

Delegated Decision Report

Application No:	26/0359	Statutory Period Expires:	23rd July 2026
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Site:	<i>The Grove Bowdens Lane Penhow Newport NP26 3AA</i>		
Proposal:	<i>REPLACEMENT OF AN EXISTING OUTBUILDING WITH A SINGLE UNIT FOR TOURIST ACCOMMODATION AND ASSOCIATED WORKS INCLUDING IMPROVEMENTS TO ACCESS ALONG BOWDENS LANE BY RELOCATING THE EXISTING GATEWAY AND GARAGE (PART RETROSPECTIVE)</i>		
Applicant:	<i>W Laws</i>		
Type:	Full	Ward:	Bishton And Langstone
Decision:	GRANTED WITH CONDITIONS		

1. BACKGROUND

- 1.1 Planning permission was granted in December 2021 for the replacement of an existing outbuilding with a unit for tourism accommodation and associated works including access improvements and replacement garage. It subsequently came to light during the consideration of an application for a replacement dwelling at the site, that the tourism unit has not been built in accordance with the approved plans, namely the siting (further away from northern boundary and closer to eastern boundary), patio omitted, installation of hot tub to eastern side of building, changes to arrangement of openings, changes to internal layout, addition of cladding to elevations and has not been occupied for the purpose of tourism accommodation. The replacement garage is also larger than approved and the access improvements have not been completed. This application therefore seeks to regularise the development in part.
- 1.2 As can be seen from the description of the replacement dwelling application under the planning history section of this report, the applicant intends to occupy the unit whilst the replacement dwelling is under construction. The replacement dwelling application is currently undetermined.

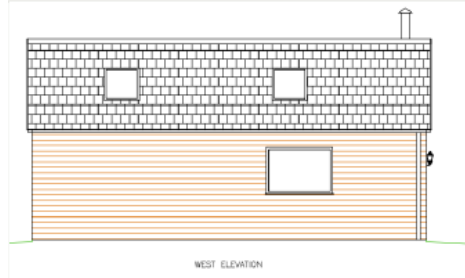
2. SITE LOCATION AND CONTEXT

- 2.1 The site is located in the open countryside, and the area has a strong rural character. There are public rights of way opposite and south side of the site continuing to the rear in an easterly direction. The main property fronts and is within close proximity to the highway with a low stone wall boundary treatment and consequently the property is highly visible. The property occupies a large curtilage with pleasant semi landscaped gardens and outbuildings at the rear. The unit subject of the application is located in the north-eastern corner of the site. There is a Beech Tree with a preservation order within the site.

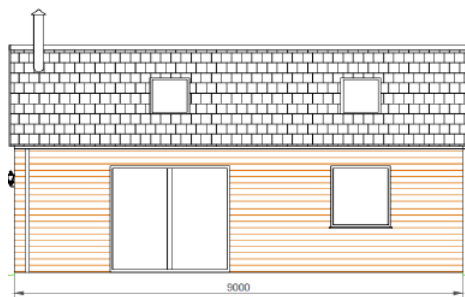
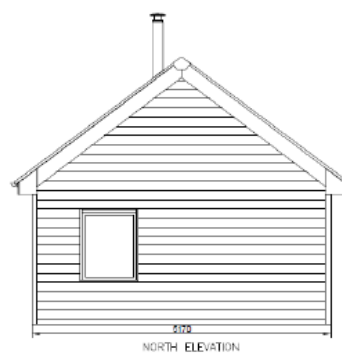
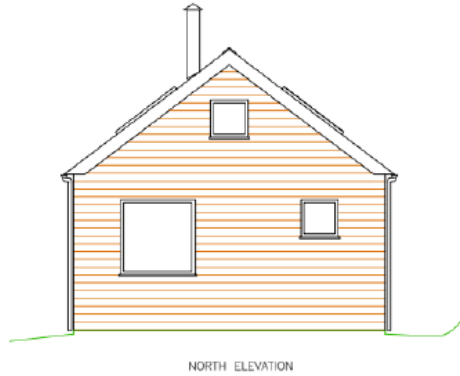
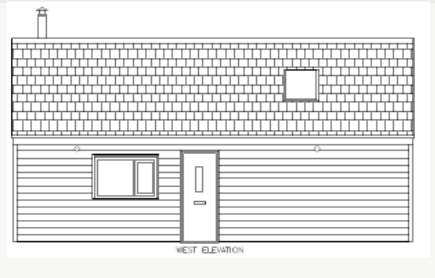
3. DESCRIPTION OF DEVELOPMENT

- 3.1 The tourism unit as built measures a width of 5170mm, depth of 9170mm, eaves height of 2.2m and ridge height of 4.5m. A patio area has been constructed to the east of the building measuring 3.5m x 2.6m and a hot tub is sited to the north-eastern corner of the site. Images of the unit as approved and as built can be seen below:

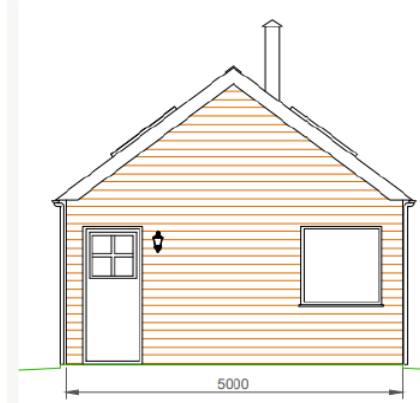
Approved 21/0865



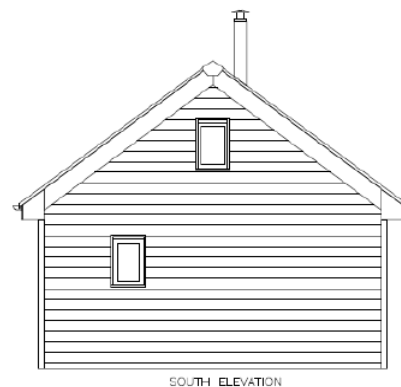
As Built (S73a)



Approved 21/0865



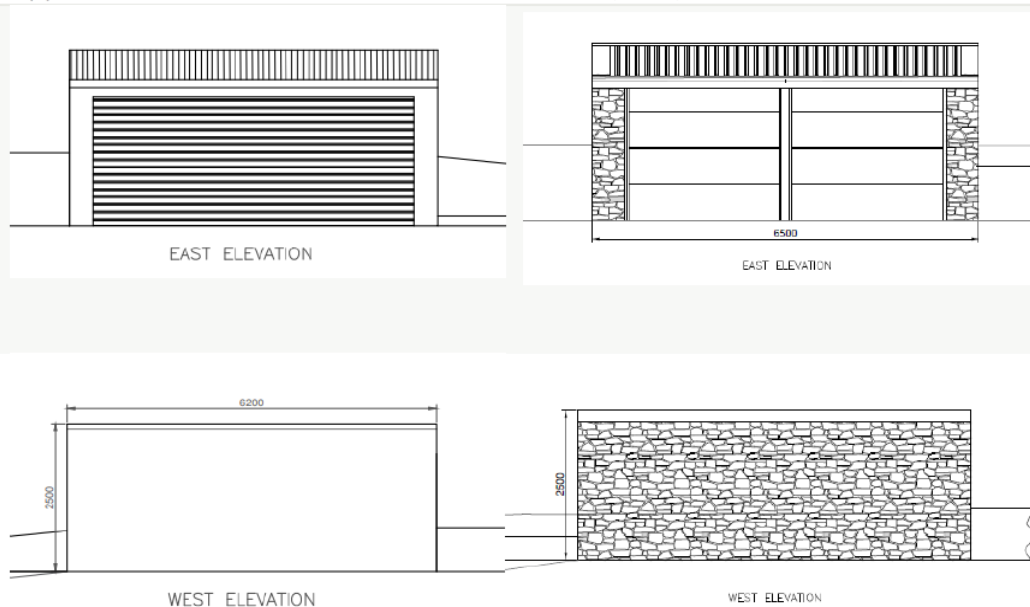
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- 3.2 The garage as built measures 6500mm in width, 5775 in depth and has a maximum height of 2500mm with a sloping roof. Images of the garage as approved and as built can be seen below:

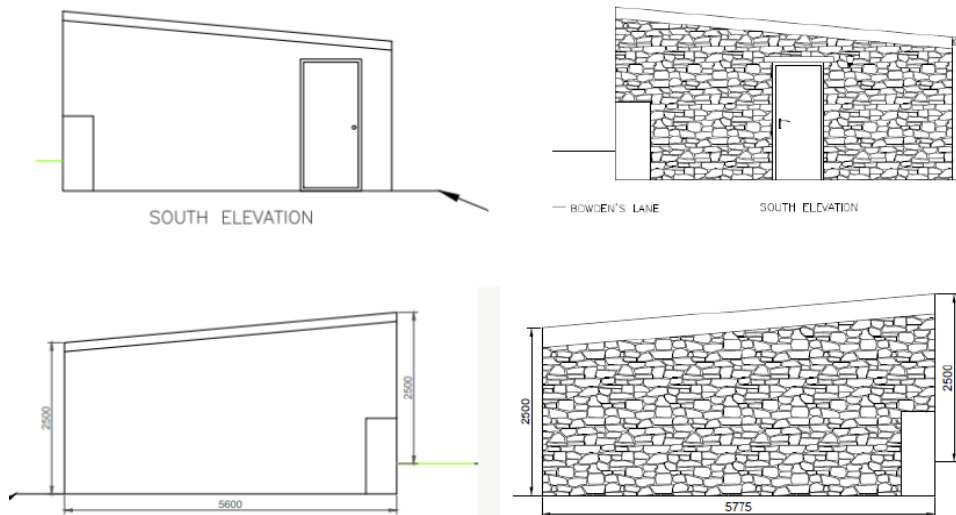
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As Built (S73a)



Approved 21/0865

As Built (S73a)



- 3.3 Condition 3 of planning permission 21/0865 required the approved works to the access to be carried prior to first occupation of the tourism unit. These works included widening (and relocation of garage) in order to achieve improved visibility splays. These works are proposed as part of this application.

4. RELEVANT SITE HISTORY

21/0783	CERTIFICATE OF LAWFULNESS FOR EXISTING USE OF LAND AS C3 (RESIDENTIAL)	GRANTED
21/0865	REPLACEMENT OF AN EXISTING OUTBUILDING WITH A SINGLE UNIT FOR TOURIST ACCOMMODATION AND ASSOCIATED WORKS INCLUDING IMPROVEMENTS TO ACCESS ALONG BOWDENS LANE BY RELOCATING THE EXISTING GATEWAY AND GARAGE	GRANTED WITH CONDITIONS
26/0010	DEMOLITION OF AN EXISTING SEMI-DETACHED DWELLING AND CONSTRUCTION OF A REPLACEMENT TWO-STOREY DETACHED DWELLING, TOGETHER WITH ASSOCIATED	CURRENTLY UNDETERMINED

	WORKS AND USE OF DETACHED HOLIDAY ACCOMMODATION OUTBUILDING AS PRIMARY RESIDENCE FOR DURATION OF CONSTRUCTION PERIOD	
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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 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

SP1 – Sustainability

SP5 – Countryside

SP9 – Conservation of the Natural, Historic and Built Environment

SP21 – Minerals

GP1 – Climate Change

GP2 – General Amenity

GP3 – Service Infrastructure

GP4 – Highways & Accessibility

GP5 – Natural Environment

GP6 – Quality of Design

GP7 – Environmental Protection and Public Health

T4 – Parking

T5 – Walking and Cycling

T7 – Public Rights of Way and New Development

W3 – Provision of Waste Management Facilities in Development

5.4 Adopted Supplementary Planning Guidance

Parking Standards SPG – August 2015

Mineral Safeguarding – 2017

Trees, Woodland, Hedgerows and Development Sites SPG – January 2017

Waste Storage and Collection – January 2020

Wildlife and Development – August 2015

Sustainable Travel 2020

6. CONSULTATION RESPONSES

6.1 Natural Resources Wales: No comments.

6.2 Local Highways Authority: **Highway recommendation:** No objection.

Highway Comments:

The proposals /works in progress include completion of works to provide suitable access and visibility splays.

- 6.3 Ecology officer: I have no objection to this application as the works have largely already taken place and were situated in a private domestic garden, so any impacts on biodiversity are not likely to be significant. I had no objection to the removal of the original building as it was assessed as having negligible bat roost potential. The mitigation and enhancement measures set out in the Green Infrastructure Statement are reasonable and proportionate.
- 6.4 Public Rights of Way officer: There are several Public Right of Way Footpaths that leave Bowdens Lane in the area:
- Footpath no. 402/43/1 to the West of the site
- Footpath no. 402/45/1 and Footpath no. 402/42/1 to the South of the site.
The following points have to be considered prior to build in relation to these Public Right of Way:
1. All PROW's (as shown on the Definitive Map) are legally required to remain completely unobstructed and be clear and available for safe public use at all times (including during construction works – unless a temporary closure/diversion order is applied for and granted beforehand);
 2. The PROW users must not be endangered or disadvantaged in any way by the proposals (during construction and following completion);
 3. The fabric of the PROW's must not be adversely affected in any way;
 4. PROW users must be protected from any vehicles/plant associated with the works. All potential conflict should be risk assessed and managed accordingly.
 5. If a PROW needs to be closed to accommodate any work then this must be applied for with a 2 month lead time. The PROW can be closed for 6 months with a possible extension of a further 6 months. An alternative route/diversion would be preferred during the closure and is to be agreed with the PROW Officer.
 6. If a permanent diversion were required as part of the build then this would need to be applied for and agreed with the PROW Officer. This would not be guaranteed as is open to public consultation and dependant on any objections. A timeline for this process is not available as dependant on the above it may need to be referred to Welsh Government for an independent assessment and decision.
- 6.5 Landscape officer: I have assumed this application is to regularise the 'as built' elements in relation to the approved proposal of 21/0865. The changes are set out in detail in the DAS and confirmed by photos which is welcome.
The information submitted also shows the existing and proposed planting – photos confirm boundary planting onto the open field has taken place; the applicant states that 2no magnolia at the site frontage remain to be planted although I thought this was associated with the main dwelling demolition and replacement application.
My only concern is whether there is adequate room for a mixed native boundary hedge to develop in the same corner as the hot tub (the tub was not in the original 21/0865 application).
- 6.7 Tree officer: Arboricultural Remarks.
The application being retrospective does not require any further arboricultural input with regards to existing trees, as the original application and construction was implemented under an Arboricultural Implications Assessment, although an Arboricultural Method Statement should also have supported this application. The amendments are relatively minor and do not negatively impact trees on site.
There are no objections on arboricultural grounds.
- 6.8 Dwr Cymru – Welsh Water: We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development. This application is located in an unsewered area and since the proposal intends on utilising an alternative to mains drainage, we would advise that the applicant seek advice from Natural Resources Wales and the Building Regulations Authority as both are responsible to regulate alternative methods of drainage.

- 6.9 SAB Drainage: We have received an application for the above scheme, which is currently being reviewed.

7. PUBLIC REPRESENTATIONS

Neighbour notification letters were sent on 29/5/26, Site Notice was put up on 5/6/2026.

- 7.1 NEIGHBOURS: No responses have been received.

- 7.2 PENHOW COMMUNITY COUNCIL: The Council have considered this application, and have no objections to the proposal.

8. ASSESSMENT

8.1 Principle of Development:

The site is located within the Countryside where development is strictly controlled. Policy CF8 of the adopted Newport Local Development Plan 2011-2026 (NLDP) is supportive of tourist related developments. The policy goes on to explain that tourism is recognised as an important economic activity in the Newport economy, providing employment through serving the business tourism, leisure tourism and more local recreational sectors. However, the plan is underwritten by a sustainability objective, and it does not follow that all tourist developments are acceptable in all locations. Proposals are still required to demonstrate appropriate levels of sustainability including conservation of resources such as bio-diversity, landscape, land of higher agricultural potential and so forth. Policy CF8 should not be read as a 'carte blanche' policy but is permissive.

- 8.2 The Policy goes on to explain that in accordance with national planning policy, rural enterprises in the countryside will be encouraged where proposals do not impact unacceptably on the local amenity and environment. In developing countryside related development, it will be important to ensure that it is sustainable, resulting in a low impact on the environment and local culture, while helping to generate income, employment and conservation. Policies 5 (Supporting the Rural Economy) and 9 (Resilient Ecological Networks and Green Infrastructure) of Future Wales set out the desire to positively meet employment needs of rural areas including employment arising from foundational economy, and the need to safeguard ecological networks for habitat protection respectively. Planning Policy Wales Edition 12 refers to tourism involving a wide range of activities, facilities and types of development and is vital to economic prosperity and job creation in many parts of Wales. The planning system encourages tourism where it contributes to economic development, conservation, rural diversification, urban regeneration and social inclusion, while recognising the needs of visitors and those of local communities.

- 8.3 The site is not considered to score well in terms of sustainability and this is a material consideration. There is potential for the proposal to contribute to the local economy through visitor spending with nearby businesses. In this instance it is considered that there would be some financial benefit arising from the use of local shops, restaurants, tourism attractions etc, albeit they would be limited given the scale and nature of the facility. It must also be borne in mind that the site benefits from an extant consent for a tourism lodge of a similar scale and nature to that being sought under this application. The characteristics of the site in terms of sustainability have not altered since that permission was granted and neither has the policy context. In this instance when balancing the economic benefits arising from the proposed tourism unit together with its limited scale, the proposals are considered to be acceptable in principle.

8.4 Visual Amenity/ Character and Appearance;

Whilst the tourism lodge as built differs from the approved plans as outlined above, under the original permission it was noted that the roof would be of traditional grey slate, the windows a dark grey and the walls larch cladding and the report confirmed that the proposed building is of a simple design with sympathetic materials. The proposed building is still of modest proportions and has an acceptable visual impact. Similarly, the scale of the

garage as built is considered to be acceptable and it has been finished with natural stone to the walls and profile sheeting to the roof. It is considered that conditions restricting permitted development rights are required to ensure that a separate curtilage is not established, or the character of the building from being altered to the detriment of the rural character of the area. Subject to this the proposals are not considered to result in an adverse impact to the rural character of the area.

8.5 Residential Amenity:

The proposed holiday let would function independently from the host dwelling in terms of bathroom and catering facilities and would have its own outdoor space and parking provision. The scale of the holiday accommodation has not altered significantly under this scheme from the approved scheme and is considered to be proportionate and complimentary of the existing built form on site and will not result in an adverse impact to the amenity of the host property, or the neighbouring dwelling. Whilst some additional traffic may be expected from the holiday let accommodation being used alongside the residence, this increase will likely be small.

8.6 Movement:

Consideration must be given to the function of the proposed holiday accommodation in relation to the host dwelling which is approximately 30m away to the south-east and the adjoining property Castel View. The proposed holiday let would function independently from the host dwelling as does not rely on the host property for any shared accommodation.. The scale of the holiday accommodation is considered to be proportionate and complimentary of the existing built form on site. As noted above, whilst some additional traffic may be expected from the holiday let accommodation being used alongside the residence, this increase will likely be small and the benefits of the scheme in providing high quality tourism accommodation, do, in this case, outweigh any concerns associated with its deep rural location and lack of direct access to sustainable travel modes.

8.7 The application details confirm that the applicant has commenced works to the access pursuant to the previous planning permission and visibility improvements and the plans accompanying the application detail the works which are compatible with those previously granted. No objections have been received from the Council's Highways officer.

8.8 Drainage:

The site is not located within a flood risk area. In terms of foul drainage this is proposed via a private treatment package given the unsewered nature of the area. Full details have previously been approved by discharge of condition under 22/0100 and the details are consistent with information received as part of this application.

8.9 Biodiversity:

The Council's Ecology officer has been consulted with regard to biodiversity matters and advises that no objection is offered as the works have largely already taken place and are situated in a private domestic garden, so any impacts on biodiversity are not likely to be significant. The mitigation and enhancement measures set out in the Green Infrastructure Statement (namely; hedgehog boxes, bee hotel bird nesting box, new native hedgerow planting, six new fruit trees and ornamental trees) are reasonable and proportionate.

8.10 The proposals are not considered to result in an adverse impact in terms of biodiversity interests.

8.11 Landscaping/ Trees:

With regard to landscaping, existing landscape features such as the boundary hedges are to be retained. The original submission included a landscaping scheme and the implementation of these works was secured by condition 4 of planning permission 21/0865. The landscaping scheme has been substantially implemented in accordance with the approved scheme. The only outstanding element comprises two Magnolia trees to be

planted to the west of the principal dwelling. The applicant states that the magnolia trees were not planted at the time of the original works because the approved access improvements and associated wall realignment needed to be undertaken first to ensure that the final planting positions could be established accurately and without risk of disturbance.

8.12 The Council's Landscape officer queried whether there is adequate room for a mixed native boundary hedge to develop in the same corner as the hot tub. The applicant subsequently advises that appropriate space for the hedge will be maintained. The hot tub has been constructed on skids, and therefore can be moved accordingly when required by the growth of the hedge. Currently, the hot tub does not interfere with the hedge planting, and there is ample space afforded between the two and causes no harm to the boundary treatment. Notwithstanding this, as the native boundary hedge matures the hot tub can be moved accordingly to facilitate adequate room to grow. The application details show that the two remaining Magnolia trees are to be planted in accordance with the original approved landscaping proposals.

8.13 As previously mentioned, there is a protected tree within the site. The tree is over 10m away from the outbuilding and the application does not include any groundworks and therefore the tree will not be impacted.

8.14 The proposals are not considered to result in an adverse impact in terms of trees or landscaping.

8.15 **Waste:**

There is sufficient space within the site for the storage of waste and recycling which would be collected at the roadside in the same way that the existing dwelling is serviced and it is not anticipated that there would be any adverse impacts arising from waste.

8.26 **Minerals**

The application site is located within a Mineral Safeguarding Area, development in this location therefore needs to satisfy Policy M1 – Safeguarding of Mineral Resource. The Mineral Safeguarding Supplementary Planning Guidance offers further advice on the acceptability of development in such locations. As the proposal involves development at an already developed site, the objectives of Policy M1 are considered to be satisfied.

8.27 **Other Issues**

As noted above, there are public rights of way in the vicinity of the site. The proposals do not impact these and are not considered to result in an altered or adverse impact when compared to the previously consented scheme.

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 It is considered that the tourism unit and associated works are acceptable subject to suitable conditions including restriction of use. Furthermore, the replacement garage as completed is not considered to result in an adverse impact to the rural character of the area.

10.2 The proposals will not result in an adverse impact in terms of ecology, or highways impact subject to conditions to secure the completion of access improvements.

10.3 The application is granted subject to the following conditions.

11. **DECISION**

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents:

GR0-001 Rev 01 Access Plan and GR0-001 Revision 01 Landscape Plan,
GR0_010 Revision 01,
GR0_004 Rev 01,

Planning Statement Including Green Infrastructure Statement,
Details of Existing Private Foul Treatment Plant March 2026.

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

Pre- commencement conditions

02 Prior to the first occupation of the tourism unit hereby approved, the works to the access must be carried out in full and visibility splays must be maintained in accordance with the approved plans. All these areas shall thereafter be kept free of all obstructions to visibility over a height of 0.6 metres.

Reason: In the interests of road safety and traffic movement, in accordance with policy

GP6.

03 Prior to the first occupation of the tourism unit hereby approved, the landscaping scheme shall be completed in accordance with the approved details. Thereafter, the trees and shrubs shall be maintained for a period of 5 years from the date of planting in accordance with an agreed management schedule. Any trees or shrubs which die or are damaged shall be replaced and maintained until satisfactorily established. For the purposes of this condition, a full planting season shall mean the period from October to April.

Reason: To secure the satisfactory implementation of the proposal, in accordance with policy GP5.

04 Prior to the first beneficial use of the site hereby approved, biodiversity enhancement shall be provided in accordance with the approved details and thereafter be retained for lifetime of development.

Reason: To ensure there is adequate biodiversity enhancement in accordance with Policy GP5 of NLDP.

General conditions

05 Notwithstanding the provisions of Part 3 of Schedule 2 Class I of The Town and Country Planning (General Permitted Development Order) (Amendment) (Wales) Order 2022 (or any Order revoking and re-enacting that Order with or without modification) the development hereby approved shall be used for use Class C6 short term holiday let only and for no other use whatsoever. No change of use to either C3, C5, a mixed use of either C3/C5, C5/C6 or C3/C6 is permitted. At no time shall the unit be used as a person's sole or main residence. The site operators and owners shall maintain a comprehensive up to date register of the names of the occupiers of the holiday accommodation hereby permitted, including names of their guests. The register shall also include details of occupiers and guests' main home addresses and dates of occupation of the holiday accommodation. The register shall be available at all reasonable times to the local planning authority.

Reason: The provision of residential accommodation (Use Classes C3, C5, C3/5 or C5/C6) would not be acceptable in the open countryside and contrary to Policy SP5, SP1, H10 and H4 of the Newport Local Development Plan.

06 Except where otherwise agreed in writing by the Local Planning Authority, no existing trees shall be felled, topped or lopped, and no existing hedges shall be removed, within the development site area as identified on the approved site plan.

Reason: To protect existing landscape features on the site in accordance with Policies SP5 and GP5 of NLDP.

07 The foul drainage serving the site shall be permanently retained and maintained in accordance with details approved under application 22/0100.

Reason: To ensure there is adequate foul drainage in accordance with Policy W3 of the NLDP.

08 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking or re-enacting that Order), Schedule 2, Part 1 and insofar as this consent relates to the tourism lodge, no development within Classes A, B, C, D, E or F shall be carried out without the prior written permission of the Local Planning Authority.

Reason: To ensure that a satisfactory form of development takes place in accordance with Policies SP5 and GP6 of NLDP.

09 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), and insofar as this consent relates to the tourism lodge, no windows/dormer windows other than those expressly authorised by this permission shall be constructed on the elevations of the building hereby permitted.

Reason: To ensure that a satisfactory form of development takes place in accordance with Policy GP6 of NLDP.

10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking or re-enacting that Order), Schedule 2, Part 2, Class A, and insofar as this consent relates to the tourism lodge, no wall, fence, gate, hedge or other means of enclosure shall be erected or planted without the prior written permission of the Local Planning Authority.

Reason: In the interests of the visual amenities of the area and to prevent a separate curtilage being established in accordance with Policies SP1, SP5 and GP6 of NLDP.

NOTE TO APPLICANT

01 This decision relates to plan Nos: GR0_002 Revision 01, GR0-001 Rev 01 Access Plan and GR0-001 Revision 01 Landscape Plan, GR0_010 Revision 01, GR0_004 Rev 01, Planning Statement Including Green Infrastructure Statement, site location plan, Details of Existing Private Foul Treatment Plant March 2026.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP5, SP9, SP21, GP1, GP2, GP3, GP4, GP5, GP6, GP7, T4, T5, T7 and W3 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.