

Delegated Decision Report

Application No:	25/0141	Statutory Period Expires:	25th March 2025
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Site:	<i>Sandy Lane Farm Sandy Lane Castleton Cardiff CF3 2UX</i>		
Proposal:	<i>PRIOR APPROVAL FOR A GREEN BOX PROFILE-CLAD BUILDING WITH COMPOSITE ROOF SHEETS, INTENDED FOR FODDER STORAGE</i>		
Applicant:	<i>Mr Gareth Williams</i>		
Type:	Prior Approval - 28 Day	Ward:	Tredegar Park And Marshfield
Decision:	PRIOR APPROVAL IS REQUIRED AND REFUSED		

1. BACKGROUND

- 1.1 A prior approval application was recently refused under reference 24/1015 by reason of insufficient information.

2. SITE LOCATION AND CONTEXT

The development site is within the Tredegar Park and Marshfield Ward. The host site is set within designated countryside, the green belt and within the special landscape area. The host site is located adjacent to Marshfield Road and is to the South of Sandy Lane Farm dwelling. To the Southeast, there are residential dwellings, whilst to the West there are open fields and St Mellons Gold club. To the North is Castleton. Adjacent to the south of the site is designated SSSI Gwent Levels.

- 2.1 The land is laid to pasture and is supplemented by small areas of natural woodland.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 The application seeks a determination as to whether prior approval is required for a green box, profile- clad building.
- 3.2 The proposed building would measure 9m in width and 18m in length. The proposed building would have a pitched roof and measure 6m to the highest point on the ridge. The gate will measure 3m in length and 1.2m in height. It would comprise of a green box profile cladding, with PPC cladding profile and trims, with grey colour composite sheets. There would be in situ concrete plinth, with square section gutter and downpipes, as well as rooflights.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
07/1176	DEMOLITION OF OUTBUILDINGS AND ERECTION OF NEW SINGLE BARN, STABLES AND VEHICLE STORAGE BUILDING	REFUSED	13/12/2007
07/0542	ERECTION OF TWO STOREY EXTENSION, A SINGLE STOREY EXTENSION AND A ROOF TERRACE TO REAR OF PROPERTY	GRANTED WITH CONDITIONS	05/07/2007
08/0223	DEMOLITION OF OUTBUILDINGS AND ERECTION OF SINGLE BARN, STABLES AND VEHICLE STORAGE (RESUBMISSION FOLLOWING REFUSAL OF PLANNING PERMISSION 07/1176)- AFFECTING PUBLIC RIGHT OF WAY 399/23	GRANTED	03/04/2008

08/0749	CONSTRUCTION OF MANEGE IN FILED ADJACEWNT EXISTING OUTBUILDINGS FOR USE BY OCCUPANTS OF SANDY LANE FARM AFFECTING PUBLIC RIGHTS OF WAY 399/18, 399/19, 399/21, 399/22, 399/23, 399/24 AND 399/37	GRANTED WITH CONDITIONS	10/07/2008
24/1015	PRIOR APPROVAL FOR A GREEN BOX PROFILE CLAD BUILDING WITH COMPOSITE ROOF SHEETS	PRIOR APPROVAL REQUIRED AND REFUSED	14/01/2025

5. PLANNING POLICY

- 5.1 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP5, SP8, SP9, GP2, GP5 and GP6 were relevant to the determination of this application.

6. CONSULTATION RESPONSES

- 6.1 Tree Officer: *Objections*

Tree/hedge information including Root Protection Area(RPAs) must be consistent across all layout plans .

General

Full tree/woodland edge /hedge and boundary tree information should be submitted in accordance with BS 5837:2012 by a bona fide Tree Consultant

BS5837:2012 Root Protection Area (RPA)

The Root Protection Area (RPA) gives a mathematical and theoretical circular rooting area for each tree based on the diameter of the trunk of an individual tree.

*However, the above ground constraints as specified in BS:5837:2012 must also be evaluated when considering the proposed development layout in relation to trees . **NB the RPA is the not the nearest point to a tree that “development” can take place.***

BS5837:2012 Constraints posed by existing trees (in relation to existing trees/hedges and woodlands)

It needs to be evidenced that this has been undertaken by the Tree Consultant

5.2 Eg the current and ultimate height and spread of the tree.

Tree species, foliage density, aphid exudate, branch drop etc.

Effect of shading from trees.

5.2.3 Working and access space needs consideration

“ the requirement to protect the overhanging canopies of trees where they could be damaged by machinery, vehicles, barriers or scaffolding where it will be necessary to increase the extent of the tree protection barriers to contain the canopy “ ie by increasing the RPAs

5.2.4 “particular care is needed regarding the retention of large, mature, over mature or veteran treesadequate space should be allowed for their long term physical retention and future maintenance”

To re iterate the trees should inform the design layout and not vice versa, all potential conflicts between the proposed buildings and the trees should be designed out. The health, safety and longevity of the trees should not be compromised by a development.

The following policies are relevant :-

Newport City Council's Climate Change Emergency declared

"in November (2021) Newport Council declared an ecological and climate emergency that recognised the need to protect Newport's local environments and reduce carbon emissions across the City. The motion would ensure that all future decisions and policies made by Newport Council would be integrated across all areas of Council activity and the Council would lead by example through partnership working."

Relevant policies :-

Planning Policy Wales

2.1 Planning Policy Wales (PPW) provides the national strategic guidance with regard to land use planning matters in Wales. Sustainable Development Principles are inherent to national planning policy which expects all those involved in the planning system to adhere to those SD Principles. Of particular relevance in this case is the need to ensure a long term perspective to safeguard the interest of future generations, to respect environmental limits so that the environment is not irreversibly damaged and to assist in tackling climate change. This can be achieved through good design of development which takes into account the relationship between the natural and built environment.

Technical Advice Note 12 Design (2016)

2.5 This advice note states the response to context should not be confined to architectural finishes. It is important to help integrate old and new development and reinforce hierarchy between spaces through the consideration of retaining existing landmarks, mature trees and hedgerows within housing areas as well as introducing new planting appropriate to the area. The guidance notes that opportunity should be taken when improving the public realm to protect and enhance biodiversity and assist pollution abatement through careful design, implementation and maintenance of planting. Planting, particularly large tree species can also be used to improve microclimate and reduce dust and the perception of noise through, shade, shelter and screening.

Well-being of Future Generations (Wales) Act 2015

Long term: *A greener city is a healthier city environmentally and encourages investment and employment opportunities. Natural green space supports social resilience and community wellbeing, making the environment healthier for both people and wildlife.*

Planning decisions aim to build sustainable and cohesive communities in both the built and green environment.

Prevention: *Sound decisions help promote a greener environment, via TPOs for trees and woodlands and hedgerows, and reduces the loss of trees and woodlands and hedgerows on private land. Trees and woodlands and hedgerows are essential in the fight against climate change, as they sequester carbon, and assist with increased biodiversity.*

Local Development Plan 2011-2026.

Policy GP5: General Development Principle, Natural Environment, Criterion vii):

[DEVELOPMENT WILL BE PERMITTED WHERE] THE PROPOSAL INCLUDES APPROPRIATE TREE PLANTING OR RETENTION WHERE APPROPRIATE AND DOES NOT RESULT IN THE UNACCEPTABLE LOSS OF OR HARM TO TREES, WOOLDAND OR HEDGEROWS THAT HAVE WILDLIFE OR AMENITY VALUE.

GP2 General Development Principles *" there will not be an adverse effect on local amenity" - is relevant*

6.2 Local Highways Authority: No objection. No significant highway impacts are anticipated.

6.3 Public Right of Way: 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.*

7. PUBLIC REPRESENTATIONS

None.

8. ASSESSMENT

- 8.1 The Town and Country Planning Act 1990 defines agriculture as “horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and “agricultural” shall be construed accordingly”.
- 8.2 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.
- 8.3 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. One of the primary requirements of the Order is that any development be “reasonably necessary for the purposes of agriculture”. In this instance the application is not supported by any robust or meaningful evidence that the development would be reasonably required for the purposes of agriculture. It is not apparent from the submission that there is any meaningful agricultural activity on site nor has any detail of the scale or intensity of any agricultural business activity been provided. The cover letter states that the applicant carries out ‘small scale sheep and cattle rearing’, but there is no evidence to support this assertion, there is no clarification on the scale and nature of this operation, whether it is a hobby or a bona fide agricultural business. On this basis the Local Planning Authority are not satisfied that the proposed development meets this requirement in that it is reasonably necessary or satisfies the requirements of paragraph D1 of Part 6 of Schedule 2 of the GDPO.
- 8.4 Part 6 of the GDPO has two parts; Class A, which relates to agricultural units of 5 hectares or more and Class B, which relates to agricultural units of less than 5 hectares, but not less than 0.4 hectares. The application form states that the agricultural unit in this case is only 162 square metres which does not meet the requirements of either Classes A or B. This seems to be an error as 162 square metres equates to the footprint of the proposed building. The plans have identified in red a parcel of land which exceeds the building footprint which is 0.21 hectares; it is unclear why this parcel of land has been distinguished from the land outlined in blue, but if this land outlined in red is meant to be the agricultural unit, then this too would not meet the requirements of either Classes A or B. The land outlined in blue comprises the ‘land holding’ according to the supporting letter, but it is unclear whether this is meant to be the agricultural unit? The cover letter states that this land is 9.35 hectares in size, although this has been checked and found to be approx. 6.5 hectares by the case officer. The information submitted with the application as to the

extent of the agricultural unit is therefore unclear and contradictory.

- 8.5 In terms of design, the proposed building would be of a typical barn construction with grey composite roof sheets, and it would be finished in a green box profile cladding which would remain in keeping with the character of the surrounding area. No objection or concern is raised in this regard with barns being commonplace within the countryside.
- 8.6 The tree officer has expressed concern regarding the design and layout of the proposed building due to their proximity to nearby trees stating that the health, safety and longevity of the trees should not be compromised by development. The application has not been supported by any tree information/survey works carried out in accordance with BS5817:2012.
- 8.7 The Public Rights of Way Officer has no objections but has set a requirement that all Public Rights of Way are legally required to remain completely unobstructed and be clear and available for safe public use at all times. The Public Right of Way must not be endangered or disadvantaged in any way and the Public Right of Way users must be protected from the vehicles associated with the works.
- 8.8 The Highways Officer did not object to the proposal as it would not have any adverse impact upon vehicular movements to/from site nor would it be detrimental to highway/pedestrian safety.

9. OTHER CONSIDERATIONS

9.1 *Crime and Disorder Act 1998*

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

9.2 *Equality Act 2010*

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership.

9.3 Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

9.4 The above duty has been given due consideration in the determination of this application. It is considered that there would be no significant or unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

9.5 *Planning (Wales) Act 2015 (Welsh language)*

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material effect upon the use of the Welsh language in Newport as a result of the proposed decision.

9.6 *Newport's Well-Being Plan 2018-23*

The Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without

compromising the ability of future generations to meet their own needs. This duty has been considered during the preparation of Newport's Well-Being Plan 2018-23, which was signed off on 1 May 2018. The duty imposed by the Act together with the goals and objectives of Newport's Well-Being Plan 2018-23 have been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the proposed decision.

10. CONCLUSION

- 10.1 Insufficient information has been submitted to show that the proposed building is reasonably necessary for the purposes of agriculture or that the operation complies with the requirements of Part 6 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). The proposal does not constitute Permitted Development and so requires planning permission.

11. DECISION

PRIOR APPROVAL IS REQUIRED AND IS REFUSED

01 Prior Approval is required and refused on the grounds of insufficient information to demonstrate that the building is reasonably necessary for the purposes of agriculture or that the operation complies with the requirements of Part 6 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). The proposal does not constitute Permitted Development and so requires planning permission.

NOTE TO APPLICANT

01 This decision relates to plan Nos: Site Location Plan, A002- Existing Block Plan, A003- Proposed Block Plan, A004, Proposed Barn Layout, A005- Proposed Barn Elevations.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP5, SP8, SP9, GP2, GP5 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.