



## Appeal Decision

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by I Stevens BA (Hons) MCD MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 20-02-2023

Appeal reference: CAS-02045-R4X8W4

Site address: Grey House Farm, Coast Road, St Brides, Newport, NP10 8SQ

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- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Ms Jenny Cummings against the decision of Newport City Council.
- The application Ref 21/1264, dated 2 December 2021, was refused by notice dated 9 June 2022.
- The development is described as retrospective change of use of land from agriculture to form part of the residential curtilage associated with Grey House Farm.

A site visit was made by the Inspector on 9 January 2023.

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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. I have taken the description of development from the Council's Notice of Decision as it is more concise than that outlined on the application form.
3. I was able to confirm on my site visit that the change of use has taken place and that the buildings are being used for domestic purposes. I have therefore considered the appeal as being retrospective under the terms of Section 73A(2)(a) of the 1990 Act.

### Main Issues

4. The main issues are:
  - The effect of the development on the character and appearance of the area, with particular reference to the countryside location within the Wentlooge Levels Special Landscape Area; and
  - Whether the development would be inappropriate development in the green wedge and if so whether there are other considerations that clearly outweigh the harm to the

green wedge, thereby justifying the development on the basis of very exceptional circumstances.

## Reasons

### *Character and appearance*

5. The appeal site comprises a rectangular parcel of land with two timber-framed outbuildings on a stone covered surface. It is within the ownership of Grey House Farm, a semi-detached dwelling to the south-east of the appeal site, with associated garden land in between these areas. Another outbuilding adjoins the northern boundary of the appeal site, adjacent to a paddock. To the north of this area, the land opens into flat, larger fields, with wide views of the countryside beyond. The proposal seeks retrospective planning permission to change the use of land within the appeal site from agricultural to residential use, including domestic storage within the buildings.
6. In planning policy terms, the appeal site is in the countryside and outside of the settlement boundaries as identified in the Newport Local Development Plan (LDP), adopted in January 2015. Policy SP5 of the LDP states that development in the countryside will only be permitted where, amongst other things, the use is appropriate in the countryside and respects the landscape character of the immediate and surrounding area. The policy adds that housing development will only be appropriate where they comply with national planning policy. The appeal site is also in the Wentlooge Levels Special Landscape Area (SLA).
7. On my site visit I observed the difference in appearance between the garden of Grey House Farm and the appeal site. A hedgerow defines the boundary, and a stream runs under the path between both areas. The garden is a large, grassed area with vegetation. By contrast, the appeal site has a simple appearance with its outbuildings and stone surface, which is typical of a stable and paddock for equestrian-related activities. The timber fence provides separation between the appeal site and the neighbouring property to the east, while the trees and vegetation that define the western boundary edge provide strong definition. Although views of the appeal site are limited from public vantage points along the B4239 to the south and west, from my observations the appeal site has a greater affinity with the adjacent paddock and open countryside to the north, than the domestic residential use attributed to the garden to the immediate south.
8. The proposed use of the land as an extension of the appellant's garden would alter the character of this land. The resultant space would be an extensive addition to the already large garden for Grey House Farm. Although the reuse of the two outbuildings does not involve any external alterations, the use of the adjacent land for residential purposes would alter in function and appearance. The appellants have indicated the external space is used as a children's play area. If permission were given to retain the change of use, it is reasonable to anticipate that a more intensive residential use could follow. With further planting, garden buildings and structures, it could add to the incongruity of the residential use in the countryside and significantly harm the rural appearance of the wider area. I am mindful that it would be possible to restrict permitted development rights through a planning condition to prevent some additional domestic structures within the appeal site. However, this would not control all types of features that could be introduced with the land in use as garden space, such as formal lawned areas, planting, washing lines, barbeques or play equipment. The incremental urbanisation of the land would conflict with the prevailing rural character that I have described.
9. Whilst the designation of an SLA does not preclude development, proposals must demonstrate they have been designed to respect the valued characteristics of the recognised landscape. Given the priority towards landscape conservation and

enhancement in the SLA, the piecemeal domestication of land would have a harmful impact on the low lying and rural character of the land.

10. In conclusion, the development is harmful to the character and appearance of the area, including the Wentlooge Levels SLA. This is contrary to the Council's strategy for the countryside, as set out in LDP Policy SP5. It is also contrary to LDP Policy SP8 which seeks for proposals within SLAs 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.

#### *Green wedge*

11. The appeal site is in the Newport and Cardiff green wedge. Policy SP7 of the Newport LDP states that within green wedges, development which prejudices the open nature of the land will not be permitted. Supporting text to Policy SP7 recognises that the designated areas tend to have significant importance for their openness and for their role in maintaining the distinct identity of separate communities. Planning Policy Wales (PPW), Edition 11, February 2021, states that when considering applications for planning permission in green wedges, a presumption against inappropriate development will apply. It adds that inappropriate development should not be granted planning permission except in very exceptional circumstances where other considerations clearly outweigh the harm which such development would do to the green wedge.
12. Paragraph 3.76 of PPW clarifies that the re-use of buildings in a green wedge is not inappropriate development provided that it satisfies a list of criteria. Having regard to the first and third criteria of paragraph 3.76, there is no dispute that the reuse of the buildings, with no external alterations proposed to the structures, would be in keeping with the rural surroundings, or that the buildings are substantial, permanent, and capable of conversion without major reconstruction.
13. The second criterion of paragraph 3.76 states that the new use should not have a greater impact on the openness of the green wedge and the purposes of including land within it. It adds that strict control will need to be exercised over the extension, alteration, or any associated use of land for re-used buildings. On this issue, I am mindful that the use of the appeal site as stables would have impacted on openness, with its horse-related activities. As such, I do not see that a residential garden use would necessarily have a greater impact on openness on the same parcel of land. However, one of the purposes of the green wedge, amongst others, is to assist in safeguarding the countryside from encroachment. The development is a significant encroachment of domestic form into the countryside. While it maintains openness, it still conflicts with the purpose of including land in a green wedge, as referred to in paragraphs 3.67 and 3.68 of PPW.
14. I note the appellant's arguments in favour of the development. While the appellant may not wish to build new domestic storage within their garden, it is the associated domestic use of the adjacent land to the two outbuildings that would have an urbanising and injurious effect on the rural character and appearance of the area. I am not persuaded that there are no alternative means that would enable the storage of household items without running into conflict with the development plan. I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very exceptional circumstances necessary to justify the inappropriate development in the green wedge do not exist. I therefore conclude that the garden extension for residential use is contrary to green wedge policy having regard to PPW and LDP Policy SP7.

### **Other Matters**

15. I note the objection from a resident which refers to the site having been used for commercial purposes relating to a vehicle recovery business. On my site visit, the buildings were being used for domestic storage and in any event, I am looking at the development that has been applied for, which is for an extension to the residential garden.
16. I also note the objection from Natural Resources Wales to development in an area of flood risk, which could be overcome through the imposition of a planning condition preventing additional ancillary residential accommodation. As I am dismissing the appeal on the main issue, it has not been necessary to consider this matter any further.

### **Overall Conclusions**

17. I have found that the development is harmful to the character and appearance of the area including the Wentlooge Levels SLA. It is also inappropriate development in a green wedge and the very exceptional circumstances necessary to justify the development do not exist. The development is therefore contrary to national and local planning policy. I have had regard to all matters raised but I find nothing that leads me to alter my decision. For the reasons given above I conclude that the appeal should be dismissed.
18. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives.

*I Stevens*

INSPECTOR