

Delegated Decision Report

Application No:	25/0445	Statutory Period Expires:	18th November 2025
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Site:	<i>Ivydene Whitson Road Whitson Newport South Wales</i>		
Proposal:	<i>PROPOSED ACCESS AND GATE TO EXISTING AGRICULTURAL FIELD</i>		
Applicant:	<i>Attewell</i>		
Type:	Full	Ward:	Llanwern
Decision:	GRANTED WITH CONDITIONS		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 Ivydene is a single storey detached bungalow style dwelling located in the Llanwern ward. The site is within the countryside as identified by Policy SP5 of the Newport Local Development Plan 2011 – 2026. The application site is within the Gwent Levels (SSSI) and Caldicot Levels Special Landscape Area (Policy SP8).

2.2 The application site is an agricultural field located to the south and the west of the dwelling.

3. DESCRIPTION OF DEVELOPMENT

3.1 An access and associated access gate is proposed, to provide access to the existing agricultural field to the south/west of the dwelling. The access would be surfaced with tarmac/concrete, measuring 16.5m in width at the highway, reducing to 4.5m in width after a depth of 6m. The lane would then measure a further 6m in depth into the curtilage to the proposed access gate which is set back 12m from the highway. The gate would be a 5-bar field gate, measuring 4.5m in width, 1.2m in height and would be inward opening only. Along the edge of the access, 1.2m high timber post and rail fences with stock wire are proposed to match the existing fence currently outside the boundary of the dwelling (Ivydene).

3.2 To accommodate the access, the existing 1.8m field hedge would be partially removed for a width of 12m and trimmed to 1m to provide visibility. The existing grass verge is 2m wide so a visibility set back of 2m from the edge of the highway can be achieved without hedge works however the trimming and set back is to suit a tractor.

3.3 The site is an existing grass paddock that contains several orchard trees, a drainage reën and an existing access gate which is set back 27.5m from the highway. These features would remain unaffected by the development.

3.4 The application is accompanied by a Green Infrastructure Statement which specifies details of biodiversity mitigation and enhancement measures. Compensatory native hedge planting, consisting of 45% Hawthorn, 25% Hazel, 10% Blackthorn, 10% Holly and 10 Field Maple is proposed to mitigate the loss of the section of hedgerow. The hedge would be setback from the proposed access to allow sufficient visibility splays and be maintained at a height of 1.3m. Moreover, ecological enhancements are proposed, including the installation of a Schwegler woodcrete/ Vivara WoodStone birdbox with a 25mm entrance hole within the existing trees. The bird box will be positioned between a northern and eastern axis to avoid strong sunlight and prevailing wind/rain. In addition to the bird box, wildflower planting is proposed for enhancement. A wildflower area would be created with Emorsgate EM3 wildflower seed mix and left to grow. The area would be trimmed once a year and the cuttings would be piled up in a compost heap on site to create additional habitat for wildlife on site.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
20/0971	CERTIFICATE OF LAWFULNESS FOR OCCUPATION OF A DWELLING FOR MORE THAN 10 YEARS IN BREACH OF CONDITION 07 (AGRICULTURAL OCCUPANCY) OF PLANNING PERMISSION 1/8861 FOR THE ERECTION OF DETACHED BUNGALOW ON LAND ADJACENT TO COACH FARMHOUSE, WHITSON.	GRANTED	26.02.2021
18/0227	PROPOSED ALTERATIONS TO EXISTING ACCESS AND ERECTION OF 2.0M HIGH BOUNDARY WALL AND FENCE (RESUBMISSION OF 17/0821)	REFUSED	07.05.2021
17/0281	ALTERATIONS TO ACCESS AND CONSTRUCTION OF 2.5M HIGH BOUNDARY WALL AND FENCE	REFUSED	18.10.2017
08/1551	PROPOSED TWO STOREY REAR EXTENSION	GRANTED WITH CONDITIONS	03.02.2009
06/1641	PRIOR APPROVAL NOTIFICATION FOR ERECTION OF REPLACEMENT MACHINERY SHED	PRIOR APPROVAL NOT REQUIRED	28.12.2006
06/0002	ERECTION OF CONSERVATORY (AMENDED SCHEME)	GRANTED WITH CONDITIONS	28.02.2006
05/0445	ERECTION OF A CONSERVATORY	GRANTED WITH CONDITIONS	02.06.2005
03/1168	USE OF LAND FOR THE STORAGE OF CARAVANS	GRANTED WITH CONDITIONS	22.10.2003

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)

SP5 - COUNTRYSIDE

SP8 – SPECIAL LANDSCAPE AREAS

- 5.4 TECHNICAL ADVICE NOTE (TAN) 15: DEVELOPMENT, FLOODING AND COASTAL EROSION

6. CONSULTATION RESPONSES

6.1 ECOLOGY OFFICER

No objection.

The Green Infrastructure Statement submitted for application 25/0445 adequately sets out an ecological mitigation and enhancement plan so we should use a planning condition to secure the implementation of this plan.

6.2 LANDSCAPE OFFICER

No objection.

The gate and surfacing will be set back 12m from the highway and will be largely screened by native site hedge to the south and conifer hedge to the north, however I am not certain that the native 'existing hedgerow trimmed to provide visibility' can be achieved without more hedge removal than shown.

Hedge removal is not identified but I estimate this could be a minimum of 25 linear metres as highlighted below and mitigation will be required.

The site lies within the Caldicot Levels Special Landscape Area and LDP Policy SP8 applies. Proposals are required 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 hedge appears to be native remnant in poor condition. Adequate replacement using locally native species should be provided on a set-back line.

6.3 TREE OFFICER

No objection.

6.4 HIGHWAYS OFFICER

Initial response

No objection, subject to conditions.

The application does not make it clear what the access is to be used for. It is therefore assumed to be agricultural access based on the existing use of the field.

Whilst there is no objection it should be noted that the access is not necessarily suited to any other use and may need to be improved if any other use is proposed.

Final response

I have no objection as long as it is agricultural only. If they want to use it for anything else, they need to support it with a speed survey.

6.5 ENVIRONMENTAL HEALTH

No response received to date.

6.6 DRAINAGE MANAGER

No response received to date.

6.7 HENEB

The current application is for a new access gate. As such the requisite works are likely to be limited in scale and overall, it is unlikely that archaeologically significant material will be encountered during the course of the proposed works.

As a result, there is unlikely to be an archaeological restraint to this proposed development and consequently, as the archaeological advisors to your members, we have no objections to the positive determination of this application. The record is not definitive, however, and

features may be disturbed during the course of the work. In this event, please contact this division of the Trust.

6.8 SENIOR SCIENTIFIC OFFICER

No objection

No comments in respect of the above application in terms of contaminated land or air quality.

6.9 NATURAL RESOURCES WALES

No objection

We have considered the application as submitted in support of the above application. Based on the information submitted, we consider that the proposed development is not likely to damage the features for which the Gwent Levels Site of Special Scientific Interest is of special interest.

7. **PUBLIC REPRESENTATIONS**

Neighbour notification letters were sent on 18.06.2025, Site Notice was put up on 27.06.2025.

7.1 NEIGHBOURS: 2no neighbours were consulted. No representation received to date.

7.2 GOLDCLIFF COMMUNITY COUNCIL: No representation received to date.

8. **ASSESSMENT**

8.1 The site is located within both the open countryside and a special landscape area. As such policies SP5 and SP8 are relevant and state respectively 'development in the countryside will only be permitted where the use is appropriate in the countryside, respects the landscape character and biodiversity of the immediate and surrounding area and is appropriate in scale and design.' 'Proposals will be required 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.'

8.2 The access would measure 12m in depth, terminating in the existing field to the southwest of the dwelling. The access is predicated on the need to access an existing agricultural field. It is understood that the field to the southwest and southeast are within the applicant's ownership and the field to the southeast is used for agricultural purposes. The existing field is a grass paddock with orchard fruit trees occupying the field between the drainage reën and the western boundary. The field is used for animal grazing and for making hay and apples and plums produced by the orchard trees are collected. The agricultural use of the field will remain unchanged. Court Farm (to the north of Ivydene) has recently been sold, resulting in the original access to the field no longer being available. Due to the position of the field in relation to the highway, it is currently inaccessible by vehicles from the public realm, so the need for an access has been demonstrated and it is considered justified development within the countryside in this instance.

8.3 In order to create the access, a section of hedgerow adjacent to the highway needs to be removed. This section of hedge would be replaced with 1.2m high timber post and rail fences with stock wire to match the existing fence which occupies the boundary outside Ivydene. The proposed fence is of typical agricultural design would match the scale and design of the existing fence, providing continuity between the new development and the existing scenery. Moreover, the Council's Landscape Officer has noted that due to the 12m setback of the gate and surfacing, the development will largely be screened by native site hedge to the south and conifer hedge to the north. It is noted that the hedge appears to be native remnant in poor condition and adequate replacement using locally native species should be provided on a set back line to meet the requirements of Policy SP8 (Special Landscape Areas).

8.4 The access would be surfaced with concrete/tarmac. An access of a similar ilk can be observed approximately 50m north along Whiston Road, providing access to Court Farm. The access to Court Farm is finished is approximately 15m in width, 22m in depth leading to an access gate and is finished in concrete. Given the context along this stretch of Whiston Road, it is considered that the access would not appear unsympathetic for the

purpose of serving an agricultural field and would not erode the character and appearance of the rural streetscape. Compensatory planting is proposed along the entrance. As such, it is considered that the works integrate sympathetically into the landscape and there would be no adverse visual impact in this instance

8.5 Overall, the proposal would cause result demonstrable harm to this pleasant countryside setting contrary to policies SP5 and SP8 of the Newport Local Development Plan.

8.6 **Biodiversity;**

Policy 9 of Future Wales states that in all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated. Planning Policy Wales (Edition 12) (PPW) reiterates that biodiversity must be maintained and enhanced to enable resilient ecological networks to be built and deliver net benefits for biodiversity. Policy GP5 of the NLDP supports this and states that proposals will be expected to maintain, protect and enhance ecological networks and features of importance for biodiversity.

Furthermore, PPW indicates that a step-wise approach must be taken to maintain and enhance biodiversity, build resilient ecological networks and deliver net benefits for biodiversity by ensuring that any adverse environmental effects are firstly avoided, then minimized, mitigated, and as a last resort compensated for. Evidence in the form of a Green Infrastructure Statement should accompany the application to ensure that the step-wise approach has been followed. Where biodiversity enhancement proportionate to the scale and nature of the development is not proposed as part of an application, significant weight will be given to its absence, and unless other significant material considerations indicate otherwise, it will be necessary to refuse permission.

Paragraph 6.2.12 of PPW states 'A green infrastructure statement should be submitted with all planning applications. This will be proportionate to the scale and nature of the development proposed and will describe how green infrastructure has been incorporated into the proposal.' Paragraph 6.4.42 of PPW states that:

Permanent removal of trees, woodland and hedgerows will only be permitted where it would achieve significant and clearly defined public benefits. Where individual or groups of trees and hedgerows are removed as part of a proposed scheme, planning authorities must first follow the step-wise approach as set out in paragraph 6.4.15. Where loss is unavoidable developers will be required to provide compensatory planting (which is proportionate to the proposed loss as identified through an assessment of green infrastructure). Replacement planting shall be at a ratio equivalent to the quality, environmental and ecological importance of the tree(s) lost, and this must be preferably onsite, or immediately adjacent to the site, and at a minimum ratio of at least 3 trees of a similar type and compensatory size planted for every 1 lost.

In this instance, the loss of landscape, namely a section of the existing hedgerow, appears unavoidable and the need for the development justified. The Green Infrastructure Statement accompanying the application proposes compensatory native hedge planting, consisting of 45% Hawthorn, 25% Hazel, 10% Blackthorn, 10% Holly and 10 Field Maple to mitigate the loss of the section of hedgerow. The hedge would be setback from the proposed access to allow sufficient visibility splays and be maintained at a height of 1.3m.

Moreover, in accordance with the stepwise approach, ecological enhancements are proposed, including the installation of a Schwegler woodcrete/ Vivara WoodStone birdbox with a 25mm entrance hole within the existing trees. The bird box will be positioned between a northern and eastern axis to avoid strong sunlight and prevailing wind/rain. In addition to the bird box, wildflower planting is proposed for enhancement. A wildflower area would be created with Emorsgate EM3 wildflower seed mix and left to grow. The area would be trimmed once a year and the cuttings would be piled up in a compost heap on site to create additional habitat for wildlife on site.

The Council's Ecology Officer has not raised any objection to the removal of the hedgerow, noting that the Green Infrastructure Statement adequately sets out an ecological mitigation and enhancement plan. Given the forementioned mitigation and enhancement measures, it is considered that the proposed development sufficiently demonstrates that it would not

harm biodiversity interests and would secure a net gain for biodiversity, in accordance with Future Wales Policy 9, the aims of PPW in so far as they relate to biodiversity interests and environmental protection and Policy GP5 of the Newport Local Development Plan (Adopted January 2015). A suitably worded planning condition requiring the implementation of the forementioned biodiversity enhancement scheme will be added to any permission given.

8.7 **Highways safety;**

The proposed access would connect to Whitson Road (R152). As such, the Council's Highway's Officer has been consulted. The Highways Officer has not raised any objection to the proposal however has noted the access is not necessarily suited to any other use and may need to be improved if any other use is proposed.

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 development would not cause demonstrable harm to this pleasant countryside setting in accordance with policies SP5 and SP8 of the Newport Local Development Plan. Adequate details of biodiversity mitigation and enhancement measures have been provided

through a Green Infrastructure Statement. The implementation of a biodiversity enhancement scheme will be imposed via a suitably worded planning condition to ensure accordance with Future Wales Policy 9, the aims of PPW in so far as they relate to biodiversity interests and environmental protection and Policy GP5 of the Newport Local Development Plan (Adopted January 2015).

11. DECISION

GRANTED WITH CONDITIONS

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

- 1825 PL03 - Existing/Proposed Elevations
- 1825[PL]01A Site Plan As Proposed
- OS MAP Site Location
- 1825 PL03 - Existing/Proposed Elevations
- Tree Technical Note (July 2025)
- 1825[PL]04A Green Infrastructure Plan

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

02 No development shall commence until the Tree Protection Details as shown in 'Tree Technical Note (July 2025)' have been implemented. Once the protective fencing is erected, the fencing shall remain in situ for the duration of the works and shall only be removed upon completion of the development.

Reason: To protect important landscape features within the site

03 Prior to the first beneficial use of the development hereby approved, the compensatory native hedge planting as shown in 'Green Infrastructure Statement' shall be undertaken. Thereafter, the hedge/shrubs shall be maintained as such for the lifetime of development. Any hedging or shrubs which die or are damaged shall be replaced and maintained until satisfactorily established.

Reason: To safeguard the rights of control of the Local Planning Authority in these respects and to ensure that the site is landscaped in a satisfactory manner

04 Prior to the first beneficial use of development hereby approved, the biodiversity mitigation and enhancement measures shall be implemented in accordance with the details as shown in 'Green Infrastructure Statement' and retained for the lifetime of development.

Reason: In the interest of biodiversity, in accordance with Policy GP5 of the Newport Local Development Plan 2011-2026 (adopted January 2015).

05 Except for the purposes of constructing the initial site access, there shall be no movement of construction or other vehicles between the highway and the application site until that part of the access extending from the nearside edge of the /highway boundary of Whitson Road for a minimum distance of 12 metres into the site has been appropriately paved in a bound material such as tarmacadam, concrete, block pavements or other material approved in writing by the Council as Local Planning Authority. The access shall be retained as such for the lifetime of development.

Reason: In the interests of road safety to prevent loose surface material/debris from being carried on to the public highway thus causing a potential source of danger to other road users.

06 Means of enclosure including gates shall be in accordance with the details approved only. No alternative fencing/gates/means of enclosure shall be installed unless details have first been submitted to and approved in writing by the Local Planning Authority. Alternative means of enclosure shall be undertaken in accordance with any subsequently approved details. All means of enclosure including gates associated with the approved development shall be retained for lifetime of development.

Reason: In the interests of rural character and appearance and visual amenity. GP2, GP6 and SP5 of the adopted Local Development Plan.

07 The development hereby approved shall only be used for agricultural purposes and by vehicles/traffic associated with the use of the adjoining agricultural land.

Reason: In the interest of highway safety, policy GP4 of the adopted Local Development Plan.

NOTE TO APPLICANT

01 This decision relates to plan Nos: 1825[PL]01A Site Plan As Proposed, 1825[PL]02 Site Plan As Existing, OS MAP_Site Location, 1825 PL03 - Existing/Proposed Elevations, Tree Technical Note (July 2025), Justification Statement, 1825[PL]04A Green Infrastructure Plan

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP5, SP8, CE6, GP4 and 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 The Applicant is 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.