

Report

Planning Committee

Part 1

Date: 1 March 2017

Item No: 8

Subject **Appeal Decisions**

Purpose To inform Members of the outcome of recent appeals

Author Head of Regeneration, Investment and Housing

Ward Langstone, Caerleon, Stow Hill, Marshfield

Summary The following planning appeal decisions are reported to help inform future decisions of Planning Committee

Proposal **To accept the appeal decisions as a basis for informing future decisions of the Planning Committee.**

Action by Planning Committee

Timetable Not applicable

This report was prepared without consultation because it is to inform Planning Committee of appeal decisions already taken.

Background

The reports contained in this schedule provide information on recent appeal decisions.

The purpose of the attached reports is to inform future decision-making. This will help ensure that future decisions benefit the City and its communities by allowing good quality development in the right locations and resisting inappropriate or poor quality development in the wrong locations.

The applicant has a statutory right of appeal against the refusal of permission in most cases. There is no Third Party right of appeal against a decision.

Work is carried out by existing staff and there are no staffing issues. It is sometimes necessary to employ a Barrister to act on the Council's behalf in defending decisions at planning appeals. This cost is met by existing budgets. Where the Planning Committee refuses an application against Officer advice, Members will be required to assist in defending their decision at appeal.

Where applicable as planning considerations, specific issues relating to sustainability and environmental issues, equalities impact and crime prevention impact of each proposed development are addressed in the relevant report in the attached schedule.

Financial Summary

The cost of defending decisions at appeal is met by existing budgets. Costs can be awarded against the Council at an appeal if the Council has acted unreasonably and/or cannot defend its decisions. Similarly, costs can be awarded in the Council's favour if an appellant has acted unreasonably and/or cannot substantiate their grounds of appeal.

Risks

The key risk relating to appeal decisions relates to awards of costs against the Council.

An appeal can be lodged by the applicant if planning permission is refused, or if planning permission is granted but conditions are imposed, or against the Council's decision to take formal enforcement action. Costs can be awarded against the Council if decisions cannot be defended as reasonable, or if it behaves unreasonably during the appeal process, for example by not submitting required documents within required timescales. Conversely, costs can be awarded in the Council's favour if the appellant cannot defend their argument or behaves unreasonably.

An appeal can also be lodged by the applicant if the application is not determined within the statutory time period. However, with the type of major development being presented to the Planning Committee, which often requires a Section 106 agreement, it is unlikely that the application will be determined within the statutory time period. Appeals against non-determination are rare due to the further delay in receiving an appeal decision: it is generally quicker for applicants to wait for the Planning Authority to determine the application. Costs could only be awarded against the Council if it is found to have acted unreasonably. Determination of an application would only be delayed for good reason, such as resolving an objection or negotiating improvements or Section 106 contributions, and so the risk of a costs award is low.

Mitigation measures to reduce risk are detailed in the table below. The probability of these risks occurring is considered to be low due to the mitigation measures, however the costs associated with a public inquiry can be very significant. These are infrequent, so the impact is considered to be medium.

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
Decisions challenged at appeal and costs awarded against the Council.	M	L	<p>Ensure reasons for refusal can be defended at appeal;</p> <p>Ensure planning conditions imposed meet the tests set out in Circular 016/2014.</p> <p>Provide guidance to Planning Committee regarding relevant material planning considerations, conditions and reasons for refusal.</p> <p>Ensure appeal timetables are adhered to.</p>	<p>Planning Committee</p> <p>Planning Committee</p> <p>Development Services Manager and Senior Legal Officer</p> <p>Planning Officers</p>
Appeal lodged against non-determination, with costs awarded against the Council	M	L	Avoid delaying the determination of applications unreasonably.	Development Services Manager

* Taking account of proposed mitigation measures

Links to Council Policies and Priorities

Not applicable. This report is to inform Planning Committee of decisions made by the Planning Inspectorate and/or Welsh Ministers.

Options Available

To accept the appeal decisions as a basis for informing future decisions of the Planning Committee.

Preferred Option and Why

To accept the appeal decisions as a basis for informing future decisions of the Planning Committee.

Comments of Chief Financial Officer

In the normal course of events, there should be no specific financial implications arising from the determination of planning applications or enforcement action.

There is always a risk of a planning decision being challenged at appeal. This is especially the case where the Committee makes a decision contrary to the advice of Planning Officers or where in making its decision, the Committee takes into account matters which are not relevant planning considerations. These costs can be very considerable, especially where the planning application concerned is large or complex or the appeal process is likely to be protracted.

Members of the Planning Committee should be mindful that the costs of defending appeals and any award of costs against the Council following a successful appeal must be met by the taxpayers of Newport.

There is no provision in the Council's budget for such costs and as such, compensating savings in services would be required to offset any such costs that were incurred as a result of a successful appeal.

Comments of Monitoring Officer

There are no legal implications other than those referred to in the report or detailed above.

Staffing Implications: Comments of Head of People and Business Change

Development Management work is undertaken by an in-house team and therefore there are no staffing implications arising from this report. Officer recommendations have been based on adopted planning policy which aligns with the Single Integrated Plan and the Council's Corporate Plan objectives.

Local issues

Not applicable. This report is to inform Planning Committee of decisions made by the Planning Inspectorate and/or Welsh Ministers.

Equalities Impact Assessment and the Equalities Act 2010

The Equality Act 2010 contains a Public Sector Equality Duty which came into force on 06 April 2011. The Act 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. The new single duty aims to integrate consideration of equality and good relations into the regular business of public authorities. Compliance with the duty is a legal obligation and is intended to result in better informed decision-making and policy development and services that are more effective for users. In exercising its functions, the Council must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation and other conduct that is prohibited by the Act; advance equality of opportunity between persons who share a protected characteristic and those who do not; and foster good relations between persons who share a protected characteristic and those who do not. The Act is not overly prescriptive about the approach a public authority should take to ensure due regard, although it does set out that 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.

An Equality Impact Assessment for delivery of the Development Management service has been completed and can be viewed on the Council's website.

Children and Families (Wales) Measure

Not applicable. This report is to inform Planning Committee of decisions made by the Planning Inspectorate and/or Welsh Ministers.

Consultation

Not applicable. This report is to inform Planning Committee of decisions made by the Planning Inspectorate and/or Welsh Ministers.

Background Papers

Not applicable

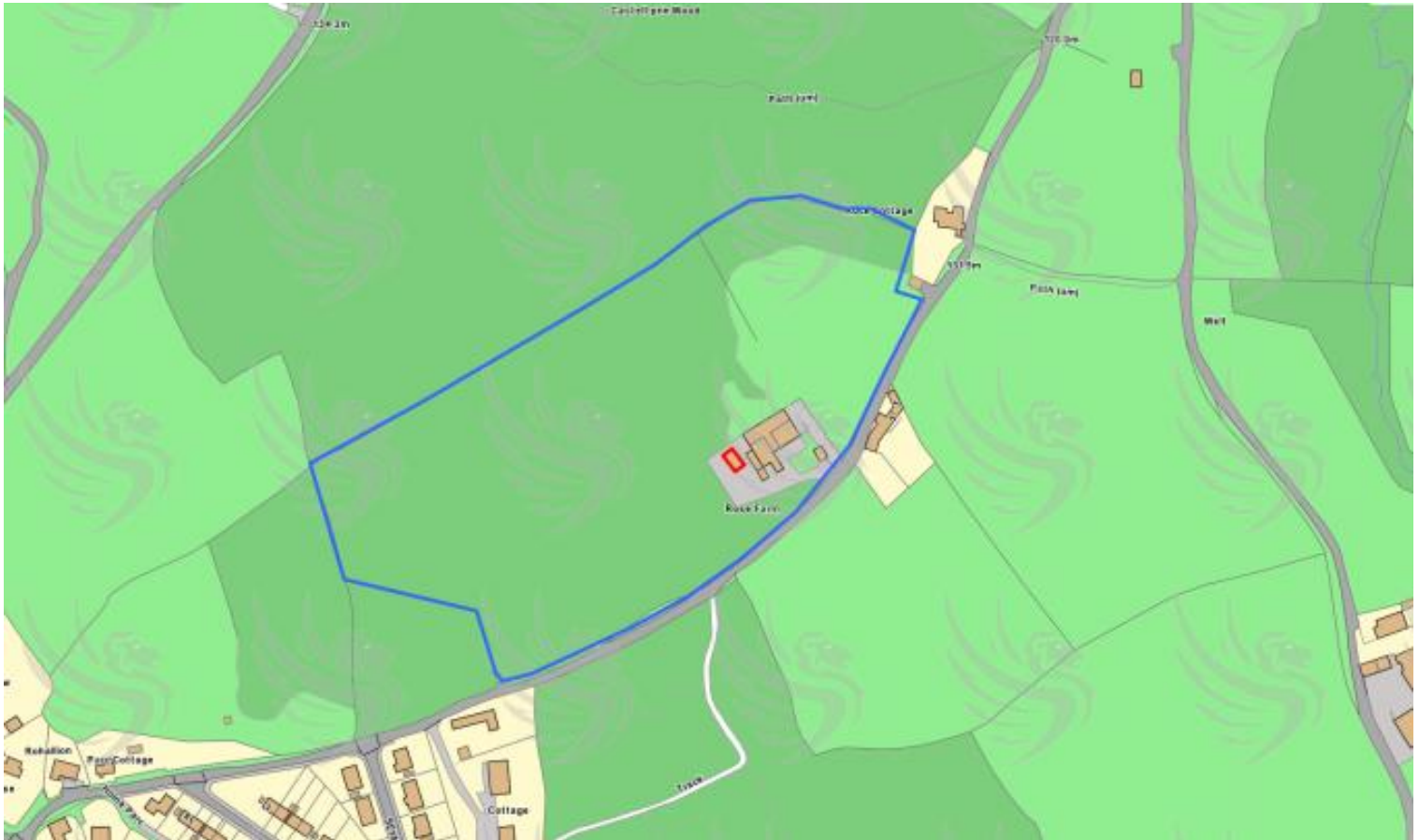
Dated: 1 March 2017

PLANNING APPLICATION APPEAL

APPEAL REF: 15/1461
APPEAL TYPE: Hearing
WARD: Langstone
SITE: Rose Farm, Penhow, Newport, NP26 3AH
SUBJECT: Single storey dwelling for rural business, the granting of full planning on expiry of temporary planning granted

APPELLANT: Mrs Carol Partridge
PLANNING INSPECTOR: Janine Townsley
DATE OF COUNCIL'S DECISION: 28th January 2016
OFFICER RECOMMENDATION: Refuse
COMMITTEE/DELEGATED: Delegated

DECISION: ALLOWED



SUMMARY

In 2011, planning permission was granted for the use of the land as an equestrian centre and for a temporary dwelling for a full time worker. It was concluded that a functional need was established, however, there was some doubt to the financial basis for the enterprise and therefore a temporary permission was granted for a period of three years. Condition 6 of that permission required the temporary dwelling to be removed and the land restored to its former condition on or before 31st December 2014.

The appellant sought the retention of the single storey dwelling for a rural enterprise. The Inspector considered the main issues in the determination of the appeal to be whether the development would justify the establishment of a rural enterprise dwelling under the tests set out in national and local policy.

The appeal site is located outside of any settlement boundary and is therefore within the countryside for the purposes of development plan policies. Policy SP5 states that housing development will only be appropriate where the proposal complies with national planning policy. TAN 6 states that one of the few circumstances in which new residential development in the countryside may be justified is when accommodation is required to enable rural enterprise workers to live at, or close to, their place of work. In determining whether the proposed use can be justified, the proposal was assessed against three tests; the functional test, time test and the financial test.

In order to satisfy the functional test, the appellant must demonstrate a need for a resident worker to be present at most times to ensure the proper functioning of the site. The appellant stated that the business focuses on the care of broodmares and the care and rehabilitation of injured horses. Examples were given as to the necessity for a worker to be permanently on site .i.e. medical emergencies and the fact many mares foal at night. Little evidence was produced by the appellant with regards to the numbers of animals she has provided for and the details of the type of care provided for each animal. A diary was produced by the appellant at the hearing, identifying the number of animals cared for etc. The Inspector stated that there is no reason to doubt the appellant's evidence on animal numbers and the care provided. In view of the above, the inspector was satisfied that the enterprise clearly established an existing functional need for a worker to be present on site at most times.

In order to satisfy the time test, TAN 6 requires evidence of the labour requirements of the enterprise. The appellant stated that she works full time on the enterprise and is supported part time by her son. This is based upon five horses, that being the minimum number of horses being cared for at any one time. The labour requirement is calculated at 1.24 workers. The council's assessment was based on eight workers, with services such as massage and night time care being additional, equating to a labour requirement of 1.7 workers. The inspector stated that there was nothing to suggest that the enterprise does not need at least one full time worker. The time test has therefore been satisfied.

In support of the financial test, the appellant's accountant stated that the enterprise was operating profitably and had good prospects of continuing to do so. The Council stated that the business could not demonstrate sustainability over five years and that a stress test is needed to assess the outcome should the appellant lose her main customer. However the Inspector noted that it is not a requirement by the TAN on the associated Practice Guidance on Rural Enterprise Dwellings to require the submission of a business plan for existing rural enterprises. The Inspector considered that from the evidence provided, that the enterprise is profitable, feasible and worthwhile. The Inspector was therefore satisfied that the financial test has been satisfied.

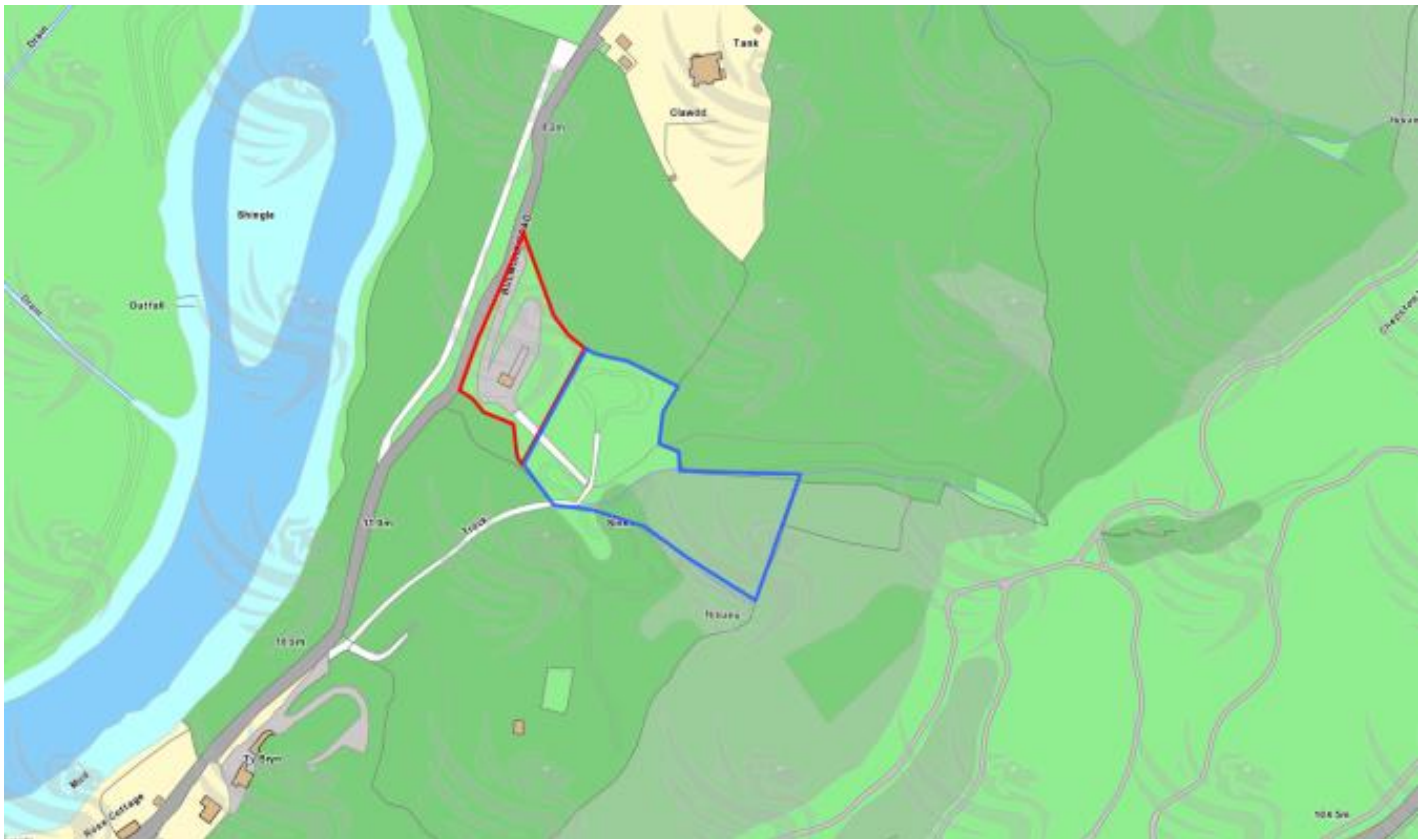
In view of the above, the inspector considered there to be a justification for residential accommodation to be provided for the rural enterprise. The appeal was therefore allowed with conditions relating to the occupancy of the dwelling.

APPEAL ALLOWED

PLANNING APPLICATION APPEAL

APPEAL REF: 16/0032
APPEAL TYPE: Hearing
WARD: Caerleon
SITE: The Old Clawdd Piggery, Bulmore Road, Caerleon, NP18 1QQ
SUBJECT: Change of use of land to mixed use of the stationing of caravans for residential purposes for one gypsy pitch and the keeping of horses together with the formation of hard standing ancillary to that use and relocation of existing horse manege
APPELLANT: Mr Tom Lee
PLANNING INSPECTOR: B. Hellier
DATE OF COUNCIL'S DECISION: 25th February 2016
OFFICER RECOMMENDATION: Refuse
COMMITTEE/DELEGATED: Delegated

DECISION: ALLOWED



SUMMARY

The appeal sought the change of use to a mixed use of the stationing of caravans for residential purposes for one gypsy pitch and the keeping of horses together with the formation of hardstanding ancillary to that use and relocation of existing horse manege.

The Inspector considered the main issues in the determination of the appeal to be:

- Whether this would be a sustainable form of gypsy development having regard to highway safety, foul drainage, landscape, visual effects and access to community services; and

- Whether any harm from the first issue would be outweighed by other considerations which would favour the proposal, including the general need for sites and the particular accommodation needs and personal circumstances of the proposed occupiers.

In addition to the two main issues above, there was dispute between the Appellant and the Council as to whether the gypsy status of the proposed occupier had to be taken into account. The appellant argued that such matters could be satisfied through a Condition. The Council took the view that only if the occupier has gypsy status can the appeal proceed on the basis of gypsy policies. The Inspector whilst acknowledging the benefits of the Councils approach stated an applicant was not required to follow this route. Where there is an established need and there are no significant planning constraints, there should, in principle, be no requirement to limit occupation to a particular gypsy or family.

With regards to the sustainability of the site, the Inspector firstly assessed the availability of local services. It was noted the appeal site is 1.5km from the centre of Caerleon, which benefits from a good range of services. A regular bus service into Newport can be picked up within an 800m walk. Whilst it is likely that the private car would be the principal mode of transport to and from the appeal site, Circular 30/2007 does not support an over rigid application that seeks a reduction in car borne travel. It was therefore found that the site is well related to suitable community facilities and services.

With regards to highway safety, the Inspector noted Technical Advice Note 18 (TAN 18) states that, where planning applications are submitted within an existing development site and served by an existing substandard access, there should be scope for a limited redevelopment that incorporates a substantial access improvement, even though the access would still be below standard. Bulmore Road is subject to the national speed limit; however the actual speed of cars approaching the appeal site junction were measured at 25.3mph from the south and 30.6mph from the north. Based on these speeds, the desired visibility splay to the south would be achieved, however because of a roadside embankment the visibility north would not. The Council did not raise an objection on grounds of road capacity. Nonetheless, Circular 30/2007 states gypsy sites should not be rejected on highways grounds if they would give rise to only modest additional daily vehicle movements and/or the impact on minor roads would not be significant. The Inspector found the proposal would not result in a significant adverse effect on road safety; however, as a result of the inadequate visibility to the north, some increase in risk to walkers and other road users would arise. Such an increase weighed moderately against the proposal.

Turning to the effect of the proposal on the character and appearance of the area, the site lies within the Chepstow Hill Visual and Sensory Aspect Area (VSAA); its guidelines recommend that development should be restricted on this prominent valley and hillside and that further suburbanisation should be resisted. Furthermore, the site overlooks the River Usk Special Landscape Area (SLA) which is of high landscape value. The appeal site, although outside the SLA is part of that setting, when viewed from the southern fringe of Caerleon. The Inspector noted the appeal site is in an elevated position above the road and is conspicuous against the woodland surroundings. The proposal would introduce two caravans on the stable block terrace on the site of the existing manege; the existing manege enclosure would be relocated to a second higher terrace. The Inspector noted that there is an extant permission for a barn which would add to the impact. It was considered caravans by their nature tend to be visually intrusive and the proposal would therefore conflict with the Chepstow Hill VSAA guidelines. Nonetheless, taking into account the limited number of places where the development is seen, the Inspector considered the proposal to result in a moderate adverse effect on the character and appearance of the surrounding area.

In a conclusion on whether the proposal constitutes a sustainable form of development, the Inspector considered the proposal would not conflict with Circular 30/2007, LDP Policy H17, SP5 and GP5. It was acknowledged that the proposal would conflict with LDP Policies GP2 and GP4, although it was not considered that the adverse effects would be serious. It was therefore considered that the proposal would be considered a sustainable form of development.

Turning to the general need of gypsy traveller accommodation, Newport Council has an up to date gypsy and traveller accommodation assessment (GTAA). The GTAA shows that in 2015 there was a residential demand for 25 pitches; a further 5 pitches would be required by 2020 giving a five year requirement of

30. The Inspector considered that 30 should be seen as a minimum figure. It is noted that there is no local authority gypsy site at present. Planning permission has been granted at the Hartridge Farm Road site for 35 pitches. However only 9 gypsy pitches would be ready by spring of 2017. The Hartridge Farm Road site will meet the quantum of need identified in the GTAA, however the phased provision results in a current unmet need.

With respect to individual need, Circular 30/2007 makes it clear that gypsy policies should only apply to those who meet the planning definition of a gypsy. The appeal site would be occupied by the daughter of the appellant, Demi Lee. She is 18 years old and lives with her mother and younger sister and brother on a large local authority gypsy site at Shirenewton in Cardiff. She is engaged to be married to Tony Connors, a gypsy who lives in an authorised site in Leicester. The Inspector was told that Demi Lee always travelled in the summer with her father; she now travels with her brother who has a traditional gypsy gig. Based on the evidence provided, the Inspector was not persuaded that she has ever travelled for a work related purpose, even as a dependent family member. It was therefore considered that she is undoubtedly, in an ethnic sense, a gypsy and would satisfy the housing definition, however does not satisfy the planning definition.

In view of the above, the Inspector noted that the proposal would result in moderate harm caused to highway safety and to the character and appearance of the surrounding area which would conflict with LDP Policies GP2 and GP4, however, overall the site represents a reasonably sustainable location for gypsy development and would satisfy LDP Policy H17 and Circular 30/2007. The Inspector considered that the balance clearly favours the proposal. The appeal was therefore approved with conditions.

In respect to the above appeal, both the appellant and the council submitted an application for costs. Circular 23/93 advises that irrespective of the appeal decision, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.

The appellant's submission is summarised below:

- The Council insistence on information on gypsy status when this issue is capable of being dealt with by conditions;
- The Council requirement for the gypsy status and personal circumstances of the proposed residents to warrant a deviation from the policy of strict control of new development in the open countryside;
- The failure to consider whether a condition would make the development acceptable when considering highways/access and foul drainage matters;
- The failure to substantiate the character and appearance/landscaping reason for refusal; and
- The failure to look substantially in the round and in particular the social benefits of a settled base and the economic benefits of the private sector meeting an identified need.

The Council's submission is summarised below:

- The appellant failed to engage with the adopted plan policies and failed to point to other material considerations sufficient to outweigh the non-compliance of the proposal with the plan;
- No evidence submitted to justify departing from the provisions of Policy H17;
- The appellant made assumptions on need which were demonstrably wrong.

The Inspector considered that unreasonable behaviour had not been demonstrated from either the appellant or the council. Both applications for costs were therefore refused.

APPEAL ALLOWED AND COSTS APPLICATIONS REFUSED

PLANNING APPLICATION APPEAL

APPEAL REF: 16/0666
APPEAL TYPE: Written Representations
WARD: Caerleon
SITE: The Sycamores, Usk Road, Caerleon, Newport, NP18 1LP
SUBJECT: Variation of Condition 10 (Demolition of all existing buildings and structures prior to occupation of new dwelling) of planning permission 11/0939 for demolition of existing single storey prefab house and replacement with new build two storey family dwelling (amendment to 10/0474)

APPELLANT: Michael Gibbens
PLANNING INSPECTOR: Paul Selby
DATE OF COUNCIL'S DECISION: 3rd February 2017
OFFICER RECOMMENDATION: Refuse
COMMITTEE/DELEGATED: Delegated

DECISION: DISMISSED



SUMMARY

Planning application 11/0939 sought the demolition of the existing single storey prefab house and replacement with a new two storey dwelling. The application was granted with conditions, namely Condition 10 which required the demolition of all existing buildings and structures prior to the occupation of the new dwelling. Planning application 16/0666 sought the variation of condition 10; the application was refused. This matter is the subject of the appeal.

The appeal relates to a long, narrow site adjoining Usk Road, outside the settlement boundary of Caerleon.

The Inspector considered the main issues in the determination of the appeal to be:

- Whether the condition is reasonable and necessary in the interests of the character and appearance of the area, having regard to local planning policy relating to development outside settlement boundaries;
- Whether the condition is reasonable and necessary in the interests of highway safety; and
- Whether personal circumstances justify the deletion of the condition and its replacement with a personal occupancy condition.

The Inspector firstly considered the impact of the development on the character and appearance of the surrounding area. The appeal site is a long narrow site that adjoins Usk Road and is located outside the settlement boundary of Caerleon. Unsubstantial screening at the site results in the new dwelling appearing as a prominent feature. The prefab has limited footprint and height and lies in proximity to hedgerows; its visual prominence is therefore reduced. Nonetheless, in glimpsed views from Usk Road, the prefab has an overtly domestic appearance and appears substantially removed from the main dwelling. Consequently, the site is perceived as accommodating two, rather than one dwelling. The Inspector, for the reasons given above, concluded that Condition 10 is reasonable and necessary in the interests of the character and appearance of the area. Its deletion would therefore be contrary to LDP policies SP5 and H12.

With regards to Highway safety, the access to the appeal site lies on the outside of a bend along Usk Road, which is subject to a 40mph speed limit. Visibility to the north is considered acceptable. The visibility splay to the west falls short of the 120 metres sought by TAN 18 and crosses land outside of the appellant's ownership. Nonetheless, the Inspector considered the modest size of the prefab would limit the number of additional occupants, such that vehicular movements arising from it would not be significant in the context of the potential traffic generation of the main dwelling. The Inspector concluded that the occupation of the main dwelling and the prefab would not increase the use of the access point to the extent that it would be harmful to highway safety.

With regards to personal circumstances, the appellants sought to retain the prefab as temporary living accommodation for his 94 year old mother, via a personal occupancy condition. Reference has been made to Mrs Gibbens' qualified right to a private and family life under Article 8 of the First Protocol to the European Convention on Human Rights, as incorporated by the Human Rights Act 1998. Whilst on site, the Inspector noted the spaciousness of the main dwelling and noted it could satisfactorily provide alternative living accommodation for Mrs Gibbens. The Inspector was satisfied that the retention of Condition 10 would not unduly interfere with rights granted under the Human Rights Act. Furthermore, the Inspector noted that it had not been demonstrated that the personal circumstances in this case are exceptional and that Condition 10 remains reasonable and necessary.

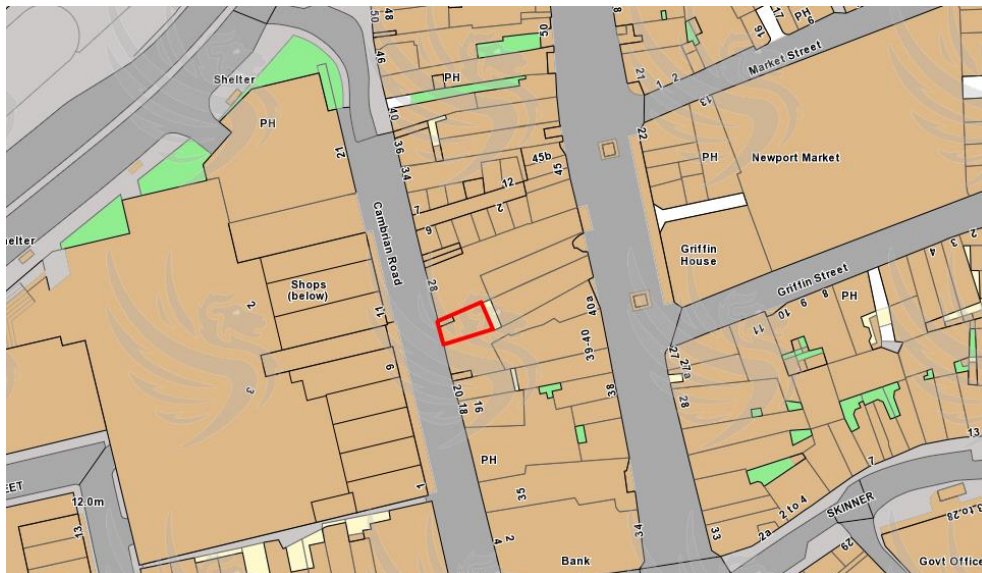
In view of the above, the Inspector considered Condition 10 reasonable and necessary in the interests of the character and appearance of the area and there is no justification for its deletion and replacement with a personal or temporary occupancy condition. The appeal has therefore been dismissed.

APPEAL DISMISSED PLANNING APPLICATION APPEAL

APPEAL REF: 16/0737
APPEAL TYPE: Written Representations
WARD: Stow Hill
SITE: Efes Grill, 24 Cambrian Road, Newport NP20 4AB
SUBJECT: Retention of internally illuminated signage and non-illuminated window vinyls

APPELLANT: Mr Nurettin Gundogdu
PLANNING INSPECTOR: Paul Selby
DATE OF COUNCIL'S DECISION: 10th November 2016
OFFICER RECOMMENDATION: Refused
COMMITTEE/DELEGATED: Delegated

DECISION: PART DISMISSED/PART ALLOWED



Advertisement consent was sought for the retention of internally illuminated signage and non-illuminated window vinyls at the mid-terrace commercial property known as Efes Grill, 24 Cambrian Road, Newport. The site lies within the Town Centre Conservation Area.

Advertisement consent was refused by the council because the advertisements installed, by virtue of their bulk, design, appearance and prominence, represent an obtrusive and incongruous addition to the building which results in a detrimental impact on the visual amenities of the host property, the street scene as a whole, and one which fails to preserve the character and appearance of the Town Centre Conservation Area, contrary to policies GP2, GP6 and CE7 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

The inspector recognises the main issue is the effect of the signs on the visual amenity of the area. The low height, opacity and limited size of the window vinyls afford them a discreet appearance and as a consequence they are not harmful in visual terms. In contrast, the aluminium and composite illuminated signage is located at a high level and extends almost the whole width of the building, with large, protruding lettering in striking font. The scale of the signage was seen to overwhelm the modest width of the front elevation, and viewed from other points within the street the projecting lettering appears awkward and cluttered, with consequent visual harm to the Conservation Area.

The inspector found that the window vinyls do not materially conflict with the objectives of GP2, GP6 and CE7 of the LDP and national policy guidance. However, as the illuminated signage is harmful to visual

amenity, that element of the development conflicts with the relevant LDP policies and with the general thrust of both TAN 7 and TAN 23.

For the above reasons the appeal is dismissed insofar as it relates to the internally illuminated signage. The appeal is allowed insofar as it relates to the non-illuminated window vinyls, and express consent was granted for non-illuminated window vinyls.

PLANNING APPLICATION APPEAL

APPEAL REF: 16/0389
APPEAL TYPE: Written Representations
WARD: Marshfield
SITE: Pant Farm, Tyla Lane, Old St Mellons, Cardiff CF3 6XG
SUBJECT: Erection of porch
APPELLANT: Ian Evans
PLANNING INSPECTOR: Paul Selby
DATE OF COUNCIL'S DECISION: 9th June 2016
OFFICER RECOMMENDATION: Refused
COMMITTEE/DELEGATED: Delegated

DECISION: DISMISSED



Planning permission was sought for the erection of a replacement front porch to the detached property known as Pant Farm, Tyla Lane, Newport. The property currently has a traditional, well-detailed porch to its front elevation, although it is in a poor state of repair. It is proposed that this would be replaced with a more modern, larger front porch, which would provide a lobby, garden store and cloak room.

Planning permission was refused by the council because the scale and design of the proposed replacement porch would be unsympathetic to the host property, contrary to policies GP2 and GP6 of the Newport Local Development Plan 2011-2026 (adopted January 2015) and the Council's House Extensions and Domestic Outbuildings Supplementary Planning Guidance (adopted August 2015).

The inspector found that there were two main issues with the proposed development: whether the proposal would be inappropriate development in the Green Belt; and the effect of the proposal on the character and appearance of the immediate area.

Inappropriate development

The property lies within the open countryside, with the immediate context being characterised by open farmland, through which runs the A48(M) in a cutting a short distance away. Policies SP6 and H13 of the Newport LDP seeks to limit volume increases to 30% of the original dwelling size, or as it was in 1948. The council estimated that the proposal would represent a volume increase of less than 9% beyond the original dwelling. Therefore, the inspector felt that the proposal would not be inappropriate development within the Green Belt due to the loss of openness being minimal, and it would accord with the aims of LDP policies SP6 and H13 and PPW.

Character and appearance

The property is a relatively unmodified original farmhouse. The existing porch is modest in scale and design which compliments the form of the original farmhouse. The proposed porch with its extensive glazed areas and pitched gabled elements would relate poorly to the front elevation of the property. The Council's House Extensions and Domestic Outbuildings Supplementary Planning Guidance (SPG) states that a porch should relate sympathetically to the existing building by virtue of its size, design and materials. The inspector considered that the porch would appear as an incongruous and harmful addition to the front elevation of the original farmhouse and consequently would not be consistent with the aims of the SPG. The inspector concluded that the proposal would demonstrably and unacceptably harm the character and appearance of the immediate area, contrary to the design objectives of LDP policies GP2 and GP6 and the aims of the Council's SPG.

For the above reasons the appeal was dismissed.