

Delegated Decision Report

Application No:	26/0131	Statutory Period Expires:	18th March 2026
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Site:	<i>Lower Clifton Court Clifton Common Goldcliff Newport NP18 2PH</i>		
Proposal:	<i>PRIOR NOTIFICATION FOR THE ERECTION OF STEEL FRAME AGRICULTURAL BUILDING TO HOUSE FARM MACHINERY AND HAY</i>		
Applicant:	<i>J Ball</i>		
Type:	Prior Approval - 28 Day	Ward:	Llanwern
Decision:	PRIOR APPROVAL IS REQUIRED AND REFUSED		

1. BACKGROUND

- 1.1 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.
- 1.2 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.

2. SITE LOCATION AND CONTEXT

- 2.1 Lower Clifton Court is an agricultural holding located along Clifton Common in Goldcliff, in the Llanwern ward. The site comprises of an existing dwelling, some single storey agricultural buildings and expansive farmland to the northeast and southwest. The site is within the Countryside, the Caldicot Levels Special Landscape Area and the Levels Archaeologically Sensitive Area.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 A steel frame agricultural building is proposed, measuring 12.2m in width, 18.3m in depth, 4.3m to the eaves and 5.6m to the ridge. The building would be located to the southeast of the dwelling and externally, would be finished with box profile sheeting in a dark green colour with a roller shutter door on the end face and an access door on the side. The floor would be concrete. The building is to be used for the storage of farm machinery, materials and livestock equipment.

4. RELEVANT SITE HISTORY

None.

5. PLANNING POLICY

- 5.1 N/A

6. CONSULTATION RESPONSES

- 6.1 ECOLOGY OFFICER

No response received to date.

- 6.2 LANDSCAPE OFFICER

Additional information required

Minimal information has been submitted. The proposal is for a steel frame building in dark green [juniper green] with box profile sheeting to roof and walls, 18.3m length, height to ridge 5.6m – width is not confirmed. The location is set behind an existing barn and adjacent to the farm yard complex.

The proposal would be screened from the highway but it is unclear if this would be open to views from the public right of way to the north [see below] – there may be intervening vegetation but this is not evidenced in the application.

In addition the location would impact on vegetation shown on Google Earth below. In contrast, the OS base used in the submission shows hard surfacing to the east of the existing barns. Photos would show existing surfacing and vegetation etc.

Recommendations:

Further details are required to be submitted for approval:

- ☐ Photos of the site to confirm existing hard surface or vegetation cover.
- ☐ Photos from the right of way looking towards the site to show openness of views.
- ☐ A proportionate Soft Landscape/Planting Plan showing planting type, species, size, density and outline maintenance and management plan for five years to cover new planting until established. Planting proposals should reflect local native planting and note proximity to the SSSI designation.

6.3 HIGHWAYS OFFICER

No objection

There are no highway impacts anticipated or objections offered.

6.4 NATURAL RESOURCES WALES

No response received to date.

6.5 HENEB (GLMAORGAN GWENT ARCHAEOLOGICAL TRUST)

No response received to date.

6.6 ENVIRONMENTAL HEALTH

No response received to date.

6.7 DRAINAGE MANAGER

No response received to date.

7. PUBLIC REPRESENTATIONS

N/A

8. ASSESSMENT

8.1 Part 6, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) states that works for the erection, extension or alteration of a building on agricultural land comprised in an agricultural unit of 5 hectares or more in area is permitted development where works are reasonably necessary for the purposes of agriculture within that unit. The application form specifies that the land on which the proposed development would be located, does not and has not been in use for agriculture for the purposes of a trade or business. Part 6 of Schedule 2 (Paragraph D1) of the Town and Country Planning (General Permitted Development) Order 1995 states that "agricultural land" means land which, before development permitted by this Part is carried out, is land in use for agriculture and which is so used for the purposes of a trade or business, and excludes any dwellinghouse or garden. Land can only qualify as agricultural land protected if it is used for agriculture and is so used for the purposes of a trade or business. One of the primary requirements of the Order is that any development be "reasonably necessary for the purposes of agriculture". 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. It is not apparent from the submission that there is any meaningful agricultural activity on site nor has any detail of the scale or intensity of any agricultural business activity been provided. 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 Town and Country Planning (General Permitted Development) Order 1995 (as amended).

8.2 The local planning authority must also determine whether the prior approval of the authority is required to the siting, design and external appearance of the building. The building would be sited within agricultural land and would comprise of a steel portal framed structure, clad with box profile sheeting in a dark green colour with a roller shutter door on the end face and an access door on the side. The design and appearance of the building is typical of an

agricultural building. There is an existing stable block located to the east of the dwelling. The siting of the proposed building would be to the southeast of this building with a space of approximately 10m between. The proposed dimensions are greater than that of the existing stables and as such, would create additional built form at the application site. However, it is not considered to be unacceptable. It is considered that the proposed building would not generate any harm on the setting of the rural landscape.

- 8.3 The new proposed agricultural barn would be situated 10m to the southeast of the existing stable block. Behind the stable block is a parcel of land with saplings and vegetation currently in situ. The site is not accompanied by tree information in accordance with BS 5837:2012, however any trees are considered to be of low quality and the proposed building is offset from any tree and hedge features so there can be no reasonable expectation of harm to those features arising from this development.



- 8.4 The Highways Officer did not object to the proposal as it would not have any adverse impact upon vehicular movements to/from site nor would it be detrimental to highway/pedestrian safety.

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.

11. **DECISION**

PRIOR APPROVAL IS REQUIRED AND REFUSED

01 Prior Approval is required and refused on the grounds of 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). The proposal does not constitute Permitted Development and so requires planning permission.

NOTE TO APPLICANT

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

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). No policies were relevant to the determination of this application.

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