

Delegated Decision Report

Application No:	25/0269	Statutory Period Expires:	5th June 2025
Site:	<i>Oakfields Nurseries Lighthouse Road Newport NP10 8SF</i>		
Proposal:	<i>REPLACEMENT OF OLD FENCE WITH SECURE BRICK WALL AND GATES (PART RETROSPECTIVE)</i>		
Applicant:	<i>Borg</i>		
Type:	Full	Ward:	Tredegar Park And Marshfield
Decision:	REFUSED		

1. BACKGROUND

- 1.1 The site has an extensive planning history which shows the site has an agricultural use. Prior to the submission of the application, it is noted that a closed boarded timber fence was present, however this was removed prior to the submission of the application. As no timber fence is now present, it is considered that there is no fallback position for its replacement.

2. SITE LOCATION AND CONTEXT

- 2.1 The site is accessed from the B4239 and is surrounded by open countryside. Beach Road runs alongside the western boundary. A community hall and residential properties also lie along the western boundary. The site itself has an agricultural use but is laid to hardstanding.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 The proposal seeks to retain the as built boundary wall and gates, along with the erection of additional boundary walls to match the height of the existing development.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
19/0971	RETENTION OF BUILDING AND CONVERSION TO RURAL ENTERPRISE DWELLING IN CONNECTION WITH PROPOSED DOG KENNEL USE, CONSTRUCTION OF DOG BOARDING KENNELS, CREATION OF CAR PARKING AND DOG WALKING AREA	Refused	10.02.2023
E12/0408	COMMENCEMENT OF DEVELOPMENT BEFORE DISCHARGE OF PRE-COMMENCEMENT CONDITIONS	Notice Issued	19.04.2018
11/1031	DEMOLITION AND REMOVAL OF POLYTUNNELS, CHANGE OF USE FROM HORTICULTURAL NURSERY TO EQUINE CENTRE INCLUDING THE CONVERSION OF AN EXISTING BUILDING (POTTING SHED) INTO OFFICES, STAFFROOMS, MEDICAL STORE AND 24 HOUR OBSERVATION ROOM AND DEVELOPMENT OF A BUILDING FOR EQUINE TREATMENT AND STABLES, A MENAGE AND ASSOCIATED VEHICLE PARKING FACILITIES	Granted with conditions	07.06.2012
10/0326	VARIATION OF CONDITION 02 (ROOFING MATERIAL) OF	Granted with	17.05.2010

	PLANNING PERMISSION 06/1185 FOR THE RETENTION OF POTTING UNIT / STORE WITH ALTERATION TO EXTERNAL APPEARANCE	conditions	
06/1185	RETENTION OF POTTING UNIT/STORE WITH ALTERATION TO EXTERNAL APPEARANCE	Granted with conditions	16.10.2006
05/0473	VARIATION OF STANDARD CONDITION OF PLANNING PERMISSION 00/0392 TO EXTEND TIME PERIOD FOR COMMENCEMENT OF DEVELOPMENT (FOR RE-SITING OF 1 OF 2NO. POLYTUNNELS AND ERECTION OF 2NO. FURTHER POLYTUNNELS)	Granted with conditions	05.09.2006
APP/G6935/A/06/11980331	APPEAL AGAINST REFUSAL OF 05/0225	Dismissed	12.07.2006
05/0225	RETENTION OF BUILDING FOR POTTING UNIT AND STORE	Refused	22.02.2006
APP/G6935/A/03/1119442	APPEAL AGAINST REFUSAL OF 02/1221	Dismissed	30/09/2003
02/1221	RETENTION OF BUILDING FOR USE AS AN AGRICULTURAL WORKERS DWELLING (RESUBMISSION)	Refused	18.12.2002
01/1319	RETENTION OF REDUCED SIZE BUILDING FOR USE AS A POTTING UNIT/STORE	Granted with conditions	25.02.2002
01/1318	SITING OF STATIC CARAVAN FOR USE IN RELATION TO EXISTING HORTICULTURAL BUSINESS	Refused	25.02.2002
APP/G6935/A/02/1082715	APPEAL AGAINST REFUSAL OF 01/0854	Dismissed	22.05.2003
01/0854	RETENTION OF BUILDING FOR USE AS AN AGRICULTURAL WORKERS DWELLING (RESUBMISSION)	Refused	26.10.2001
00/0601	RETENTION OF EXISTING BUILDING FOR USE PARTLY AS A DOMESTIC DWELLING AND PARTLY AS A POTTING AREA/STORE IN CONJUNCTION WITH THE HORTICULTURAL ENTERPRISE	Refused	20.04.2001
00/0392	RE-SITING OF ONE OF TWO POLYTUNNELS AND CONSTRUCTION OF TWO FURTHER POLYTUNNELS	Granted with conditions	23.05.2000
APP/G6935/A/98/5112457	APPEAL AGAINST REFUSAL OF 98/0709	Dismissed	01.04.1999
98/0709	RETENTION OF EXISTING BUILDING FOR USE AS POTTING SHED/STORE	Refused	06.10.1998
98/0110	ERECTION OF TWO SINGLE STOREY HORTICULTURAL POLYTUNNELS	Granted with conditions	29.04.1998
97/0349	ERECTION OF AN AGRICULTURAL BUILDING FOR	Granted with	30.05.1997

	STORAGE PURPOSES	conditions	
97/0017	ERECTION OF DWELLING (INCORPORATING OFFICE)	Refused	25.03.1997
93/0230	DEVELOPMENT OF HORTICULTURAL NURSERY AND ANCILLARY SALES	Granted with conditions	14.02.1994

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

5.3 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

- SP1 – Sustainability
- SP3 – Flood Risk
- SP5 – Countryside
- SP7 – Green Wedge
- SP8 – Special Landscape Area
- SP9 – Conservation of the Natural, Historic and Built Environment
- GP2 – General Amenity
- GP4 – Highways and Accessibility
- GP5 – Natural Environment
- GP6 – Quality of Design
- CE4 – Historic Landscapes, Parks, Gardens and Battlefields
- CE6 – Archaeology
- CE9 – Coastal Zone

5.4 SUPPLEMENTARY PLANNING GUIDANCE

- Archaeology and Archaeological Sensitive Areas
- Wildlife and Development
- Trees, Woodland, Hedgerows and Development Sites

6. CONSULTATION RESPONSES

6.1 Ecology Officer: No response.

6.2 Landscape Architect:

CONCERNS AND FURTHER INFORMATION REQUIRED

Policy

The site lies within the Wentlooge Special Landscape Area and is covered by a number of national policies (archaeology, historic landscape) and the LDP policy for Green Wedge.

Special Landscape Area policy SP8 requires proposals 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.

The proposal should meet the requirements of GP5 General Development Principles – Natural Environment :

- v there would be no unacceptable impact on landscape quality
- vi the proposal includes an appropriate landscape scheme which enhances the site and the wider context including green infrastructure and biodiversity networks.
- vii the proposal includes appropriate tree planting or retention where appropriate and does not result in the unacceptable loss of or harm to trees, woodland or hedgerows that have wildlife or amenity value

Concerns

The site and backdrop of trees and outgrow native shrubs is clearly visible from some distance along the B4239 in both directions as shown below, this is a key and well used route through the Wentlooge Levels. My concerns are that a red brick wall would stand out in the landscape and that the wall footings will remove part of the green backdrop.



B4239 heading east



B4239 heading east



B4239 heading west



B4239 heading west

Photos of the existing gates and brick walls is required to understand the impact of the existing arrangement, and therefore the likely impact of the wall extension. Photos should include **point blank views from both sides of the gate and those from the public locations shown above** so that both the local impact and wider impact can be assessed.

The application form states there are no trees or hedges, but this is not the case. Wall footings will remove any root protection area. Wall footing extents should be shown on a revised plan in relation to the existing trees and their root protection area. A tree survey to BS2837 will be required and needs to be based on accurate locations of trees. If the damage has already occurred from unapproved work, then appropriate native mitigation planting will be required.

Further mitigation planting may be required but this will be assessed on receipt of the further information.

- 6.3 Drainage Manager: No response.
- 6.4 Environmental Health Officer: No response.
- 6.5 Senior Scientific Officer: No response.
- 6.6 Glamorgan Gwent Archaeological Trust: No objection.
- 6.7 Highways Officer: No objection.
- 6.8 Natural Resources Wales: No objection.

- 6.9 Dwr Cymru/Welsh Water: The proposed development is crossed by a trunk/distribution watermain, the approximate position being shown on the attached plan. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times. I enclose our Conditions for Development near Watermain(s). It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. It is recommended that the developer contact our Plan and Protect team (PlanandProtect@dwrcymru.com) to carry out a survey to verify the location of the asset(s) and establish their relationship to the proposed development.

7. PUBLIC REPRESENTATIONS

Neighbour and Ward member notification letters were sent on the 10th April 2025 and a Site Notice was put up on the 18th April 2025.

- 7.1 NEIGHBOURS: No response.

- 7.2 Wentlooge Community Council: Objection:

We take the protection of our environment very seriously especially due to the details below and the area being close to Green Belt and in Green Wedge.

The area of the Wentlooge Levels is open countryside, a designated Site of Special Scientific Interest (SSSI), a Cadw/ICOMOS UK Registered Landscape of Outstanding Historic Interest, an Archaeologically Sensitive Area, adjacent to the new Wales Coastal Path and to the internationally important RAMSAR site of the Severn Estuary.

The Levels are a Special Landscape Area (SLA) recognised nationally and internationally (NCC LDP Policies SP5 and 8).

Planning Policy Wales (PPW) 10 sets out that planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity (para 6.4.5 refers). This policy and subsequent policies in Chapter 6 of PPW 10 respond to the Section 6 Duty of the Environment (Wales) Act 2016*.

It is important that biodiversity and ecosystem resilience considerations are considered at an early stage in development plan preparation and when proposing or considering development proposals. Planning authorities should be proactive and embed appropriate policies into local development plans to protect against biodiversity loss and secure enhancement.

The attributes of ecosystem resilience (PPW para 6.4.9 refers) should be used to assess the current resilience of a site, and this must be maintained and enhanced post development. If this cannot be achieved, permission for the development should be refused.

The area of the Wentlooge Levels has seen a revival in species of recent years which has been helped by the Living Levels project. An example of which has been an increase in the sightings of one of the UK's rarest bees, the Shrill Carder Bee, a significant rise in the swan population together with many other nesting and migrating birds, water vole, otter and dive beetle just to list a few. The fear is that the wildlife and its habitat will be greatly affected with the loss of environment on such a large scale.

The Wentlooge Community is passionate about the protection of the environment and preventing further harm to that which has already taken place on the Wentlooge Levels. Wentlooge Community Council has already engaged with Cardiff City Council regarding the sites in the vicinity of the proposed extension.

Main concerns from Wentlooge Community Council are:

1. This area is already under the scrutiny of planning and enforcement.

2. We strongly object to this retrospective application as it is totally out of keeping with its surroundings

The site is approached from the B4329, causing concern from the local community that the severe bend and small impassable bridge adjacent to the property could give rise to potentially dangerous situations for those emerging because visibility is limited. Speeding on this stretch of the B4329 has been noted by the local community and residents of Lighthouse Park as well as a concern over heavy traffic and the driveway and gates/e/walls becoming larger and abutting the road will cause an enhanced danger to road traffic.

Wentlooge Community Council objects to the application for the reasons stated above

8. **ASSESSMENT**

8.1 **Main Issues:**

8.1.1 The main issues with this scheme are the impact upon the landscape character, countryside and trees. Other material considerations will be assessed following this.

8.2 **Impact on the Countryside**

8.2.1 The site has several land designations which include Green Wedge, Special Landscape Area and Countryside. Therefore, policies SP5, SP7 and SP8 are applicable.

8.2.2 The erected walls and gates are ornately domestic in their appearance and are sited in a prominent location adjacent the B4239. It is noted that the walls and gates sought to replace an existing timber fence, however as that has been removed in its entirety prior to the submission of the application, it is considered that the proposal cannot be considered as a *replacement*.

8.2.3 The development as built represents an alien feature which does not integrate or respect the countryside character; this issue would be further exacerbated through the proposed extension of the walls extending closer toward the edge of the highway. The presence of the development as built, and proposed, represents as a fragmented urban feature which has no place within the countryside setting. It is noted that no robust justification has been submitted to warrant the development. The proposal is contrary to the requirements of Policy SP5.

8.2.4 The erection of this urban feature within the Green Wedge is considered to result in significant harm on the retention of the openness of the Green Wedge as it seeks to introduce an urban feature within an area characterised by its verdant appearance. The scheme is considered to prejudice the open nature of the land contrary to Policy SP7.

8.2.5 Policy SP8 requires development to demonstrate that it has been designed to respect the valued characteristics of the recognised landscape; furthermore, developers are required to ensure that the intrinsic character of the Special Landscape Area is not adversely impacted and designs will be required to be of high standard, appropriate in scale and massing, and integrate sympathetically into the landscape.

8.2.6 As set out in previous sections of the report the as built and proposed development would not integrate with the verdant character of the area which is typified by trees and hedges forming the boundary treatment along the highway edge. The proposal starkly contrasts against this and would not positively contribute toward the area contrary to Policy SP8.

8.3 **Impact upon Trees**

8.3.1 The proposal includes the installation of concrete footings which has already been completed as confirmed during a site visit. The Landscape Officer has raised concerns regarding the impact of the laying of foundations on the root protection areas of nearby trees. The application is not supported by any tree information.

8.3.2 As the footings have already been installed, any harm would have already occurred as such any form of retrospective tree protection is futile at this point.

8.4 **Flood Risk**

8.4.1 The site is located within Flood Zone 3; Natural Resources Wales have not raised any issues regarding flood risk. Therefore, it is considered that the proposal does not change the vulnerability of the site or increase the risk of flooding elsewhere. The proposal accords with Policy SP3.

8.5 **Impact on Amenity**

8.5.1 The proposal is considered to not result in the loss of daylight, sunlight or overshadowing of any other properties given the separation distances. The proposal does represent harm on the visual amenities of the area as outlined in previous sections of this report. The proposal is therefore also contrary to Policy GP2.

8.6 **Impact on the Highway**

8.6.1 The Highways Officer notes the absence of the visibility splays, however they are content that the entrance can achieve the desired standard and raises no objection.

8.7 **Impact on Biodiversity**

8.7.1 The proposal does not include a green infrastructure statement proportionate to the development proposed as required by Planning Policy Wales (Ed.12). In the absence of a green infrastructure statement, this forms a further reason for refusal as it cannot be demonstrated that the step-wise approach has been followed in the formulation of the scheme contrary to Policy GP5.

8.8 **Impact on Archaeology and Historic Landscape**

8.8.1 The consultation response from Heneb raises no objection to the scheme given its scale, however they emphasise they do not condone the undertaking of works in such areas without professional input to ensure any below ground deposits are duly recorded.

8.9 **Coastal Zone**

8.9.1 The development site is located within the undeveloped coastal zone; Policy CE9 sets out that development in such areas shall only be justified if there is an exceptional need. The submission provided does not contain any such justification and is therefore contrary to Policy CE9.

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 proposal would have an unacceptable harmful impact upon the countryside character, green wedge, special landscape area and visual amenity. The application is hereby refused.

11. DECISION

Refuse, for the following reason(s):

01 The development, by reason of suburban design, scale and prominent location, in this countryside setting, Green Wedge and Special Landscape Area, has a significant demonstrable adverse effect on the rural character and appearance of the area and no information has been submitted to mitigate this objection, contrary to Policies SP5, SP7, SP8, GP2 and GP6 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

NOTE TO APPLICANT

01 This decision relates to plan Nos:

- Boundary Context Assessment
- Elevations (Drawing ref: SD1065-01B)
- Proposed Site Entrance (Drawing ref: SD1065-04C)
- As Built Entrance (Drawing ref: SD1065-03B)
- Previous Site Entrance (Drawing ref: SD1065-02)
- Location Plan (Drawing ref: SD1065-00)

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP3, SP5, SP7, SP8, SP9, GP2, GP4, GP5, GP6, CE4, CE6 and CE9 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.