

Delegated Decision Report

Application No:	25/0603	Statutory Period Expires:	25th August 2025
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Site:	<i>Land and Buildings north of Sylvendell Bungalow Pillmawr Road Newport NP18 3QZ</i>		
Proposal:	<i>PRIOR NOTIFICATION FOR STEEL FRAMED AGRICULTURAL BUILDING FOR HAY STORAGE</i>		
Applicant:	<i>A. Baker</i>		
Type:	Agricultural Determination	Ward:	Caerleon
Decision:	PRIOR APPROVAL NOT REQUIRED		

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 Sylvendell and its associated land is located approximately 300m east of Malpas, Newport, separated by the A4042. It is 600m east of Caerleon, with some recently acquired land adjoining Caerleon. It extends to 44.1ha (109 acres) following the recent purchase of 17.8ha (44 acres) of grassland alongside the River Usk. The complete holding is in permanent pasture. The farm has always been used for agricultural purposes and has a holding number 60/030/0070.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 This application is an agricultural determination for the erection of a steel frame building for hay storage at land south of and adjacent to Sylvendell Bungalow on Pillmawr Road. The prior notification process seeks a determination as to whether or not prior approval is required for the siting, design or external appearance of the building.
- 3.2 The proposed building would measure 30.5m x 15.2m (463.6m²), with an eaves height of 4.9m and a ridge height of 6.5m and would be located to the **north** of Sylvendell bungalow, and adjacent to an existing agricultural building. The building would be a steel portal framed structure that would be open sided on the north-west elevation to enable access for stacking bales. The other elevations would comprise Yorkshire boarding above a concrete panel base, with galvanised sheet doors on the narrower elevations. The roof would be in fibre cement with skylights in each bay providing natural light for internal working. The building is of typical agricultural appearance.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
12/1000	ERECTION OF UP TO 5 HOUSES WITH GARAGING (ALL MATTERS RESERVED OTHER THAN ACCESS) (OUTLINE)	REFUSED	27.12.2012
14/0208	ERECTION OF 3NO. HOUSES (OUTLINE) (RESUBMISSION FOLLOWING REFUSAL 12/1000 AND DISMISSED APPEAL)	REFUSED	27.04.2014

5. PLANNING POLICY

5.1 N/A

6. CONSULTATION RESPONSES

6.1 ECOLOGY OFFICER: Looking through older aerial images, the footprint of the proposed building and its access route seems to have been used historically as an active farmyard with storage of plant etc, so I am not too concerned about any likely significant impacts upon natural habitats. We should attach our usual condition requiring submission and implementation of a biodiversity enhancement scheme. This should include the measures proposed by our landscape advisor in their response of 21/08/25, together with any other appropriate measures such as a barn owl nest box.

6.2 LANDSCAPE OFFICER: No objection; The proposal is for a 30.5 x 15.2m barn open to the north-west, using Yorkshire boarding (timber cladding) above concrete panel base. Google Earth aerial images indicate the area is level and used for storage. Note that no ground level photos of the site have been submitted and no green infrastructure is proposed.

I have no objection to the proposal which lies one field away from the footpath network and outside Special Landscape Areas, but would recommend:

1. Root protection areas should be respected for the mature tree line to the north-east e.g. no tipping of surplus soil etc.
2. A proportionate native tree/hedge planting scheme should be provided [unless this type of application is exempt] to meet:
 - LDP 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
 - Green Infrastructure mitigation and enhancement to meet PPW12

6.3 HIGHWAYS OFFICER: No objection; The storage is remote from highway and served by an existing agricultural access.

6.4 TREE OFFICER: Objects, since no tree information has been submitted.

6.5 PUBLIC RIGHTS OF WAY OFFICER

The following points should be considered:

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 diversion is requested as part of the planning process it must be agreed beforehand via the Legal route which can take up to six months to grant. There is a cost attached to this and there is no guarantee the diversion will be agreed.

6.6 ENVIRONMENTAL HEALTH OFFICER: No response received to date.

6.7 DRAINAGE MANAGER: No response received to date.

6.8 SENIOR SCIENTIFIC OFFICER: No response received to date.

6.9 NEWPORT LOCAL HEALTH BOARD: No response received to date.

7. PUBLIC REPRESENTATIONS

7.1 NEIGHBOURS: None.

8. **ASSESSMENT**

- 8.1 The supporting statement states that the land is an established agricultural holding extending to 44.1 hectares and that the parcel of land where the building is proposed is more than 1 hectare. The ground area would not exceed 465sqm. No part of the development would be within 25m of a classified road. No livestock are to be accommodated within the building, and it will not be used for the storage of slurry or sewage sludge.
- 8.2 Notwithstanding the above, the local planning authority must 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 Yorkshire boarding above a concrete panel base, with galvanised sheet doors on the narrower elevation. The roof would be in fibre cement with skylights in each bay. The design and appearance of the building is typical of an agricultural building. There is an existing agricultural building on the site and the proposed building would be to the north east of this building with a space of approximately 20m between. Moreover, the area is sheltered by trees to the west and screened by topography to the east, so the building would not be highly visible from off site. It is sited alongside the farm track for ease of access, and no amendments or additional track would be required in that respect. Aerial photographs show that this land was already in use for agricultural storage including silage bales. It is considered that the proposed agricultural building would not generate any harm on the setting of the rural landscape.
- 8.3 There would be no requirement to remove or cut any hedgerows or trees to undertake the construction work and there is no need for any site levelling as the site is already level and used for occasional storage of agricultural machinery. There is no reason to think the proposal would have any adverse impact on existing green infrastructure.
- 8.4 The site is within the Caerleon & Cwmbran Green Wedge, as identified by Policy SP7 of the Newport Local Development Plan (2011 – 2026). Policy SP7 states that within these areas, development which prejudices the open nature of the land will not be permitted. Planning Policy Wales 12 (Paragraph 3.64 – 3.78) sets out what is considered inappropriate development within green wedge allocations and should be referred to for guidance. PPW 12 states that the construction of new buildings in a Green Belt or green wedge is inappropriate development unless it is for justified rural enterprise needs. It is considered that the storage of hay in an agricultural style building is a justified rural enterprise need, and the application would not prejudice Policy SP7 nor the aims and objectives of PPW 12.
- 8.5 The Council's Landscape Officer has not raised any objection to the proposal, although has recommended the submission of a proportionate native tree/hedge planting scheme to meet Policy GP5 of the Newport Local Development Plan 2011 – 2026 and Green Infrastructure Mitigation of Planning Policy Wales (Edition 12). Despite this, it is considered unnecessary to require the submission of a planting/landscape plan for compensatory planting as the proposal would not result in the loss of any important landscape or ecological features on site.
- 8.6 The Council's Highways Officer has not raised any objection to the proposed development as the storage is remote from highway and is served by an existing agricultural access.
- 8.7 The Council's Ecology Officer has commented and advises that bio-diversity enhancement is secured. However this is a prior approval application rather than an application for planning permission where considerations are limited to siting, design and external appearance or wider 'global' considerations necessitated under non-planning statute such as direct harm to protected species or archaeology. As such in this case conditions cannot be applied and it is not considered appropriate to secure details of additional planting or bio-diversity enhancement under the prior approval process given that the proposed 'conditions' do not relate to siting, design or external appearance.
- 8.8 The Tree Officer has objected on lack of tree information but the site is offset from any tree and hedge features and there can be no reasonable expectation of harm to those features

arising from this development.



9.0 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 agricultural building would be compliant with the regulations set out in Part 6 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and prior approval is not required.

11. DECISION

PRIOR APPROVAL NOT REQUIRED

NOTE TO APPLICANT

01 The development shall be carried out strictly in accordance with the following plans:

- Drawing RAC10778 1 - Site Location Plan,
 - Drawing RAC10778 3 – Elevations, Prior Notification for an Agricultural Storage Building.
- To comply with Schedule 2 Part 6 **A.2** (2)(v)(bb) of the General Permitted Development Order 1995 (as amended).

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.