



## Appeal Decision

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by G Hall BSc (Hons) DipTP MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 19/10/2025

Appeal reference: CAS-04269-K0S6S4

Site address: Land At Cobbs Tump, Duffields Lane, Upper Redbrook, Redbrook, Monmouth, NP25 4LU

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- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Mr & Mrs Scott against Monmouthshire County Council.
  - The application Ref DM/2023/01123 is dated 9 August 2023.
  - The development is Proposed new dwelling house incorporating garage.
  - A site visit was made on 7 October 2025.
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### Decision

1. The appeal is dismissed, and planning permission is refused.

### Procedural Matters

2. I have taken the address from the Appeal Form, as it provides a more accurate description of the appeal site's location.
3. The appeal arises from the Council's failure to determine the application within the prescribed period. The Council has submitted a statement outlining its reasons for considering the proposal unacceptable. The appellants were given an opportunity to comment on these reasons, and I have taken those representations into account in reaching my decision.
4. The Welsh Government published a new Technical Advice Note (TAN) 15: Development, Flooding and Coastal Erosion (2025) in March 2025. That document confirms that it should be read in conjunction with Planning Policy Wales (PPW) and the Welsh National Marine Plan, and that it replaces TAN 14: Coastal Planning (1998) and the previous TAN 15: Development and Flood Risk (2004). However, the Ministerial Written Statement dated 31 March 2025, which accompanied the publication of the new TAN, confirms that there will be a transitional period for its implementation. Specifically, planning applications that were submitted and registered before the publication of the new TAN, such as that subject to this appeal, shall continue to be assessed against the previous version. I shall consider the appeal accordingly.

### Main Issues

5. The main issues are:

- whether the proposal would accord with local and national policies designed to protect the countryside, with particular regard to sustainable development;
- the effect of the proposal on the character and appearance of the area, including any effect on the Wye Valley Area of Outstanding Natural Beauty (AONB); and
- the effect of the proposal on biodiversity interests, including any effect on the Wye Valley Woodlands Special Area of Conservation (SAC).

## **Reasons**

### *Sustainable development*

6. The appeal site lies in open countryside, outside any defined settlement boundary as set out in the Monmouthshire Local Development Plan (LDP). The LDP's spatial strategy seeks to direct development to locations that offer the best opportunities for achieving sustainable development.
7. Within this framework, LDP Policy S1 permits residential development in the open countryside only in limited circumstances, including the conversion or subdivision of existing buildings, or where a dwelling is required for agricultural, forestry, or other appropriate rural enterprises. Policy LC1 reinforces this approach by establishing a presumption against new built development in the open countryside unless justified under national planning policy or specific LDP provisions, including those relating to agriculture, forestry, one planet development, rural enterprise, rural / agricultural diversification schemes or recreation, leisure or tourism.
8. This restrictive approach is supported by Planning Policy Wales (PPW), which states that new buildings in the open countryside, away from existing settlements or land allocated for development, must continue to be strictly controlled (paragraph 3.60).
9. The appellants contend that the appeal site was formerly part of a domestic garden and is surrounded by other dwellings that form Upper Redbrook village. On this basis, they argue that its classification as open countryside is inaccurate and that the site should be considered part of an established settlement.
10. While I note the appellants' comments, the appeal site is clearly identified as open countryside within the LDP policy framework, and it is on this basis that the proposal must be assessed. The development involves the construction of a new detached dwelling, and no substantive evidence has been provided to demonstrate that it meets any of the exceptions to the strict controls set out in local or national policy. The presence of nearby dwellings does not alter the site's policy designation or justify a departure from the spatial strategy.
11. I therefore conclude that the proposed development does not fall within any category of residential development supported by local or national policy in the open countryside. It would conflict with LDP Policies S1 and LC1, and with PPW.

### *Character and appearance*

12. Properties in Upper Redbrook comprise a mix of dwelling types and materials, including render and stone. The local topography varies, with dwellings to the west of the main road generally positioned on rising ground, while those to the east lie more level with the road.
13. The appellants explain that the proposed dwelling, comprising three staggered storeys aligned with the steep hillside, has been designed to respond to the site's unique conditions and to minimise ecological and visual impact. They argue that the building

would recede into the hillside, reducing its perceived height and bulk, and that the use of larch cladding would help it blend into the landscape.

14. While the proposal responds to the site's topography, its three-tiered, staggered form would be markedly different from the prevailing built form in Upper Redbrook. The contemporary design, featuring extensive glazing and timber cladding, would contrast sharply with the simpler, more traditional forms and materials of nearby dwellings, which typically use stone or render finishes. Most existing dwellings have roof ridges aligned perpendicular to the road, contributing to a coherent streetscape. In contrast, the proposed dwelling would be oriented at a right angle to the road, with extensive fenestration facing it. This orientation, combined with its tiered massing and modern appearance, would result in a development that stands out rather than integrates with its surroundings.
15. Although timber cladding may reflect the wooded character of the wider landscape, the overall scale, form, and detailing of the building would make it visually prominent. Rather than receding into the hillside, the dwelling would appear as a conspicuous and incongruous addition, particularly when viewed from the main road and surrounding vantage points. In this sensitive AONB location, where landscape quality and visual harmony are paramount, the introduction of such a distinctively different building would cause harm to the character and appearance of the area.
16. The siting of the dwelling would also harm the wider setting of the village. Positioned beyond the established built form of Upper Redbrook, the proposal would extend development into the surrounding countryside. Its separation from the nearest adjoining dwelling would exacerbate the sense of intrusion into the rural landscape. The creation of a new access and driveway, along with associated clearance and engineering works, would further erode the soft, rural edge of the village.
17. Taken together, the design and siting of the proposed dwelling would result in a development that fails to respect the character and appearance of the area. It would not be satisfactorily assimilated into the landscape and would have an unacceptable adverse impact on the Wye Valley AONB. The proposal would therefore conflict with LDP Policies DES1, LC1 and LC4, which collectively seek to ensure that development is of high-quality design, respects local character and distinctiveness, and harmonises with the surrounding landscape and built heritage, particularly within designated areas such as the AONB.

*Biodiversity interests including the effect on the Wye Valley Woodlands SAC*

18. PPW requires a stepwise approach to avoiding, minimising, mitigating, and, as a last resort, compensating for adverse environmental effects. It also requires that all development must deliver a net biodiversity and ecosystem resilience benefit from the baseline state, determined through pre-application ecological surveys. LDP Policy NE1 states, amongst other things, that where nature conservation interests are likely to be disturbed or harmed by development proposals, applications must be accompanied by an ecological survey and assessment of the likely impact of the proposal on species and/or habitats.
19. The appellants state that the appeal site, together with two adjoining parcels of land, forms a contiguous green corridor between two major Wye Valley woodland SAC/SSSI sites. They argue that the site facilitates species movement and provides habitat for bats, beetles, and other wildlife, acting as a stepping stone between designated areas. They also refer to a long-standing family connection with the site and its historic management.

20. Natural Resources Wales (NRW) has noted that no ecological information has been submitted in support of the appeal or planning application. They consider that due to the proximity to the Wye Valley Woodlands SAC, which is designated for bats, and the presence of trees on the proposed development site, there is a possibility that bats could be affected by the proposals. In the absence of bat surveys, they are unable to assess the potential impacts of the proposal on bats, and cannot confirm that the proposal is not likely to be detrimental to the maintenance of the favourable conservation status of bats.
21. While I acknowledge the appellants' personal connection to the site and their assertions regarding its ecological role, these do not constitute a substitute for formal ecological evidence. Without baseline information, it is not possible to determine the site's ecological value, the presence or absence of protected species, or the extent to which the development would disrupt habitat connectivity. Given the site's proximity to the SAC and the potential for adverse effects on protected species, the absence of ecological evidence is a significant and unacceptable omission.
22. I have considered whether pre-commencement conditions could address these concerns. However, the presence or absence of protected species and the likely ecological impact must be established before permission is granted. Otherwise, not all relevant material considerations would be addressed at the decision-making stage, and the precautionary principle embedded in national policy would be undermined.
23. I have considered the Tree Report (December 2023) submitted in support of the proposed development. Whilst I acknowledge the appellants' intention to not remove or interfere with existing vegetation, and that the siting of the proposed dwelling has been influenced by the need to protect the root zone and crown spread of a significant central oak tree, the Tree Survey does not consider the effect of the proposed development on wider ecological issues.
24. In the absence of adequate baseline data, it cannot be determined whether the proposed enhancement measures, such as bird and bat boxes, would be sufficient to mitigate harm or deliver a net biodiversity benefit, or whether the proposed development would have an unacceptable impact upon ecological interests, including the Wye Valley Woodlands SAC. I therefore conclude that the proposal would be contrary to LDP Policy NE1 and the requirements of PPW.

## **Other Matters**

25. The Council's Highways Development Control Team advised that the proposal would not significantly affect the capacity or safety of the local highway network. While they raised no objection in principle, they requested further information on visibility splays to enable full consideration of the access arrangements. In response, the appellants submitted an 'Applicant's Comments and Clarifications' document (October 2024), including a plan partially showing visibility distances and with limited detail of the surrounding road layout. Consequently, it remained unclear whether adequate sightlines could be achieved.
26. During my site visit, I observed that the main road is well used, with vehicles travelling at speed. Its narrow width and bends require careful manoeuvring and good visibility between drivers and pedestrians. In this context, the absence of reliable visibility information prevents me from being satisfied that the access would provide safe and suitable arrangements for all users.
27. A further plan showing fuller visibility was submitted during the appeal. However, the appeal process cannot be used to evolve a scheme, and my decision must be based on the plans considered by the Council.

28. In the absence of adequate information on access and visibility, I cannot reach a definitive conclusion on highway safety. However, as I have already found the proposal to be unacceptable for a number of reasons, including its effects on the character and appearance of the area, and as the access works would themselves contribute to that harm, this is not a matter I need to examine any further.
29. The appeal site lies within the catchment of the River Wye SAC. I have considered the available evidence regarding foul and surface water drainage. Dŵr Cymru Welsh Water confirms that capacity exists within the public sewerage network to accommodate domestic foul flows from the development, following recent improvements to ensure compliance with phosphorus limits at the Monmouth (Wyesham) Wastewater Treatment Works. In respect of surface water drainage, the appellants maintain that sufficient information has been provided, whereas the Council considers these matters outstanding.
30. As I have already found the development to be unacceptable in principle and harmful in other respects, this is not a matter I need to examine any further, as it would not affect the outcome of the appeal. Given that I am dismissing the appeal, it has not been necessary for me to undertake an Appropriate Assessment under the Habitats Regulations.
31. In its initial response, NRW identified that a small part of the site adjacent to the road lies within Zone C2 of the Development Advice Map (DAM) in TAN 15 (2004). National planning policy makes clear that 'highly vulnerable development', including residential development, should not be permitted in Zone C2. The appellants contend that, when examined more closely, the site lies outside the identified flood zone and that NRW's comments may have been based on incorrect mapping on the Planning Portal.
32. While both the risk of flooding, and the safe egress from properties surrounded by but outside of areas at risk of flooding, are important considerations, it appears that only a very small area at the site frontage, where the access would meet the highway, may fall within Zone C2, if at all. Given my findings on the main issues, this is not a matter I need to examine any further, as it would not alter the outcome of the appeal.
33. The appellants have raised several other matters. They contend that the Planning Portal contained mapping errors that exaggerated the extent of the appeal site, potentially influencing consultee responses. They also dispute the Council's Rights of Way Officer's reference to a footpath crossing the site, noting that the proposed development would not affect Footpath 375/5/1 and that the official map may be inaccurate. I have taken these points into account, but they do not alter my overall assessment or outweigh the substantial harm identified in relation to the main issues.

## **Conclusion**

34. For the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed.
35. 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.

*G Hall*

INSPECTOR