS**

Neighbour notification letters were sent on the 16th December 2025 and a Site Notice was put up on the 19th December 2025.

7.1 NEIGHBOURS: No comments received.

7.2 WENTLOOGE COMMUNITY COUNCIL:

Wentlooge Community Council wishes to register a strong objection to the above application. The Council has reviewed the submitted documents, the history of the site, and the previous refusals and appeal decisions. It is clear that the current proposal fails to address the fundamental issues identified repeatedly by Newport City Council and the Planning Inspectorate.

Our reasons for objection are set out below.

1. Continued Over-Development of the Site

The site has been subject to incremental and cumulative development over many years, much of it through retrospective applications or unauthorised works later regularised. This pattern has resulted in:

- A progressive intensification of built form within a highly sensitive landscape
- A domestic character creeping into an area designated for its openness and rural qualities
- A level of development that is incompatible with the purpose of the Green Wedge and the Wentlooge Levels Special Landscape Area

The current proposal represents a further step in this pattern of over-development. The cumulative impact is now significant and materially harmful. The Council considers that no further development can be justified on this site without undermining the policy protections intended for this landscape.

2. Previous Refusals and Appeal Decisions Have Not Been Addressed

The site has a clear and well-documented planning history. Both Newport City Council and the Planning Inspectorate have previously refused applications for a dwelling here, citing:

- Failure to meet the TAN 6 rural enterprise dwelling tests, particularly the *Other Dwelling Test*
- Inappropriate development within the Green Wedge
- Harm to the Special Landscape Area
- Unacceptable flood risk under TAN 15
- Insufficient evidence regarding foul drainage impacts on the Gwent Levels SSSI

The new submission does not resolve these issues. In several areas, it simply repeats arguments already rejected at appeal. The Inspector's conclusions remain directly relevant and carry substantial weight. The Council is concerned that the applicant continues to resubmit applications without addressing the core policy conflicts.

3. Retrospective Development and Non-Compliance

The Community Council is increasingly concerned about the pattern of:

- Retrospective planning applications
- Development commencing prior to consent
- Conditions not being discharged or adhered to
- Attempts to regularise unauthorised works after the fact

This undermines public confidence in the planning system and places an unfair burden on the local authority and community. The current application appears to rely on assumptions about the site's operational needs that have been shaped by unauthorised or unregulated expansion.

The Council urges Newport City Council to consider the full enforcement context when determining this application.

4. Inappropriate Development in the Green Wedge

The site lies within the Newport–Cardiff Green Wedge, where new residential development is strictly controlled. The Planning Inspectorate has already confirmed that:

- The enterprise does not justify a new dwelling
- No very exceptional circumstances exist

- A dwelling here would erode openness and contribute to urban encroachment

Nothing in the new submission changes this position. The proposal remains in direct conflict with LDP Policy SP7 and Planning Policy Wales.

5. Harm to the Special Landscape Area (SLA)

The Wentlooge Levels SLA is a landscape of national importance. The proposed dwelling would:

- Introduce further domestic built form
- Intensify visual clutter
- Disrupt the characteristic openness and linear field pattern

The Inspector previously found the design and siting to be harmful and intrusive. The revised scheme does not overcome these concerns.

6. Flood Risk – TAN 15 Justification Test Still Fails

The site is located within high flood risk zones. TAN 15 requires the development to pass the justification test before mitigation is considered. Because the rural enterprise need is still not demonstrated, the proposal cannot pass this test.

The Community Council is deeply concerned about the precedent that would be set by approving a new dwelling in an area known to be at significant risk of tidal and fluvial flooding.

7. Foul Drainage and Risk to the Gwent Levels SSSI

The Gwent Levels are exceptionally sensitive to hydrological change. The application again fails to provide:

- A detailed foul drainage assessment
- Evidence of no adverse impact on the SSSI
- Compliance with Circular 008/2018

This remains a standalone reason for refusal.

Conclusion

Wentlooge Community Council urges Newport City Council to refuse this application. The proposal represents:

- Continued over-development of a sensitive site
- A failure to address previous refusals and appeal findings
- A disregard for retrospective development concerns
- Clear conflict with TAN 6, TAN 15, PPW, and the Newport LDP
- Ongoing risk to the Green Wedge, SLA, and Gwent Levels SSSI

The Council considers the proposal to be fundamentally unacceptable and contrary to the public interest.

15/03/2026 – Additional representation submitted by Wentlooge Community Council:

Thank you again for attending the recent Wentlooge Community Council meeting to discuss planning application 25/1076 and for outlining the amendments you are working on with the Local Planning Authority.

Councillors appreciated the opportunity to hear directly from you and understand the circumstances surrounding your proposal.

As discussed at the meeting, Members explained that the Council could only reconsider its current objection if it was confirmed that the proposal complies fully with the planning requirements of Newport City Council.

Following the meeting, we contacted the Planning Officer to clarify the current position. We have been advised that there are still outstanding unauthorised elements on the site,

including two catteries, animal exercise yards and a grooming parlour. We were also informed that no application has been submitted to vary or remove the existing planning condition requiring the kennels to operate as part of Greenmoor Nurseries rather than as a separate enterprise.

Given this information, and as the Council has not yet seen formally submitted amended plans or confirmation that these matters have been resolved, Members do not feel it would be appropriate to change the Council's position at this stage.

However, the Council remains willing to review any formally submitted amendments once they are available and once the Local Planning Authority has confirmed that the relevant planning matters have been addressed.

8. ASSESSMENT

8.1 Technical Advice Note 6 – Planning for Sustainable Rural Communities

- 8.1.1 The application site forms part of the wider Greenmoor Nurseries site. Prior to this application, retrospective planning applications were submitted for a cattery under reference 23/0320 and 24/0597. These applications were refused due to the method of foul drainage was not included with the scheme. Due to the sites location within a Site of Special Scientific Interest (SSSI) there is potential to result in harm on the hydrology of the area. The applicant seeks to justify the erection of the new dwelling due to the presence of the existing dog kennels and unauthorised catteries. Since the considerations of the cattery, a further cattery has been erected on site, along with a grooming parlour and car port. As the catteries, grooming parlour and carport are unauthorised forms of development, the existing dog kennels are the only lawful elements relating to the rural enterprise under consideration in the justification assessment of the dwelling against Technical Advice Note 6 – Planning for Sustainable Rural Communities (notwithstanding the nursery). As set out previously, a condition attached to 12/1058 sets out that the kennels could not be considered as a rural enterprise in its own right and has not been previously separated from the wider agricultural unit. Therefore, the rural enterprise relates to the wider nursery site which includes the existing farmhouse and Oakmeadow House. The park home subject of the Lawful Development Certificate has been confirmed as a dwelling house with no associated ties. However, given its location and relationship within the wider site it is not considered as a distinct planning unit separate from the wider agricultural holding.
- 8.1.2 The Technical Advice Note 6 – Planning for Sustainable Rural Communities sets out specific guidance on sustainable rural housing within Section 4.3 *Rural enterprise dwellings* and Section 4.7 *Rural enterprise dwelling appraisals*.
- 8.1.3 As set out within paragraph 4.3.1 of TAN6, *'One of the few circumstances in which new isolated residential development in the open countryside may be justified is when accommodation is required to enable rural enterprise workers to live at, or close to, their place of work. Whether this is essential in any particular case will depend on the needs of the rural enterprise concerns and not on the personal preference or circumstances of any of the individuals involved. Applications for planning permission for new rural enterprise dwellings should be carefully assessed by the planning authority to ensure that a departure from the usual policy of restricting development in the open countryside can be fully justified by reference to robust supporting evidence.'*
- 8.1.4 It is worth noting that the Newport Local Development Plan 2011 – 2026 (Adopted January 2015) does not contain a definition for a *rural enterprise*; as such, the definition of a rural enterprise shall be taken from section 4.3.2 of TAN6. This definition is included in full below:
- 8.1.5 *'For the purpose of this technical advice note qualifying rural enterprises comprise land related businesses including agriculture, forestry and other activities that obtain their primary inputs from the site, such as the processing of agricultural, forestry and mineral products together with land management activities and support services (including agricultural contracting), tourism and leisure enterprises. Development plans may include a broader definition of qualifying rural enterprises where this can be justified by specific local evidence.'*

- 8.1.6 The submitted *Rural Enterprise Dwelling Appraisal prepared by Landsker Business Solutions* does not provide any commentary on the existing dog kennels meeting the definition of a rural enterprise. The key factor in establishing if the existing dog kennel is a rural enterprise are:

Does it obtain its primary inputs from the site itself?

In the examples provided within the definition in section 4.3.2 of TAN6, agriculture, forestry, mineral extraction, tourism and leisure, these all obtain their inputs from land-based activities. The dog kennels obtains its inputs through providing services which are not reliant upon input from the land around it. Therefore, the siting of the dog kennel is not limited to that being in open countryside, as compared to agriculture, forestry, mineral extraction, tourism and leisure.

- 8.1.7 It is noted that the *Practice Guidance for Rural Enterprise Dwellings (December 2011)* sets out that previous planning applications and appeals have been allowed for the erection of a rural enterprise dwelling in association with dog kennels. This is due to a dog kennel would not typically be located in an urban or residential area. Therefore, considering the TAN 6 Practice Guidance Note and planning application decisions by neighbouring Local Authorities, the dog kennel is considered as a rural enterprise. However, due to the existing condition on 12/1058 the dog kennels are not a distinct rural enterprise separate from the wider nursery site. As such, the dog kennels are an associated use forming a mixed-use agricultural site.
- 8.1.8 An assessment has been carried out against the remaining tests within sections 4.4 – 4.13 of TAN 6 below.
- 8.1.9 New dwellings on established rural enterprises need to demonstrate there is a clear existing functional need, it relates to a full-time worker, the enterprise has been established for at least 3 years, the functional need could not be fulfilled by another dwelling or by converting an existing suitable building already on the land holding comprising the enterprise, and other normal planning requirements. These assessments are taken in turn below.
- 8.1.10 *Functional Test*
- 8.1.11 Section 4.8.1 of TAN6 states '*A functional test is necessary to establish whether it is essential, for the proper functioning of the enterprise, for one or more workers to be readily available at most times. It should relate to unexpected situations that might arise, for which workers are needed to be on hand outside of normal working hours for the particular enterprise. Such requirements might arise, for example, if workers are needed to be on hand night and day to deal with an emergency that would threaten the continued viability and existence of the enterprise without immediate attention. Where there are existing dwelling(s) on the enterprise then the need for additional workers to live on the site for the proper functioning of the enterprise must be demonstrated to be essential.*'
- 8.1.12 The submitted supporting statement sets out the need for 24/7 presence to ensure the dogs and cats housed in the kennels and unauthorised catteries are safe and well at all times. It is understood that the looking after / keeping of animals requires this level of care especially when the applicant is providing a service to look after customers dogs & cats. Therefore, it is considered that a worker should be in a nearby location to deal with any emergencies which may occur that threaten the continued viability and existence of the dog kennel business.
- 8.1.13 However, where there are existing dwellings on the enterprise – in this case the enterprise is the wider nursery site – the need for additional workers to live on the site for the proper functioning of the enterprise must be demonstrated as essential.
- 8.1.14 In this case, the *Rural Enterprise Dwelling Appraisal prepared by Landsker Business Solutions* confirms that the kennel employs 4no. staff in addition to the applicant, providing 2,418 labour hours in addition to the applicants. It is unclear from the evidence presented if this additional labour demand is because of the unauthorised catteries and grooming parlour.

- 8.1.15 These additional workers are required to serve the proper functioning of the existing rural enterprise as confirmed via the *Rural Enterprise Dwelling Appraisal prepared* by Landsker Business Solutions as the applicant cannot manage the safe operation of the kennels by themselves alone given the hours stated to be worked. It is noted that the proposed additional dwelling would seek to only serve the principal worker (the applicant). The Inspectors decision (CAS-03729-H9CON5) confirms in para. 20 that a functional need was previously demonstrated and the Local Planning Authority do not challenge this element.
- 8.1.16 While it is considered essential to have an overnight presence by persons overseeing the dog kennels & catteries, this need could be met by the remaining onsite workers. The supporting statement *Rural Enterprise Dwelling Appraisal prepared* by Landsker Business Solutions eludes to the remaining workers on the wider agricultural enterprise being unavailable given other duties within the enterprise, however a specific breakdown of what their responsibilities are, how many labour hours this relates to and a possible reorganisation of labour duties across the site have not been explored. As such, this further adds to the overall impression that the applicant is managing the kennels & catteries as a separate rural enterprise, rather than the kennels forming a part of a wider rural enterprise whereby responsibility of appropriately managing the whole rural enterprise and available labour requires a more holistic approach.
- 8.1.17 What has been established from the above commentary is that the existing dog kennels are considered as a rural enterprise. However, these kennels form part of the wider rural enterprise which has a primary use as a nursery for the growing and retail sale of plants. Therefore, a functional need for accommodation onsite is established; however, the rural enterprise does not require additional workers above and beyond that already serving the business (including existing part time staff). Therefore, the proposal arises from personal preferences and/or circumstances rather than essential need and as such does not accord with the Technical Advice Note 6 policy. This is further evidenced by the park home now being occupied by the niece of the applicant, following the previous occupant of the park home vacating and now residing in Holly House. No information has been provided detailing what role the new occupant of the park home has in the day-to-day functioning of the rural enterprise, if any.
- 8.1.18 *Time Test*
- 8.1.19 Section 4.9.1 states '*If a functional requirement is established, it will then be necessary to consider the number of workers needed to meet it, for which the scale and nature of the enterprise will be relevant. Where there is currently no dwelling associated with the rural enterprise the worker for whom there is a functional need for new accommodation must be a full-time worker. With the exception of second dwellings on established farms, it must not relate to a part-time requirement, or a requirement that does not relate to the enterprise. If this is a second (or further) dwelling, all existing dwellings must also be occupied by full-time workers for whom it is essential that they also remain on site for functional reasons, or by workers and their dependents last employed in a rural enterprise. (See exceptions at paragraphs 4.5.1 - 4.5.3).*'
- 8.1.20 The proposed dwelling would represent as a fourth dwelling within the wider rural enterprise. TAN 6, Section 4.9.1 is explicitly clear stating that '*If this is a second (or further) dwelling, all existing dwellings must also be occupied by full-time workers for whom it is essential that they also remain on site for functional reasons, or by workers and their dependents last employed in a rural enterprise.*'
- 8.1.21 As confirmed within the supporting information, the park home is now tenanted by the applicants niece. No information has been provided setting out what their role is within the wider rural enterprise or if they are essential to the site functions. As per the previous application, the information provided by the Greenmoor Nurseries website confirms that Wilfred and Shirley Thomas, Phillip and Helen Thomas are workers associated with the nursery. Oakmeadow House which is subject to an agricultural tie condition relating to the existing rural enterprise of the nursery is occupied by the applicants brother. The applicants parents occupy the main farmhouse along with the applicant.
- 8.1.22 In light of this, it has not been demonstrated that the current occupation of all the accommodation on site is currently fulfilled by existing full-time workers serving the functional

need of the rural enterprise. Therefore, it is concluded that the current occupation of the park home by the applicants niece may not be essential to serve the functional need of the rural enterprise. Also, no information has been provided to outline if the proposal benefits from any of the exemptions contained in sections 4.5.1 – 4.5.3 of Technical Advice Note 6. The proposal does not meet the *time test* of Technical Advice Note 6.

8.1.23 *Financial Test*

8.1.24 As set out in section 4.10.1 of Technical Advice Note 6, *'The rural enterprise and the activity concerned should be financially sound and should have good prospects of remaining economically sustainable for a reasonable period of time, usually at least 5 years.'*

8.1.25 The previous application confirmed that the kennels have been in operation for several years, and this is not in dispute. The submitted accounts show for the tax years 2021/22 and 2022/23 have been submitted which shows the business made modest operating profits during those years. It remains acknowledged that the year 2020-21 would have been significantly impacted due to the Covid lockdowns in place across the UK throughout the year.

8.1.26 The previous account information submitted was not an official document as submitted for tax purposes or otherwise and is not on headed paper or signed from the applicant's accountant. From the accounts information, this shows that the business received Government Grants during those periods which made up between 34% to 237% of the operating profit for the business. This means that in some years, if the government grant was not received the business would have resulted in a net loss, as shown for the year 2021.

8.1.27 For tax years 2023/24 and 2024/25 accounts information has been prepared by a Chartered Accountant and submitted on headed paper. It is noted that the accounts are based upon information the applicant has provided, and the Accountant has not been instructed to carry out an audit of the accounts to verify the accuracy or completeness of the accounts information provided by the applicant. It is therefore considered that there may be some unsoundness within the accounts information provided.

8.1.28 It is noted that the wages and salaries expense significantly increased during tax year 2024/25, however it is noted that the stated figure does not appear to equate to the number of labour hours as stated within the Rural Enterprise Dwelling Assessment by Landsker Business Solutions. The employers National Insurance contributions also appear to be missing from the accounts breakdown.

8.1.29 Furthermore, it is not explicitly clear within any of the supporting information if the accounts information submitted relates solely to the kennels only, or whether the profits gained from the unlawful catteries and grooming parlour have been amalgamated into the overall profits stated. This further confuses the financial viability and whether the scheme is justified in accordance with TAN6.

8.1.30 It is noted that the consultation from Reading Agricultural Consultants indicate that they view the financial test to be met, however they have not fully explored the impact of the unlawful catteries and grooming parlour and how that affects the available profit. Therefore, should the catteries be required to be removed following enforcement action, this would significantly impact the profitability and ability to fund building a new dwelling.

8.1.31 Turning to the scale of the proposed building being appropriate in association with the scale of the operations and profits; it is noted that Reading Agricultural Consultants find the proposed 148sqm (RAC measurement) two storey detached dwelling acceptable. However, as the proposed dwelling would serve the applicant only this appears to be overdevelopment. For example, referring to the Welsh Development Quality Requirements 2021 which sets out floor space standards for affordable housing – of which this applies as a rural enterprise dwelling is a form of affordable housing – a two bedroom bungalow or a 2 bedroom house commands a minimum gross internal floor area of 58sqm and 74sqm respectively. As such, the proposed gross internal floor area is 2 – 3 times greater than WDQR standards. It is therefore considered that the scale of the dwelling proposed is unusually large in relation to the needs and scale of the enterprise and the number of future occupants, which further

highlights that the requirements of the owner/occupier have informed the scale of the dwellings, rather than the scale of the enterprise.

8.1.32 It is noted that the applicant now has £150,000 in equity; it has not been established if this is in capital or just the equity value of the ongoing business. According to a Land Registry search the applicant sold her share of Holly House. The remaining build costs (total estimated at £300,000) is to be further funded by a loan of £150,000 over a 5 year period modelled at 6% interest rates. The financial information presented indicates that the business would continue to meet those payments and retain an operating profit for 5 years.

8.1.33 It is acknowledged that the figures presented indicate profitability to secure the construction of a sizeable dwelling, however, firstly, the accounts presented have not confirmed whether they include profits from the unauthorised catteries and grooming parlour, and secondly the scale of the dwelling proposed in association with the scale of operations (authorised and unauthorised) are not reflective of each other or of the gross internal floorspace standards as set out in WDQR. It is for these reasons why it is considered the financial test is not met.

8.1.34 *Other Dwelling Test*

8.1.35 As set out in section 4.11.1 of Technical Note 6:

'Evidence must be provided to demonstrate that there is no other dwelling(s) or buildings suitable for conversion, which are available to meet the need. If there are existing dwelling(s) on the enterprise it needs to be shown why these cannot be used to meet the needs of the enterprise for a resident worker, and why labour or residential arrangements cannot be re-organised to ensure that the existing accommodation meets the needs of the enterprise without the need for a further dwelling.'

8.1.36 As confirmed through the supporting information the applicant currently resides in the existing farm cottage with her parents. The information provided within the Rural Enterprise Dwelling Assessment by Landsker Business Solutions sets out that the existing farmhouse could not be subdivided and that conversions costs would be significantly higher than that to construct a new build property. No evidence has been provided within the Rural Enterprise Dwelling Assessment by Landsker Business Solutions detailing modelled costs or potential methods of conversion by a suitably qualified surveyor. As such, it is considered that the statements provided by Rural Enterprise Dwelling Assessment by Landsker Business Solutions lack an evidential basis in which they have based their conclusions upon.

8.1.37 As per the previous application, the possibility of the applicants parents selling the wider holding to fund their retirement remains hypothetical and therefore limited weight is given to this in the justification for an additional dwelling within the rural enterprise.

8.1.38 Floorplans of the existing farmhouse, nor internal inspection, have not been provided to add to the justification for the additional dwelling.

8.1.39 Turning to Holly House, it is noted that the applicant has sold their share to her nephew and partner who it is believed now resides in the property. It is noted that the previous application 22/1222 contained details of the trust agreement in place which controlled the occupancy of the property. Within that trust agreement, the applicant and other members of the Trust must unanimously agree as to whom resides in Holly House. It is unclear as to why the Trustees (of which the applicant is a member of) have permitted the occupation of the unit by her nephew and partner, but according to their own previous statements under 22/1222, occupation of Holly House by the applicant would not be agreeable to members of the Trust. This further establishes a concerted effort to circumvent the planning system in order to gain a new dwelling in the countryside.

8.1.40 Turning to the park home centrally located within the rural enterprise, no evidence or statements have been provided outlining why the park home could not suitably meet the accommodation needs of the applicant in such close proximity to the kennels. Furthermore, no information has been provided outlining why the current occupation of the park home by the applicants' niece (formally occupied by the applicants nephew), is essential for the needs of the rural enterprise. As per the Inspectors decision, the consideration of the existing

dwelling present within the wider enterprise shall be considered in the context of available accommodation.

8.1.41 A desktop analysis of residential properties on Rightmove carried out on the 20th April 2026 found 6no. properties under £150,000 within 3 miles of the application site, and 163no. properties within 5 miles of the application site, also £150,000 and under. The site is connected by a maintained highway and it is considered that drivetimes would be sufficiently short to ensure quick attendance in the case of any animal emergency. The search radius provided by Reading Agricultural Consultants of 0.5miles from the application site is considered very restrictive given that most of the area within 0.5miles of the site is open countryside and therefore does not accurately portray the number of available properties within a reasonable drive time in the locality. Furthermore, Reading Agricultural Consultants comment that the applicants' existing residence is within the farmhouse buildings and that this land is not in her ownership. As outlined in previous sections of this report, the land holdings have been divided into smaller parcels over the course of time. It is not clear, nor any robust evidence submitted, outlining why the applicant is currently permitted to reside in the farmhouse despite her not owning the land directly to which it relates. The matter of fact which Reading Agricultural Consultants have not commented on is that the differing land title all form part of the whole rural enterprise. As such, the argument of using land ownership to denote the applicants right to reside, or not reside, in the farmhouse is nonsensical, and adds further to the view that efforts are being made to circumvent planning controls.

8.1.42 Taking into account the above, it is considered that the *Other Dwellings* test has not been sufficiently addressed by comprehensive evidence.

8.1.43 *Conclusion of TAN6 tests*

8.1.44 The existing business of a dog kennel does meet the definition of a rural enterprise as contained within TAN6 Practice Guidance. The previous consent 12/1058 includes a condition which prevents the kennels from being established as an independent rural enterprise from the wider nursery. This condition remains as it has not been breached and is therefore necessary, relevant and enforceable. The further justification tests have been addressed in turn above and the conclusion is drawn that it fails the tests contained within sections 4.9 – 4.11 of TAN6. Therefore, the proposed dwelling is unacceptable and contrary to TAN6.

8.2 **Flooding**

8.2.1 Since the determination of the previous rural enterprise application and dismissed appeal, there has been a change to the national policy position on flooding as contained within Technical Advice Note 15 (2025) and as such this represents the current policy framework in which all relevant planning applications are assessed against. The *'fundamental principles of the TAN are to restrict new development in Zone 3 subject to the limited exceptions in section 10 and to ensure that decision makers have taken flood risk matters into consideration in all other zones.'* Furthermore, the sole reference for flood mapping in Wales is the Flood Map for Planning (FMfP).

8.2.2 The site is located within a TAN 15 Defended (Sea) zone and Flood Zone 3 (Sea); it is noted that areas of Flood Zone 2 (Rivers) are located along the reens at the wider site boundaries.

8.2.3 The land is greenfield land as no form of fixed surface infrastructure is present and the land is associated with an existing agricultural use. The proposed new dwelling would therefore be considered as new highly vulnerable development on greenfield land.

8.2.4 Section 10.13 of TAN15 clearly states that *'The presence of formal flood defences does not guarantee that land in the Defended Zone will remain free from flooding in the future, they simply lower the risk of exposure to flooding.'*

8.2.5 Furthermore, section 10.17 states *'Applications for new development on Greenfield sites are not appropriate in Defended Zones unless they are allocated in development plans.'*

8.2.6 The application site is not an allocated site in the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). It is noted that the submission includes comments relating to the updated national policy framework, but no direct commentary has been provided

specifically addressing the above sections from TAN15 (2025). During the course of the application, several Flood Consequences Assessments (FCA) were submitted; the first being based on the previous application layout and the second being based on the current layout. The Case Officer highlighted the change in national policy to the applicant and agent at the start of the application process, however they insisted to update the FCA and seek comments from Natural Resources Wales on its contents. It has been made explicitly clear to the agent and applicant that given the sites location within a Defended and Flood Zone 3, it would be unreasonable of the Local Planning Authority to request such abortive work given the policy background. Notwithstanding this, the applicant and agent remained adamant they wanted to provide an updated FCA. To that end, when the FCA was submitted Natural Resources Wales were consulted and comments received highlighting that firstly, the Local Planning Authority should consider this application against Section 10 of TAN15 (2025), and secondly that the FCA fails to demonstrate that the potential risk and consequences of flooding are manageable.

- 8.2.7 There are a number of reasons why the conclusions of the FCA are not accepted which relate to the hydraulic modelling data set used does not represent the most up to date data, non-compliance with *Figure 5* of TAN15 (2025) frequency thresholds, external flood depths exceed tolerable thresholds, insufficient modelling of flooding events plus climate change, absence of suitable overtopping/breach assessment, access and egress to the site may be restricted during a flood event, and the breach scenarios have only been assessed for 96 years of the development, rather than the 100 year lifetime.
- 8.2.8 The agent has provided an additional statement dated 21st April 2026 following NRW's comments to address the above concerns. The statement contends that the proposal is a *redevelopment on previously developed (brownfield) land*'. As set out in para. 8.2.3 of this report, it is considered that the site does not meet the definition of previously developed land as contained within Planning Policy Wales (Ed.12). Therefore, as the application site is not previously developed land, the scheme cannot be considered as a *redevelopment* in reference to the definition within TAN15.
- 8.2.9 The supporting letter goes further in trying to address NRW's concerns regarding the frequency, thresholds, overtopping and access/egress. However these arguments are based upon their view that the proposal is as a *redevelopment*; this is considered as a fundamental flaw in the how the scheme is considered in terms of acceptability of flood risk and consequences as the site is new development on a greenfield site. Therefore, the submitted additional information is fundamentally flawed and fails to satisfy the requirements of TAN15 (2025).
- 8.2.10 Furthermore, it was clarified again to the agent that given the national policy position of TAN15 (2025) regarding highly vulnerable development on a greenfield site within a Defended Zone and Flood Zone 3, that the conclusions of an FCA would not overcome the presumption against this form of development in this location. As such, the Local Planning Authority have proceeded to determine the application in line with national policy framework.
- 8.2.11 The proposed dwellinghouse is a form of unjustified development on an unallocated greenfield site and would be contrary to the aims of TAN15 to direct highly vulnerable development away from areas at risk of flooding. The proposal is contrary to Technical Advice Note 15 (2025) and Policy SP3 of the Newport Local Development Plan 2011 – 2025 (Adopted January 2026).

8.3 **Countryside & Green Wedge**

- 8.3.1 Planning Policy Wales (Ed.12) states at para. 4.2.25 '*In the open countryside, away from established settlements recognised in development plans or away from other areas allocated for development, the fact that a single house on a particular site would be unobtrusive is not, by itself, a good argument in favour of permission; such permissions could be granted too often, to the overall detriment of the character of an area.*'
- 8.3.2 The application site lies outside of a settlement boundary as designated by the maps contained within the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Development outside of a settlement/village boundary is considered to be *countryside* for the

purposes of the consideration of planning application as such Policy SP5 is applicable to the considerations of the proposed dwellinghouse in association with the rural enterprise.

- 8.3.3 The proposed dwellinghouse is not an appropriate use in this location as it has not been sufficiently justified against the tests with TAN6 or accords with the criteria within TAN15. The erection of a detached dwellinghouse in this location would represent as further piecemeal development within the countryside setting resulting in an adverse impact upon the wider landscape character. The site is located within a SSSI and therefore has a sensitive link to the wider hydrology. Insufficient details have been submitted regarding methods of surface water drainage and the specific design of foul drainage. Therefore, the proposal is contrary to requirements of Policy SP5.
- 8.3.4 The application site is located within a Green Wedge as designated by the plans contained within the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). The introduction of a new dwelling in this countryside location has not been justified sufficiently against the tests within TAN6. Planning Policy Wales (Ed. 12) goes further setting out that if a development is not justified in rural enterprise terms it is considered as an inappropriate development within the Green Wedge and should be resisted. Therefore, as the proposed development is not justified, it is contrary to the aims of the Policy SP7 which seeks to maintain the Green Wedge to prevent coalescence.
- 8.3.5 The previous Inspectors decision also noted that a dwelling sited in this location would encroach onto land of notably open character, resulting in harm to the openness of the green wedge. The current submission does not contain sufficient information to overcome this concern.

8.4 **Special Landscape Area**

- 8.4.1 The application site is located within the Wentlooge Levels Special Landscape Area (SLA). Development proposals within an SLA are not precluded but 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 relevant policies. The previous Inspectors decision noted the amplified scale of the dwelling caused by the proposed boundary treatment and the siting of the dwelling in this location.
- 8.4.2 The current scheme now contains no form of boundary treatment annotated on the submitted drawings but does seek to introduce planting of trees and shrubs to screen the dwelling from wider views from the north. The Wentlooge Levels has a prevailing character of wide-open flat spaces unimpeded by tall planting and trees. The Landscape Architect has noted the sites' location within the Wentlooge Levels and that Policy SP8 seeks to ensure landscaping designs respects the valued characteristics of the SLA. The Landscape Architect comments that the amount of information submitted is insufficient to allow for a fuller assessment of the landscape impacts and that the scheme proposes a risk of intrusion onto the open flat historic landscape. It is considered that the introduction of screening planting within an area characterised by its flatness and openness would result in an adverse impact on the intrinsic character, qualities and features of the SLA contrary to Policy SP8. Additionally, the LPA would suggest that screening an unacceptable form of development is not suitable mitigation and the harm from the development in this location could not be adequately mitigated via screening.

8.5 **Amenity**

- 8.5.1 To the south and east of the proposed dwelling are the existing dog kennels, unauthorised catteries & grooming parlour, and large commercial buildings respectively. Due to the type of buildings neighbouring the site, it is considered the proposed dwelling would not have an adverse impact on local amenity in terms of noise, disturbance, privacy, overbearing, light, odours or air quality.
- 8.5.2 The proposed use and form of development is considered to not result in an adverse impact on the visual amenity of nearby occupiers when considering the unharmonized appearance of the wider site. However, due to the lack of information regarding wider views into the site and the proposed planting resulting in an incongruous appearance in association with the Wentlooge Special Landscape Area, it is not clear how the proposal would achieve

integration with the special landscape area. As such, the proposal is considered to fail test (ii) of Policy GP2.

8.5.3 The proposed amount of amenity space exceeds the minimum desired space standards for private amenity space as set out in section 5.2.1 of the New Dwelling SPG document. As the proposed dwelling would be sited within the established rural enterprise (kennels and nursery), it is considered reasonable that any future occupant would expect noise arising from the uses. In the context of how the site operates and that the future occupant would be the full-time worker for the kennels and nursery, it is considered that potential noise levels experienced on site would be acceptable.

8.6 **Service Infrastructure and Site of Special Scientific Interest (SSSI)**

8.6.1 The proposed dwelling seeks to install a package treatment plant (PTP) to manage foul water drainage. The SSSI land designation highlights the sensitivities of the site and that any form of package treatment plant shall be required to ensure discharges would not affect the wider hydrology of the area.

8.6.2 NRW have commented that no information has been provided of the discharge point and therefore cannot conclude if it will be hydrologically linked to the SSSI. It is noted that the drainage plan (A-120) referred to in NRW's response does contain indicative drainage run details from the house to the proposed PTP.

8.6.3 Furthermore, as the site is located within an area of flood risk, insufficient information has been provided to ensure that the PTP would remain operational during times of flooding and that the special features of the SSSI and water environment would be always protected.

8.6.4 No information regarding specific siting, model, or section detail of the PTP has been provided in the submission. Therefore, the Local Planning Authority cannot make any further specific comment on the acceptability of the PTP to ensure it would not adversely impact the sensitivities of the SSSI. The proposal is contrary to the aims of Policy SP4 to ensure the protection of water quality in the SSSI and GP7 which seeks to protect the environment and public health. Given the highly sensitive location of the application site such details are required to inform any decision and it is the view of the LPA that such details cannot be submitted at a later date/controlled via condition.

8.6.5 Welsh Government Circular 008/2018 / 10/99 advises that full and detailed consideration be given to the environmental criteria listed under paragraph 2.6 of the Circular, in order to justify the use of private sewerage. The criteria are; *Contravention of recognised practices, Adverse effect on water sources/resources, Health hazard or nuisance, Damage to controlled waters, Damage to the environment and amenity, Overloading the existing capacity of the area, Absence of suitable outlets, Unsuitable soakage characteristics, High water table, Rising ground water levels and Flooding and Maintenance plan*. Specific details relating to the proposed PTP are absent from this proposal therefore the LPA have not been able to satisfy if the aforementioned criteria has been met. The absence of this information forms part of the concern raised by NRW. Section 2.7 of The Circular follows the assessment criteria and states:

"If on the basis of the information and evidence received, it can be demonstrated by virtue of one or more factors set out in paragraph 2.6 above, the private sewerage and/or sewage disposal proposals put forward for a proposed development are likely to lead to a significant environmental, amenity or public health problem in any area, it would normally be sufficient to justify refusal of planning permission for the development".

Given the absence of this information the LPA are unable to satisfy this criteria and therefore are unable to support the proposed development in its current form.

8.6.6 The scheme is not supported by a drainage hierarchy statement in line with the drainage circular 008/2018 confirming that connection to mains drainage has been explored.

8.6.7 Para. 6.4.25 of PPW (Ed.12) sets out that development within a SSSI which is not necessary for the management of the site must be avoided. Para. 6.4.26 goes further stating that '*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.'

8.6.8 Within the consultation response from NRW they stated that: *"Based on the submitted application form, we note that the land take from the SSSI would be 0.08 hectares. We consider that the proposed development is not necessary for the management of the SSSI and therefore it is ultimately up to your Authority to determine whether the proposal meets 'wholly exceptional' circumstances and whether all criteria have been met."*

8.6.9 The LPA consider that the proposed dwellinghouse would not meet the 'wholly exceptional' circumstances to justify the development within a SSSI as it has not been justified in association with TAN6 nor is it required for the management of the SSSI.

8.7 Highways and Parking

8.7.1 The application site would be served by an existing access from the B4239 highway which leads through the site. The applicant would need to ensure they have a legal right of access agreement with the owner of the land in question in order to gain lawful access to the site. This falls outside the considerations of the planning application, however it can be confirmed that an access from an adopted highway into the site does exist. The proposed residential use would not result in a significant increase in vehicle movements accessing the B4239. The turning area within the site provides sufficient manoeuvring space for vehicles to enter and leave in a forward gear. Therefore, it is considered the safe and efficient use of the highway network is retained in accordance with Policy GP4.

8.7.2 With regard to parking, it is noted that 2no. bedrooms are proposed to the first floor, therefore the parking demand as set out in the Parking Standards SPG would be 2no. spaces. The proposed site plan indicates sufficient amount and size of parking spaces in accordance with parking standards and Policy T4.

8.7.3 Cycle storage has not been included within the proposed site plan; however, it is considered that there is sufficient space within the site to cater for this. Therefore, this detail could be secured by way of condition should all other matters be acceptable.

8.8 Ecology

8.8.1 The Councils Ecologist agrees with the recommendations as set out within the Ecology Assessment 2022 – 25 dated 12th December 2025 which includes ecological protection measures, mitigation and enhancements which have incorporated NRW's comments from the previously considered scheme.

8.8.2 The permanent land take of land from the SSSI through the siting of the dwelling is contrary to the aims of Planning Policy Wales (Ed.12) as the scheme is not necessary for the management of the SSSI. Furthermore, the proposed dwelling is considered to not be a '*desirable intervention in SSSIs*' as it is not necessary to secure its role (the SSSI) as a living landscape. It is noted that NRW have commented stating that the proposed ecological protections and mitigations would likely not result in damage to the notified features of the SSSI, it remains that the development within a SSSI is not justified in accordance with Planning Policy Wales (Ed.12).

8.8.3 It is noted that proposed development would be located outside of the relevant reed buffer zones. Regarding construction run-off, insufficient details have been provided to ensure the water quality is not adversely affected. Should all other matters be acceptable, it is considered that this could be secured by way of condition.

8.8.4 The consultation response from NRW confirms the presence of the Shrill Carder Bee within 2km of the development site and that opportunities exist to enhance existing grasslands to benefit the Shrill Carder Bee. No information has been provided outlining what vegetation, if any, is required to be removed and what measures would be in place to ensure checks for the Shrill Carder Bee are carried out prior to the removal of any vegetation.

8.9 Design

- 8.9.1 The proposed dwelling appears to have a modest footprint when compared to the extent of the proposed curtilage. The site layout is logical and regular in providing the vehicle turning and parking to the front elevation and private amenity space to the rear of the dwelling.
- 8.9.2 The overall design of the dwelling is basic and regular; however it is noted that the front elevation ground floor window cills do not match which represents as an odd design feature, but it is considered this in isolation would not be commensurate to warrant a reason for refusal. No details have been provided of how the external elevations are to be finished however this could be secured by way of condition to ensure an appropriate appearance within the setting.
- 8.9.3 It is noted that the floorplan includes 2no. ensuite bedrooms to the first floor; as the proposed dwelling seeks to serve one occupant, it is not clear as to why 2no. ensuites are required at first floor. Also, it is noted that the ground floor has a similarly sized utility as the proposed kitchen. Both design factors contribute toward the over scaled footprint when considering the needs of the proposed occupant. The scheme is considered acceptable in design terms, but the dwelling itself and amount of accommodation it provides remains to be unjustified in association with TAN6.
- 8.9.4 Public views from Hawes Lane would be possible of the proposed dwelling. It is considered that its siting would represent as a further piecemeal erosion of the open landscape character and appearance of the area resulting in harm on the visual amenities of the area contrary to Policy GP6.

8.10 Archaeology

- 8.10.1 The site is located within an area which has a high probability of encountering archaeological deposits. The consultation from HENEB confirms that archaeological mitigation will be required as the area of a surviving Roman landscape. The extensive groundworks in an area of high archaeological potential near several known Roman features justifies the requirement for mitigation. This information is required prior to the determination of the planning application to understand the impact of the proposal on the significance of any remains which may be present. In the absence of suitable archaeological survey work, the proposal is contrary to the aims of Planning Policy Wales (Ed.12) and Policy CE6.
- 8.10.2 It is noted that the consultation response previously on 22/1222 recommends details to be secured by way of condition, however the proposed scheme has a different site location plan and therefore the associated land under consideration is materially different from that previously considered.

8.11 Waste

- 8.11.1 The proposed site layout does not include an area for the storage of waste and recycling. Details of which could be secured by way of condition. It is noted that the siting of the waste and recycling storage area within the proposed curtilage would be more than 25m from the adopted highway for roadside refuse collections. However, in the context of a rural dwelling, it is not uncommon for occupants to have to transport their waste and recycling a considerable distance for roadside pickup. As such, the siting of the waste storage area a considerable distance from the collection point is not ideal but is typical of this property type. The proposal accords with the Waste Storage and Collection SPG and Policy W3.

8.12 Sustainable Drainage

- 8.12.1 The development site is over 100sqm, therefore, the scheme would require separate approval from the Sustainable Drainage Approval Body for how surface water is to be managed on site. This element is controlled by the Flood and Water Management Act 2010 and as such these matters shall not be duplicated in the consideration of this application. The responsibility lies with the applicant to ensure SAB measures are incorporated into the site layout.

8.13 Undeveloped Coastal Zone

- 8.13.1 The site is located within an undeveloped coastal zone, PPW (Ed.12) para. 6.5.9 states '*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 risk, and impacts on biodiversity and ecological resilience.'

8.13.2 Policy CE9 states:

Development will not be permitted in the coastal area or adjoining the tidal river unless:

- i) In the undeveloped coastal area such development is required to be on the coast to meet an exceptional need which cannot reasonably be accommodated elsewhere;*
- ii) The area is not itself at risk nor will the proposed development exacerbate risks from erosion, flooding or land instability*

Development which requires a coastal location should be sited within the developed coastal zone.

8.13.3 As the proposal has failed the justification tests for the erection of a rural enterprise dwelling in association with TAN6, the proposed development within the undeveloped coastal zone has not demonstrated an exceptional need for the siting of a dwelling within the undeveloped coastal zone. Furthermore, the issues associated with coastal change, in this case flooding, have not been sufficiently addressed as firstly, the sites location within a TAN15 defended zone for a form of highly vulnerable development on a greenfield site is contrary to the requirements of TAN15, and the consequences of flooding have not been suitably addressed through an acceptable Flood Consequences Assessment. As such, the proposal is contrary to Planning Policy Wales (Ed.12) and Policy CE9.

8.14 **Section 106 Planning Obligation Matters**

8.14.1 In accordance with Policy SP13 of the adopted Newport Local Development Plan 2011-2026 and the adopted Planning Obligations Supplementary Planning Guidance, development will be required to help deliver more sustainable communities by providing, or making contributions to, local and regional infrastructure in proportion to its scale and the sustainability of the location. In this case, section 106 planning obligations are required to mitigate the impact of the development in accordance with the table below.

Service Area that requires planning obligation	Purpose of planning obligation	Planning obligation initially sought by Planning Authority	Summary Heads of Terms agreed by applicant(s)	Viability Issues?
<i>Regeneration, Investment and Housing</i>	To provide a contribution toward off site affordable housing should the dwelling become available on the open market.	A commute sum of £2,385 in accordance with Policy SP13 of the LDP.	Agreed, however given the dwelling is a form of affordable housing the applicant wishes for a condition to be attached restricting occupancy which in essence would negate the need for a legal agreement, but controls would remain in place to clawback affordable housing contributions through the condition and any future Section 73 to vary the occupancy condition.	No.

8.14.2 The Planning Contributions Manager has based their calculations should the dwelling become available on the open market. As such, this commands the planning contributions as set out in the table above.

8.14.3 As set out above, the applicant wishes to address the Section 106 through the standard restricted occupancy condition within TAN6 Section 4.13. It is considered that the attachment of the occupancy condition provides suitable controls to ensure affordable housing contributions are secured should the dwelling become available on the open market as a Section 73 application would be required to facilitate this. At that stage a Section 106 agreement can be entered into between relevant parties. While this approach is unorthodox, it is considered that suitable controls remain to secure monies toward affordable housing should the circumstances occur in the future.

8.14.4 In light of the above, a reason for refusal relating to the absence of a signed Section 106 shall remain as there is no consent restricting occupancy, nor is there a completed agreement in place.

8.15 Other matters

8.15.1 It is noted that some matters relating to additional landscaping information, material details, foul drainage etc, could be provided to address those matters. However, given the in-principal issues regarding TAN6 and TAN15, those additional details would not overcome those issues. Hence why further details have not been requested from the applicant as this would be further abortive work.

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 proposed development has not sufficiently addressed the requirements of Technical Advice Note 6 – Planning for Sustainable Rural Communities to justify a new dwelling associated with the rural enterprise. Furthermore, the scheme is unacceptable in flooding terms due to the land designations and the type of development proposed contrary to Technical Advice Note 15 – Development, Flooding and Coastal Erosion (2025). The location of the proposal is not supported by sufficient justification to establish an exceptional need for the proposal within an undeveloped coastal zone. The scheme would also result in material harm on the Green Wedge and Special Landscape Area due to insufficient information justifying the principle of development and the piecemeal erosion of the open countryside character. Insufficient information has been submitted to ensure the package treatment plant would protect the special qualities of the SSSI and water quality; also insufficient information has been submitted to ensure any archaeological deposits are suitably protected.

11. DECISION

Refuse, for the following reason(s):

01 The proposed dwelling fails the time, financial and other dwellings tests contained within Technical Advice Note 6 therefore the proposal is not justified in this location contrary to Technical Advice Note 6 – Sustainable Rural Communities.

02 The proposed dwelling would seek to introduce an inappropriate form of development as stated within Planning Policy Wales (Ed. 12) section 3.64 - 3.78 as it is not justified in accordance with Technical Advice Note 6 - Sustainable Rural Communities thereby resulting in harm to the openness of the Green Wedge adversely impacting the retention of countryside to prevent coalescence between settlements contrary to Policy SP7 of the Newport Local Development Plan 2011 - 2026 (Adopted January 2015).

03 The proposal has not taken full account of the special landscape features surrounding the site resulting in an adverse impact on the Wentlooge Special Landscape Area contrary to Policy SP8 and part (ii) of Policy GP2 of the Newport Local Development Plan 2011 - 2026 (Adopted January 2015).

04 The proposal fails to secure either (i) a contribution toward off site affordable housing or (ii) a method to recoup the relevant contribution toward off site affordable housing should the dwelling end up on the open market, through a Section 106 agreement or occupancy condition contrary to Policy SP13 of the Newport Local Development Plan 2011 - 2026 (Adopted January 2015).

05 The proposed highly vulnerable development on greenfield land within an undeveloped coastal zone is contrary to the permissible forms of development within a Defended Flood Zone 3 contrary to within Technical Advice Note 15 – Development, Flooding and Coastal Erosion (2025), Policies SP3 and CE9 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015) and Planning Policy Wales (Ed.12).

06 The proposal does not contain sufficient information to demonstrate that the proposed package treatment plant would not have an adverse impact on the water quality within the

Site of Special Scientific Interest (SSSI) contrary to Policy SP4 and GP7 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

07 The proposal is not supported by sufficient information to ascertain what below ground deposits may be present within the archaeologically sensitive area contrary to Technical Advice Note 24 – The Historic Environment and Policy CE6 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

NOTE TO APPLICANT

01 This decision relates to plan Nos and documents:

- Response to NRW Flood Risk Comments (Ref: RTP-JBA-XX-XX-LT-Z-0001)
- Flood Consequences Assessment (Ref: RTP-JBA-XX-XX-RP-Z-0001-S3-P02)
- Block Plan as Existing (Drawing ref: A-102)
- Elevations as Proposed (Drawing ref: A-116)
- Plans and Section as Proposed (Drawing ref: A-115)
- Site Section a-a as Existing and Proposed (Drawing ref: A-114)
- Block Plan as Proposed (Drawing ref: A-112)
- Location Plan (Drawing ref: A-101)
- Site Drainage Plan (Drawing ref: A-120)
- Rural Enterprise Dwelling Appraisal by Landsker Business Solutions, Dated 07/11/2025)
- Ecology Appraisal 2022 – 2025 (Received: 15.12.2025)
- Planning, Design and Access Statement by GJP Planning & Development Consultancy (Received: 15.12.2025)
- Green Infrastructure Statement (Received: 15.12.2025)

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP3, SP4, SP5, SP7, SP8, SP9, SP10, SP13, GP2, GP4, GP5, GP6, GP7, CE6, CE9, H2, H4, T4 and W3 were relevant to the determination of this application.

03 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.