

# DELEGATED REPORT

**Application No:** P/20/0098

**Site Address:** Land To The Rear Of Ynysygored Cottages  
Aberfan Road  
Aberfan  
Merthyr Tydfil

**Development:** Siting of static caravan for residential purposes

**Case Officer:** Caroline Pulley

**Site Visit:** 13<sup>th</sup> May 2020

**Application Expiry Date:** 2nd July 2020

**Consultation reply date expired:** 8th June 2020

## APPLICATION SITE

The application site relates to a rectangular parcel of land situated directly to the rear of numbers 1 and 2 Ynysygored Cottages and the existing access track leading to this site. The site is located outside the defined settlement boundary and is defined by Technical Advice Note 15 as a C1 Flood Risk Zone.

The site is accessed off Aberfan Road via the existing track which is situated alongside the northern boundary of 1 Ynysygored Cottages. It forms part of an area which has recently been granted planning permission (P/17/0152) for the construction of two stable buildings and a barn. The barn and one of the stable buildings have already been constructed. However, the stable building which is proposed to be located directly to the rear of numbers 1 and 2 Ynysygored Cottages has not yet been built. The caravan, subject of this application, is currently sited on area of land to the north of the application site. However, it was previously sited directly to the rear of numbers 1 and 2 Ynysygored Cottages and was used as a welfare facility in connection with the construction of the recently approved stable development.

## PROPOSED DEVELOPMENT

This application seeks planning permission for the siting of a caravan for residential purposes, together with an associated boundary enclosure and a parking and turning area.

The details submitted indicate that the caravan measures 3.65m in width, 10.66m in length and 2.6m in height. The caravan would be located in the position shown on drawing number 02 Revision B, which is adjacent to an existing hedge, next to the rear boundaries of the adjoining semi-detached dwellings (numbers 1 and 2 Ynysygored Cottages). A turning area and two off road parking spaces laid with a gravel surface are proposed to be provided to the north and east of the caravan. It is also indicated that an area of land around the caravan is to be enclosed with 1.2m high post and rail fencing. This would

provide the residential unit with a curtilage measuring approximately 13m wide by 37m in length.

The application is accompanied by a supporting letter explaining that the applicant is seeking a personal permission for the siting of the caravan on medical/personal grounds.

## PLANNING HISTORY

P/18/0162 Certificate of Lawfulness for the temporary siting of static caravan as site office and welfare unit in connection with the construction of stable development approved under P/17/152  
Certificate Granted – 25.07.2018

P/18/0034 Siting of a static caravan to provide a site security office and workers welfare facility  
Refused – 26.03.2018

P/17/0152 Change of use of land for the keeping of horses including erection of stables and barns including concrete hardstanding with associated post and rail fencing  
Approved – 31.08.2017

## CONSULTATION

Engineering and Traffic Group Leader: No objection.

Planning Division's Policy Officer: Advises that the site is located outside of the settlement boundary where Policy SW4 regards development proposals as 'countryside development'. The development is therefore unacceptable in principle.

Natural Resources Wales: Highlight that the application proposes highly vulnerable development within a C1 Flood Zone and that a Flood Consequence Assessment has not been submitted.

Ecologist: Advises that a Preliminary Ecological Appraisal of the remaining habitat on the site is required to inform appropriate enhancement measures in accordance with the Environment (Wales) Act 2016.

Environmental Health Manager: No objection.

Welsh Water: Highlights that the means for dealing with the disposal of foul sewerage is unknown.

## PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to the adjoining properties and a site notice was displayed within the vicinity of the site.

Two letters of objection have been raised to the scheme raising concern that if the development was granted planning permission, this would lead to additional caravans also being located within the site.

Local Ward Members were advised of the objections received to this application however, no request has been submitted requiring the application to be reported to the Planning Committee. As such, the application will progress to be determined by the Chief Officer Planning and Neighbourhood Services.

## POLICY CONTEXT

### National Policy

Planning Policy Wales (PPW) Edition 10 (December 2018) sets out the land use policies of the Welsh Government. The most relevant sections are:

Section 3.56 states '...new buildings in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled'.

Section 4.2.24 advises 'In the open countryside, away from established settlements recognised in development plans or away from other areas allocated for development, the fact that a single house on a particular site would be unobtrusive is not, by itself, a good argument in favour of permission. Such permissions could be granted too often, to the overall detriment of the character of the area'.

Section 6.6.25 highlights that 'Development should reduce, and must not increase, flood risk arising from river and/or coastal flooding on and off the development site itself.'

The policies in PPW are supported by Technical Advice Notes (TANs). The most relevant TANs to this application are as follows:-

TAN 12 - Design advises that the Assembly Government is strongly committed to achieving the delivery of good design in the built and natural environment, which is fit for purpose and delivers environmental sustainability, economic development, and social inclusion at every scale throughout Wales.

TAN 15 – Development and Flood Risk classes residential development as highly vulnerable development

### Local Policy

Merthyr Tydfil County Borough Council Replacement Local Development Plan (LDP) 2016-2031:

Policy SW4 – Settlement boundaries

Policy SW11 – Sustainable design and Placemaking  
Policy SW12 – Improving the Transport Network  
Policy EnW1 – Nature Conservation and Ecosystem Resilience  
Policy EnW2 – Internationally and Nationally Protected Sites and Species  
Policy EnW3 – Regionally Important Geological Sites, Sites of Importance for Nature Conservation, Local Nature Reserves and Priority Habitats and Species  
Policy EnW4 – Environmental Protection  
Policy EcW10 – Sustainably Supplying Materials  
Policy EcW13 – Minerals Safeguarding

Other Material Considerations

Supplementary Planning Guidance (SPG)

SPG 4 – Sustainable Design, July 2013

SPG 5 – Nature and Development, May 2015

Development Control Manual

Section 5.83 states 'conditions restricting occupancy to a particular occupier or class of occupier should only be used when sound planning grounds can be demonstrated, and where the alternative would normally be refusal of permission'. Also, 'Conditions should not be imposed which provide for a system of vetting by the LPA or the use of a vague test such as 'needing to be located in the area'.

## PLANNING CONSIDERATIONS

The main issues in the determination of this application are considered to be:

- Whether or not the proposed residential development would be acceptable in principle
- The effect of the proposal on the character and appearance of the area
- The impact of the development on surrounding residents
- Highway safety
- Flood risk

## Principle of the Development

The application site is located outside of the settlement boundary defined by Policy SW4 of the LDP and is therefore classified as countryside for the purposes of planning policy. Both national policy and local development plan policy generally advocate strict control within such areas. Whilst PPW does recognise that the sensitive filling in of small gaps may be acceptable, very special circumstances are needed to justify it. Policy SW4 lists a number of criteria by which the emphasis on sustainable growth that benefits Merthyr Tydfil as a whole will be achieved. These include focussing development within settlement boundaries and promoting the re-use of under used and previously developed land and buildings. Policy SW4 states that development outside the identified settlements will be regarded as countryside and will be strictly controlled and will be limited to certain forms of development. None of these apply here. The proposed development is not a conversion of an existing rural building, it is not an agricultural workers dwelling, nor is it a rural exception proposal affordable local needs housing supported by a housing needs survey. The local development plan aims this type of development to be located within defined

settlement boundaries, not located in the open countryside. The proposal is therefore contrary to Policy SW4 of the LDP.

The personal/medical circumstances put forward for the need of residential accommodation in this location have been acknowledged. However, the need to live close to a family member is not sufficient to outweigh the identified conflict with an up to date and recently adopted development plan which provides a firm basis for rational and consistent decisions and give developers and the public certainty about the type of development that will be permitted at a given location. Development in the open countryside is only allowed in special circumstances which the application does not provide. In this case, the personal circumstances put forward do not outweigh the significant harm caused by residential development in the countryside.

### Flood Risk

The application site is situated within a C1 flood risk zone (areas of the flood plain which are developed and served by significant infrastructure) and the scheme proposes highly vulnerable residential development. As such, the views of Natural Resources Wales (NRW) have been sought on this application. Their comments highlight that the site lies entirely a C1 flood risk zone and the less than 1% (1 in 100 year) and 0.1% (1 in 1000) year annual probability fluvial flood outlines. Their advice points out that Section 6 of TAN 15 requires the Local Planning Authority to determine first whether development at this location is justified. If the LPA consider the proposal is justified in terms of its location, NRW advise that the applicant would need to demonstrate, through the submission of a Flood Consequence Assessment (FCA), that the potential consequences of flooding can be managed to an acceptable level. In the absence of the submission of a FCA, NRW advise that an objection would be raised to the scheme.

TAN 15 states that in Zone C1 (and C2), development will only be justified if it can be demonstrated that its location within Zone C is necessary to assist, or be part of a local authority regeneration initiative, or a local authority strategy required to sustain a settlement or its location within Zone C is necessary to key employment objectives supported by the local authority or key partners. The proposed development does not meet any of these exemptions and therefore, its location, its terms of flood risk cannot be justified. As such, the siting of the proposed development is contrary to the advice set out in both TAN 15 and Policy EnW4 of the LDP.

### Character and appearance

The proposal represents an unjustified form of development in the countryside that, by reason of its urbanising impact, would have a detrimental impact on the character of the area. Indeed, despite being screened from public vantage points, the domestic appearance of the structure and associated paraphernalia inevitably would add visual clutter to the area and harmfully alter what is otherwise a rural setting. The development would therefore conflict with Policy SW11 of the LDP. Indeed, such harm and policy conflict is not outweighed by the personal circumstances set out in the applicant's submission.

### Residential amenity

In terms of residential amenity, it is acknowledged that the development is located directly behind the rear gardens of the adjoining residential properties. Whilst it is acknowledged

that some increased activity would occur near the rear boundary of these two properties, the boundaries are well screened and it is not considered that the impact arising from a residential use would be to a degree which would warrant the refusal of planning permission.

#### Highway safety

Turning to the highway safety implications of such a scheme, the Council's Engineering and Traffic Group Leader has raised no objection to the application. Accordingly it is considered that the access, off-road parking provision and turning facilities are acceptable from a highway safety perspective.

#### Ecology

The Council's Ecologist has advised that there are a number of protected species within 500m of the site. It is suggested given the wider disruption of the site with recent large-scale removal of habitat (grassland, scrub, trees etc), that a Preliminary Ecological Appraisal of the remaining habitat should be undertaken to inform appropriate enhancement measures in accordance with the Environment (Wales) Act 1996. If the development was considered acceptable in principle, this information could be sought and the necessary enhancements could be secured by way of a condition.

#### Conclusion

The development proposed would not be in an acceptable location for residential development and such would be contrary to the policies stated above. The personal/medical reasons put forward as part of this application have been acknowledged. However, this does not outweigh the identified conflict the proposal has with the local development plan.

The duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act") has been taken into consideration when determining this application. In reaching the following recommendation, the ways of working set out at section 5 of the WBFG Act have been considered, as well as the Welsh Ministers well-being objectives set out in section 8 of the WBFG Act.

Accordingly the following recommendation is made:

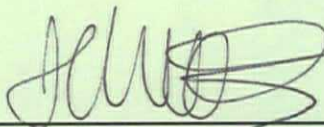
**RECOMMENDATION: BE REFUSED for the following REASONS:**

#### REASONS:

1. The proposal would result in an unjustified encroachment in the countryside contrary to Policy SW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan. The proposed use of the land for domestic purposes would also result in an unwarranted visual intrusion, with the presence of domestic paraphernalia, which would be detrimental to the character and appearance of this rural area, contrary to Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

2. The proposal would introduce highly vulnerable development within a C1 flood zone, as defined by Technical Advice Note (TAN) 15: Development and Flood Risk. Due to the risk of flooding and nature of development that is being proposed, the proposal represents inappropriate development contrary to paragraph 6.2 of TAN 15 and Policy EnW4 of the Merthyr Tydfil Council Replacement Local Development Plan.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

22/6/20