

**Application Number:** DM/2025/01100

**Proposal:** Retention of boundary fence and entrance gate.

**Address:** Marchwood, St Lawrence Road, Chepstow, NP16 5BJ

**Applicant:** Sophie Daly

**Plans:** Photography 1, Photography 2, Photography 3, Location Plan, Other Supporting statement, Green Infrastructure Appraisal/ Statement, Block Plan

**RECOMMENDATION: Refuse**

Case Officer: Ryan Bentley

Date Valid: 28.08.2025

**This application is presented to Planning Committee at the request of the Local Member**

**1.0 APPLICATION DETAILS**

1.1 Site Description

This application relates to a detached two-storey dwelling located on the edge of the town of Chepstow. The site is located within the defined settlement boundary as shown on the Proposals Map of the Monmouthshire Local Development Plan (LDP). The vehicular access to the property is via the unclassified highway, C255.9 which then joins onto the A48 Trunk Road. The property is also located within an air quality management zone.

1.2 Value Added

The applicant has submitted a GI statement that details that a hedge has been removed to allow for the erection of the fence. To provide net biodiversity enhancement, the applicant has detailed that a bird box and bug hotel will be located within the front garden.

1.3 Proposal Description

Retrospective planning permission is sought for the retention of the boundary fence and entrance gate. Works began in February 2025 and were completed in April 2025. The fence and gate are located around the front garden.

The fence has a minimum height of 1.53m and a maximum height of 1.98m. It is located above a dwarf wall.

The gate has a minimum height of 1.6m and a maximum height of 1.78m.

The scale, detail, design and position of the development is illustrated in full on the submitted drawings/supporting information.

**2.0 RELEVANT PLANNING HISTORY (if any)**

Reference Number	Description	Decision	Decision Date
DM/2025/01100	Retention of boundary fence and entrance gate.	Pending Determination	
DC/1985/00632	Erection Of Boundary Wall.	Approved	06.09.1985

### 3.0 LOCAL DEVELOPMENT PLAN POLICIES

#### Strategic Policies

S13 LDP Landscape, Green Infrastructure and the Natural Environment  
S17 LDP Place Making and Design  
S16 LDP Transport

#### Development Management Policies

DES1 LDP General Design Considerations  
EP1 LDP Amenity and Environmental Protection  
NE1 LDP Nature Conservation and Development  
LC5 LDP Protection and Enhancement of Landscape Character  
GI1 LDP Green Infrastructure  
MV1 LDP Proposed Developments and Highway Considerations

### 4.0 NATIONAL PLANNING POLICY

#### Future Wales - the national plan 2040

Future Wales is the national development framework, setting the direction for development in Wales to 2040. It is a development plan with a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. Future Wales - the national plan 2040 is the national development framework and it is the highest tier plan , setting the direction for development in Wales to 2040. It is a framework which will be built on by Strategic Development Plans at a regional level and Local Development Plans. Planning decisions at every level of the planning system in Wales must be taken in accordance with the development plan as a whole.

#### Planning Policy Wales (PPW) Edition 12

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation and resultant duties such as the Socio-economic Duty.

A well-functioning planning system is fundamental for sustainable development and achieving sustainable places. PPW promotes action at all levels of the planning process which is conducive to maximising its contribution to the well-being of Wales and its communities.

#### Dear CPO Letter

## 5.0 REPRESENTATIONS

### 5.1 Consultation Replies

**Chepstow Town Council** - Recommends approval.

**MCC Highways** - No objection. The Highway Authority are satisfied that the boundary fence and entrance gates have been erected within the property boundary, therefore no part of the fence or gate encroaches on the adjacent public highway. There are no highway grounds to object to the application.

**Welsh Government Transport** - I refer to your consultation of 29/08/2025 regarding the above planning application and advise that the Welsh Government as highway authority for the A48 trunk road does not issue a direction in respect of this application.

**MCC Biodiversity** - Holding objection. The application is a retrospective application for change of boundary from hedgerow to fencing. The hedgerow lost is a single-species non-native hedgerow, approximately 47m in length. Although not a native hedgerow, it would have provided ecosystem benefits including shelter for birds and filtering pollutants.

The first priority of the stepwise approach is "to avoid damage to biodiversity in its widest sense (i.e. the variety of species and habitats and their abundance) and ecosystem functioning" (PPW12, Paragraph 6.4.15). This includes all species and habitats that support biodiversity, and is not restricted to priority habitats or habitats of high conservation value. Following the step-wise approach impacts on biodiversity must be avoided, minimised, mitigated and be compensated for. As the impacts can't be avoided, if you are minded to grant this application further detail of compensation is required to ensure the development meets net benefit for biodiversity.

Compensation must be of significant magnitude to compensate for loss; this should be shown on detailed plans to include retained and existing vegetation, planting plans noting species, sizes, numbers and densities. Ideally compensation should be on-site, to meet PPW goals that developments leave biodiversity in a significantly improved state than before development. If that is not possible, off-site compensation must be provided.

**MCC Environmental Health** - No response to date.

**Dwr Cymru Welsh Water** - The site is crossed by a private sewer as shown on the attached Statutory Public Sewer Record. We recommend that the developer speaks with the riparian owner of this asset at the earliest opportunity.

The proposal is also close to a watermain and public sewer located in the main road adjacent to the site. Please note that it is the homeowner's responsibility to ensure that any proposed works within their curtilage do not conflict with any underground services. For Sewers or Watermains that may be present and affected by your proposals, you are advised to contact Dwr Cymru Welsh Water who will be able to explain whether any consent is required for your proposed works. Prior to commencing works, we recommend you review the information and guidance on Building Over Sewers available on Welsh Water's website at

<https://developers.dwrcymru.com/en/applications/planning/build-over-or-near-tosewers>

In light of the above, we request that advisory notes are included in any subsequent grant of planning consent.

SEWBRc Search Results - Red alert and priority species of Bird and Moth within 300m of the site.

### 5.2 Neighbour Notification

The application has been advertised by direct neighbour notification and the erection of a site notice. One comment has been received to date in support of the application:

"As a local resident I enjoy seeing the new well-kept addition. It's one of the first things you see when entering our town and it looks modern but respectable. The light colours and natural wood are easy on the eye without being intrusive on the landscape."

### **5.3 Local Member Representations**

Cllr P Pavia - As the local ward member, I wish to formally request that this application is considered by the Planning Committee rather than determined under delegated officer powers.

My primary reasons are as follows:

Level of Public Interest - Given the enforcement background, the proposed retrospective nature of the application, and the potential implications for other households in the area, this application is of wider public interest. A transparent decision in the public forum of Committee would give greater assurance to residents that all material considerations and precedents have been fully taken into account and that MCC's approach is consistent. I believe this application raises broader issues of policy interpretation, consistency, and proportionality that should be determined by elected members rather than through delegated authority.

## **6.0 EVALUATION**

### **6.1 Good Design/ Place making**

6.1.1 This application seeks retrospective planning consent to erect a new boundary fence and gate at the property. The property is visually prominent and is located at an important visual junction between the rural and urban environment as it forms part of one of the main entranceways to the town of Chepstow. To the west of the site is open space which features mature trees and green space. It was noted during the site visit that properties along St Lawrence Road are set back from the highway and have large front gardens. The boundary treatments at these properties are a mix of hedgerows, shrubs and low walls, with few examples of timber fences. The low walls provide a fixed boundary at these properties and it is common for shrubs, hedgerows or trees to provide privacy behind these boundary walls. The gates at nearby properties are also generally lower in nature. The neighbouring properties are in keeping with the fringe of an urban environment that seeks to transition into the rural countryside. It is noted that the boundary at Marchwood previously consisted of a mature hedge above a dwarf wall which was in keeping with the wider streetscene. When travelling along Newport Road into Chepstow, the nearby front boundaries are characterised with dwarf walls, mature hedgerows and trees. It is also recognised that there are timber fences along Fair View but the fences here serve the rear gardens of these properties and there is a greater need for privacy. In addition, their impact has previously been softened with shrubs, trees and hedgerow.

6.1.2 It is noted that a boundary wall was sought at the site in 1985 and a condition (#3) was attached to the decision notice ensuring the height of the wall to the front of the property did not exceed 1m.

6.1.3 The applicant has provided a supporting statement outlining why they believe that the gate and fence is acceptable in this location. It mentions that the fence is to provide safety, privacy and security at the property, with it forming a secure perimeter to the heavily trafficked A48 Trunk Road. They mention that it reduces litter accumulation which affected the hedge and also that the trellis softens the upper portion of the fence.

6.1.4 Policy DES1 of the adopted Development Plan sets out that all development should be of a high-quality, sustainable design and respect the local character and distinctiveness of Monmouthshire's built, historic and natural environment. Of particular relevance to the proposal here are criteria b), c), e) and g) of Policy DES1, as set out below.

b) contribute towards sense of place whilst ensuring that the amount of development and its intensity is compatible with existing uses;

c) respect the existing form, scale, siting, massing, materials and layout of its setting and any neighbouring quality buildings;

e) respect built and natural views and panoramas where they include historical features and / or attractive or distinctive built environment or landscape;

g) incorporate and, where possible enhance existing features that are of historical, visual or nature conservation value and use the vernacular tradition where appropriate;

6.1.5 In this instance there is a clear sense of place in the locality, with neighbouring properties characterised by hedgerows, shrubs and low walls as a form of boundary treatment and long access driveways. The use of a fence and gate does not allow visibility into the site which creates a hard and tall enclosure directly onto the adjacent road. Within their context at the entranceway into Chepstow, the high boundary fence and gate appear alien within this setting. They would also appear overly defensive and jar with the softer front garden character which has been well retained in the surrounding streetscene. Due to the level change at the site, the corner of the front garden is set higher so there is also an increased visual impact at this part of the boundary. It is noted that the trellis does soften the upper profile of the fence but this does not overcome the visual harm that has been identified.

6.1.6 The area as noted contributes to a strong sense of place and results in an attractive and distinctive environment. The provision of a solid boundary treatment in this setting would cause unacceptable harm to the visual amenity and character of the area. It is noted that the previous boundary treatment was a low stone wall and mature hedge that was of a higher height than the fence and gate. However, its visual impact was softer, in keeping with the nearby properties and was considered to make a positive contribution to its setting.

6.1.7 It is recognised that the fence and gate will provide increased privacy and may assist with reducing the noise from A48. Officers are sympathetic to the applicant's need for the fence, but this does not outweigh the detrimental visual impact, bearing in mind that alternative enclosure arrangements can be made and full permitted development rights are available at the site. Any benefits of the proposal in this regard would not overcome the identified harm. Whilst it is recognised that a fence is a form of boundary treatment in an urban area, it is not commonplace in the nearby vicinity so it does not integrate well in this context. This well-defined layout as noted contributes to a strong sense of place and results in an attractive and distinctive environment. The provision of a solid, high fence and gate in this setting would cause unacceptable harm to the visual amenity and character of the area.

6.1.8 For the reasons listed above, the development fails to satisfy Policy DES1 of the adopted Local Development Plan.

## **6.2 Impact on Residential Amenity**

6.2.1 Due to the nature and location of the development, it is not considered that it will cause of loss of privacy. The fence and garden will run along the existing vehicular highway. Due to the location of the fence and gate, no loss of light is predicted. The proposal is therefore considered to adhere to the relevant criteria within policies DES1 and EP1 of the adopted LDP.

## **6.3 Access / Highway Safety**

6.3.1 The dwelling is adjacent to both the A48 Trunk Road and the unclassified highway, C255.9. The MCC Highways Officer has commented that they are satisfied that the boundary fence and entrance gates have been erected within the property boundary and therefore no part of the fence or gate encroaches on the adjacent public highway. There are no highway grounds to object to the application. The Welsh Government Transport officer has also stated that they do not issue a

direction in respect of this application. On this basis, the application is considered to adhere with Policy MV1 of the Adopted LDP.

## **6.4 Biodiversity**

6.4.1 Having regard to PPW 12 and the Dear CPO letter (23/10/19) this application must demonstrate a net benefit for biodiversity. Accordingly, the applicant has submitted a green infrastructure statement that details the addition of a Bird-box and Bug hotel within the front garden. However, following consultation with the Council's Biodiversity Officer, this is not considered to be sufficient to mitigate the loss of the hedgerow and to ensure that there has been biodiversity enhancement at the site. It is therefore considered that the proposal does not accord with Policy NE1 of the adopted LDP as the loss of the hedgerow has not been satisfactorily mitigated. As the development is not supported by the Local Planning Authority, a form of enhancement has not been conditioned.

6.4.2 Under the Conservation of Habitats and Species Regulations 2017 it is necessary to consider whether the development should be subject to a Habitat Regulations Assessment. This is in particular reference to the impact of increased concentrations of Phosphates on designated SAC's. NRW has set new phosphate standards for the riverine SAC's of the Wye and Usk and their catchment areas. Development that may increase the concentration of phosphates levels will be subject to appropriate assessment and HRA.

This application is outside of the SAC catchment and so will not have a detrimental impact on any protected SAC, and as a result no further assessment is required.

## **6.5 Green Infrastructure**

6.5.1 Chapter 6 of Planning Policy Wales (PPW) 12 highlights that a Green Infrastructure (GI) statement should be submitted with all planning applications and will be proportionate to the scale and nature of the development. The statement which will need to be informed by a GI assessment of the site will describe how green infrastructure will be incorporated into the proposal and how the step wise approach to protecting biodiversity, habitats and GI onsite will be managed. A step wise approach considers what impacts may occur as a result of development activity to any identified biodiversity, habitats and green infrastructure assets and networks that may be present on or bounding a site. The approach then seeks to manage any harm that may occur by (a) avoiding (b) minimising (c) Mitigate / Restore.

6.5.2 The applicant has provided a Green Infrastructure Statement to support the application and it states that a Bird-box and Bug hotel will be fitted within the garden. However, a large section of hedgerow has been removed at the property to allow for the construction of the fence. The MCC Biodiversity Officer has commented that the hedgerow lost is a single-species non-native hedgerow. Following the step-wise approach impacts on biodiversity must be avoided, minimised, mitigated and the compensated for. Compensation must be of significant magnitude to compensate for loss. In this case the application is not considered to follow the step-wise approach as the loss of the hedgerow has not been appropriately compensated for. Therefore, the proposal is not considered to adhere with Section 6.4.15 of Planning Policy Wales 12.

## **6.6 Response to the Representations of Third Parties and/or Town Council**

6.6.1 It is noted that Chepstow Town Council recommend approval and there has been one comment received in support of the application.

6.6.2 It is noted that the Local Member, Cllr P Pavia, has requested that the application is assessed at the Planning Committee as it should be determined by elected members rather than through delegated authority.

## **6.7 Well-Being of Future Generations (Wales) Act 2015**

6.7.1 The duty to improve the economic, social, environmental and cultural well-being of Wales has been considered, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). In reaching this recommendation, the ways of working set out at section 5 of the WBFG Act have been taken into account and it is considered that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

## **6.8 Conclusion**

6.8.1 For the reasons detailed in the preceding sections of this report, it is considered that the proposed development would cause unacceptable demonstrable harm to the character and appearance of the area. Therefore, the proposal does not comply with criteria b), c), e) and g) of Policy DES1 of Monmouthshire County Council's LDP. It is also considered to be contrary to the step-wise approach as detailed within section 6.4.15 of PPW12, Dear CPO letter (23/10/19) and Policy NE1 of the Adopted LDP. Therefore, the application is recommended for refusal on these grounds.

## **7.0 RECOMMENDATION: REFUSE**

### **Reasons for Refusal:**

1 The proposed gate and fence, by virtue of its design and prominent location, would cause unacceptable harm to the visual amenity and open character of the area. The proposal would fail to respect the existing layout and character of the surrounding built environment and therefore is contrary to criteria b), c), e) and g) of Policy DES1 of the Adopted Monmouthshire Local Development Plan.

2 In the absence of appropriate ecological mitigation or compensation, the proposal has failed to demonstrate that it complies with the step-wise approach and thus the proposal would fail to comply with section 6.4.15 of Planning Policy Wales (Edition 12, 2024), Dear CPO letter (23/10/19) and Policy NE1 of the adopted LDP.

## **INFORMATIVES**

1 The planning permission hereby granted does not extend any rights to carry out any works to the public sewerage or water supply systems without first having obtained the necessary permissions required by the Water industries Act 1991.

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.