

Delegated Decision Report

Application No:	26/0254	Statutory Period Expires:	30th April 2026
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Site:	<i>Fairwater Farm Began Road Cardiff CF3 6XS</i>		
Proposal:	<i>PRIOR NOTIFICATION: AGRICULTURAL GRAIN STORE</i>		
Applicant:	<i>M Redwood</i>		
Type:	Prior Approval - 28 Day	Ward:	Tredegar Park And Marshfield
Decision:	PRIOR APPROVAL REQUIRED AND REFUSED		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 Fairwater Farm is located on Began Road within the rural settlement of Michaelston-y-Fedw, an area characterised by dispersed rural properties, agricultural land, and small clusters of isolated dwellings. The application site sits to the south-east of the main farm holding and is accessed via a connecting track leading from Began Road. The farmhouse and associated agricultural building are visible from Began Road and from neighbouring farmsteads due to the open rural landscape. The site lies within the countryside.

3. DESCRIPTION OF DEVELOPMENT

3.1 The application seeks prior approval for a storage building as a grain store. The walls would be profile sheeting in Sherwood green, with lower section natural concrete panels, the roof would be profile sheeting, with the door as a roller shutter door. The length of the unit is 30m (L) x 18.7m (W) x 8.8m (H to ridge).

4. RELEVANT SITE HISTORY

None.

5. PLANNING POLICY

5.1 THE NATIONAL DEVELOPMENT FRAMEWORK: FUTURE WALES - THE NATIONAL PLAN 2040

Future Wales sets out the Welsh Government's land use priorities and provides a national land use framework for SDPs and LDPs. Future Wales concentrates on development and land use issues of national significance, indicating areas of major opportunities and change, highlighting areas that need protecting and enhancing and helping to co-ordinate the delivery of Welsh Government policies to maximise positive outcomes.

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping Urban Growth and Regeneration - Strategic Placemaking

Policy 9 - Resilient Ecological Networks and Green Infrastructure

5.2 PLANNING POLICY WALES (EDITION 12) 2024

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

3.4 - Meeting the objectives of good design should be the aim of all those involved in the development process and should be applied to all development proposals at all scales.

5.3 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP5, GP2, GP5 and GP6 were relevant to the determination of this application.

5.4 Town and Country Planning (General Permitted Development) Order 1995 - Schedule 2, Parts 6 and 7

6. CONSULTATION RESPONSES

6.1 Heritage officer: The proposed replaces an existing modern barn of some considerable size and two smaller structures already demolished.

There will be no impact upon heritage assets or their setting and, therefore, no concerns from my perspective.

6.2 Ecology Officer:

I have no concerns over the new building or its location, and I note that some of the smaller existing buildings have already been removed. The larger existing barn however is still shown as being present in May 2023.

If this barn is still in place, we have to consider whether it is likely to support roosting bats and nesting birds. Demolition of farm building such as this are referred to in section 7.0, Figure 4 - *'Checklist for protected/priority Species Surveys'* from the Wildlife and Development SPG, which sets out the criteria we use for deciding when a bat survey is needed. However this section also notes that *'Surveys are not required for livestock buildings with a single skin roof and board and gap or Yorkshire boarding.'* The existing building seems to be clad in either corrugated sheet metal, or more likely corrugated asbestos concrete sheets. Neither of these are conducive to roosting bats, as they do not have the correct thermal properties in that they get too hot in summer and too cold in winter. However I see there is also dense ivy cover on the northern elevation of the building, which may buffer against any extremes of temperature and therefore provide a more stable thermal environment.

On balance I do not see there is justification to require a bat survey, as a building of this nature is captured by the exemption listed above. However we should attach our bat advisory note as below. Also, the Applicant should be reminded to avoid disturbance to nesting birds which are protected under the Wildlife and Countryside Act 1981: Part 1, 1(1)(b), whereby it is an offence to intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built.

Any biodiversity enhancement scheme required by condition should be appropriate to the surrounding land use, for example the incorporation of a barn owl nest box in the north-facing gable end of the new build.

6.3 Landscape officer:

A replacement barn would not be out of character but may have a greater visual impact than the existing.

The application states the site is not visible from public footpaths but a route is shown running alongside the barn, this may be screened by existing hedges but this is not evidenced. Google Earth shows the site may also be visible from the highway although footage is taken at +2.5m above ground level.

The site does not lie within a Special Landscape Area but does lie adjacent to a public footpath and appears to be at a prominent location in the wider landscape with a wide view-shed.

I advise that the introduction of a new building at 8.6m to ridge height x 18.2m x 25.4m although replacing three buildings [although two may already have been demolished] would require a targeted landscape appraisal from points along the footpath in both directions and from the highway, leading to a plan showing protection of any screening vegetation and new planting as mitigation.

If a SAB application is required, a joined up landscape-drainage plan would help to demonstrate sufficient space at suitable locations can be allocated for above ground SUDs to meet the Sustainable Drainage Regulations 2018 Standards 4 [Amenity] and 5 [Biodiversity].

Policy:

♣ The proposal should meet the requirements of GP5 General Development Principles – Natural Environment : vi the proposal includes an appropriate landscape scheme which enhances the site and the wider context including green infrastructure and biodiversity networks.

Recommendations:

It is advised that a suitably qualified landscape specialist/professional is used to satisfy 1 and 2.

1. A targeted landscape appraisal from points along the footpath in both directions and from the highway, leading to protection of any screening vegetation and new planting as mitigation. To include photos out from the site in all four main compass directions.

2. Soft Landscape/Planting Plan showing planting type, species, size, density, and outline maintenance for five years to cover new planting until established and existing hedge-lines.

3. Surfacing materials to be confirmed.

6.4 Drainage: No comments received.

6.5 Highways: No comments objections. The site is remote from highway and already has agricultural buildings on it. No impacts are anticipated.

6.6 Welsh water: Dwr Cymru Welsh Water has no objection to this proposed application.

7. PUBLIC REPRESENTATIONS

7.1 Michaelstone Community Council: No comments received.

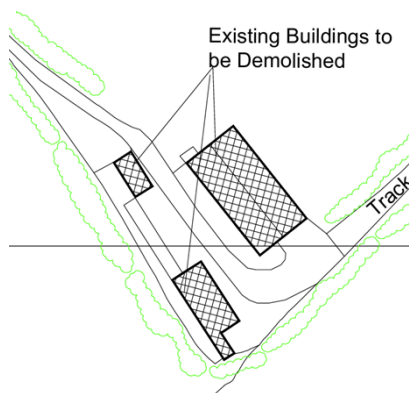
8. ASSESSMENT

- 8.1.1 The Town and Country Planning Act 1990 defines agriculture as “horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and “agricultural” shall be construed accordingly”.
- 8.1.2 The erection of buildings for agricultural purposes can be permitted development under schedule 2, Part 6 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), subject to the scheme being in accordance with the conditions of that part, and applying to the Local Planning Authority for a determination as to whether the prior approval of the authority will be required for the development.
- 8.1.3 Part 6, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) states within Section A.2 (2)(D)(I) that the determination of the Local Planning Authority shall be sought as to whether prior approval will be required for the siting, design and external appearance of the building. One of the primary requirements of the Order is that any development be “reasonably necessary for the purposes of agriculture”. The applicant in the application form has stated that the barn would be used for the storage of grain. The existing building on site is not suitable due to size and the state of repair as stated by the applicant. No further information has been provided in relation to the farm holding and need for the size of the unit. The design of the proposed building appears as a typical agricultural barn building and would integrate into the surrounding. The application form measurements and the scaled plan hold slightly different measurements, with the application form stating the barn is 25.4m in length, whereas the plan states this would be 30m in length. This needs to be consistent and a full assessment of its impact cannot be carried out.
- 8.1.4 In this instance the application is not supported by any robust or meaningful evidence that the development would be reasonably required for the purposes of agriculture and sufficient evidence to support this has not been provided. Whilst a site visit confirmed that the building appears derelict and unusable in its current state, there is no detail on the scale or intensity of any agricultural business activity provided and the subsequent need of a building of the proposed size. On this basis the Local Planning Authority are not satisfied that the proposed development meets this requirement in that it is reasonably necessary or satisfied the requirements of paragraph D1 of Part 6 of Schedule 2 of the GDPO.
- 8.1.5 Furthermore, Part 6 of the GDPO has two parts; Class A, which relates to agricultural units of 5 hectares or more and Class B, which relates to agricultural units of less than 5 hectares, but not less than 0.4 hectares. The application form states that the agricultural unit in this case is 462sqm which translates to 0.04ha which is not permitted. However, a plan of the holding has been provided but is incomplete and cuts off part of the total holding. Notwithstanding, from the map provided the holding appears to be much larger than 0.04ha. It is therefore considered there is a large discrepancy within the submission, and a full assessment cannot be undertaken or determined. Moreover, the information on the application form states that the area of the parcel of

land where the development is to be located is 1 or more hectares and the site plan provided does not seem to be scaled accurately. The information submitted with the application as to the extent of the parcel of land used is therefore unclear and contradictory between documents.

- 8.1.6 On further assessment of the scheme, from the submitted site plan, it appears 3no. buildings are proposed to be demolished. From mapping services, it appears two of the smaller buildings have already been demolished. Therefore, the plans are not detailing the correct situation.

Existing Site plan:



Mapping services:



- 8.1.7 Demolition of a building is permitted development under Schedule 2 Part 31 of the Town & Country Planning General Permitted Development Order 1995 (GPDO) subject to prior approval. The GPDO does allow the Authority to control the 'method of demolition and any proposed restoration of the site', should it be considered necessary through the prior approval process. No information has been provided on this. As forementioned, 2no. of the buildings have been demolished and the larger building remains. The Ecology officer has provided comment and states on balance there is not a justification to require a bat survey, as a building of this nature is captured by the exemption. However we should attach our bat advisory note as below. Also, the Applicant should be reminded to avoid disturbance to nesting birds which are protected under the Wildlife and Countryside Act 1981: Part 1, 1(1)(b), whereby it is an offence to intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built. The officer also states that a biodiversity enhancement should be appropriate to the surrounding land use, for example the incorporation of a barn owl nest box in the north-facing gable end of the new build. An enhancement has not been provided in this instance. Overall, no information has been provided on the method of demolition or restoration of the site.

- 8.1.8 In terms of design, the proposed building would be of a typical barn construction which would remain in keeping with the character of the surrounding area. No objection or concern is raised in this regard with barns being commonplace within the countryside, and no objection has been raised by the Heritage officer. The landscape officer has provided comment and states; a replacement barn would not be out of character but may have a greater visual impact than the existing. The application states the site is not visible from public footpaths, but a route is shown running alongside the barn. However, it is noted that this footpath crosses onto land owned by the applicant. The Landscape officer goes on to state that Google Earth shows the site may also be visible from the highway although footage is taken at +2.5m above ground level. On a site visit, it was confirmed the majority of views are screen by hedgerow, however, some views are partial along Druidstone Road as shown below.

View from Druidstone Road:



- 8.1.9 The site does not lie within a Special Landscape Area but does lie adjacent to a public footpath and appears to be at a prominent location in the wider landscape with a wide view-shed. The landscape officer advises that the scheme would require a targeted landscape appraisal from points along the footpath in both directions and from the highway, leading to a plan showing protection of any screening vegetation and new planting as mitigation. However, on assessment it is noted there are existing farm buildings already located here, and the addition of a new farm building in this location would not appear incongruous. However, the main concern is the increased height of the unit as no information on the height of the existing unit has been provided and an overall assessment of its impact into the streetscape and whether a landscaping scheme is required. Without consideration of this, the full impact cannot be assessed.

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 Insufficient information has been submitted to show that the proposed building is reasonably necessary for the purposes of agriculture or that the operation complies with the requirements of Part 6 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). The proposal does not constitute Permitted Development and so requires planning permission. Additionally, the information submitted in line with the application is not clear and contradictory. The application has not included details of demolition and restoration of the site, and an overall full assessment of the visual impact cannot be undertaken given the lack of information. Therefore, prior approval is required and refused.

11. DECISION

PRIOR APPROVAL IS REQUIRED AND IS REFUSED

01 Prior Approval is required and refused on the grounds that insufficient information to demonstrate that the building is reasonably necessary for the purposes of agriculture or that the operation complies with the requirements of Part 6 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). Insufficient information has been submitted to support the demolition of the existing unit. The proposal does not constitute Permitted Development.

NOTE TO APPLICANT

01 This decision relates to plan Nos: Proposed Floor Plan; Existing/Proposed Site Layouts; Site Location Plan; Proposed Elevations.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP5, GP2, GP5, GP6 were relevant to the determination of this application.

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

04 Bats often roost in houses and other buildings, and work on these buildings may disturb a bat roost. All bats and their roosts are protected against disturbance under UK and European legislation. If works are planned on a building in which bats are known to be roosting, Natural Resources Wales (NRW) must be contacted for advice.

If work has already commenced and bats are found, or if any evidence that bats are using the site as a roost is found, work should cease and NRW should be contacted immediately.

Where there is a likelihood that bats are present, or where bats are found to be present, a suitably qualified and experienced ecological consultant should be contracted to provide an assessment of the impact of the proposed works, and undertake bat surveys if necessary.

Where bats or their roosts are present, no works of site clearance, demolition or construction should take place unless a licence to disturb these species and/or their roosts has been granted in accordance with the relevant legislation. Otherwise, a prosecution may result.

NRW can be contacted at:-

Natural Resources Wales, Tŷ Cambria, 29 Newport Road, Cardiff CF24 0TP, 0300 065 3000

Bat Conservation Trust can be contacted at:-

5th Floor, Quadrant House, 250 Kennington Lane, London, SE11 5DR, 0845 1300228