

DELEGATED REPORT

Application No:	P/26/0044
Site Address:	Land To The Rear Of Ynysygored Cottages Aberfan Road Aberfan Merthyr Tydfil CF48 4QD
Development:	Provision of one traveller pitch, dayroom, static and touring caravan (relocation of existing static caravan to higher ground with ecological enhancements)
Case Officer:	Marlene Ferreira
Site Visit:	18th March 2026
Application Expiry Date:	23rd April 2026
Consultation reply date expired:	25th March 2026

APPLICATION SITE

The application site relates to a relatively flat irregular shaped parcel of land, measuring approximately 575sq.m, located 130m to the northeast of Ynysygored Cottages. It sits within a larger site, measuring over 1.87ha, which also appears to be under the applicant's ownership. The site is located approximately 100m from Aberfan Road (B4285) and is accessed off this road, by a private single track, which runs alongside the northern boundary of 1 Ynysygored Cottages. The site is partly screened from the main road by large existing mature trees which run north to south, to the west of the application site.

Given its set back location, the site is not viewed in relation to Ynysygored Cottages which lie adjacent to the main road. Instead, the plot is viewed in association with a large stable/barn building, which lies approximately 65m to the southwest of the application plot. The site is also viewed in association with other unauthorised structures/outbuildings, which lie approximately 70m to the southwest. The River Taff, which runs north to south, lies to the east, within 70 metres of the application site. The land immediately alongside the riverbed is a designated Site of Interest for Nature Conservation (SINC).

PROPOSED DEVELOPMENT

This application seeks planning permission to provide a traveller pitch with associated access track, for the siting of a static caravan and a touring caravan, and the erection of a day/utility room, to be used for residential purposes. The pitch would also cater for 2 on-site car parking spaces with on-site manoeuvring area.

This application is a resubmission of P/23/0170, which also proposed a traveller pitch with associated access track for the siting of a caravan, a touring caravan and a day room, with associated parking, to be used for residential purposes. However, this proposed traveller pitch is located approximately 40m to the northwest and on ground level approximately 1.5m higher than the formerly proposed pitch. The caravan previously existing on the site of the former pitch has also been removed/demolished.

The pitch itself, which would be laid in a permeable grasscrete hardstanding, would be located approximately 110m from Aberfan Road. The static caravan and touring caravan, which have already been sited within the pitch (albeit in different locations to that shown on the submitted plans), would occupy an area of approximately 10.5m by 3.5m (static) and 6m by 2.5m (touring).

The day/utility room, which would measure approximately 8m wide, 5.5m deep, with a 4m ridge height, would provide a large kitchen area and bathroom. It would be finished with clay tiles, timber cladded walls and UPVc windows and doors and be sited to the front of the static caravan.

An earth bank would be constructed around the perimeter of the pitch and would be planted with native tree species.

PLANNING HISTORY

- The Council's records indicate the following planning history within the vicinity of the application site, on land which also appears to be owned by the applicant:

P/23/0170 – Provision of a traveller pitch to include the siting of a static caravan (relocation of existing), day room, touring caravan and associated works – Refused: 20th December 2024

P/20/0082 – Construction of gravel access track with grass central reservation – Approved: 6th August 2020

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 P17/0152 – Certificate Granted: 25th July 2018

P/18/0034 - Siting of a static caravan to provide a site security office and workers welfare facility – Refused: 26th March 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: 31st August 2017

- The following planning history relates to adjoining land to the south, which appears to lie outside the ownership of the applicant:

P/20/0098 – Siting of a static caravan for residential purposes – Refused: 22nd June 2020

CONSULTATION

Head of Engineering and Highways

No objection.

Planning Policy Officer

'...Objection raised. The application site lies within Flood Zone 3 Rivers and the Recorded Flood Extent of the December 1979 flood event, as shown on NRW's Flood Map for Planning. TAN 15 states that no new highly vulnerable development on greenfield land should be permitted in zone 3 regardless of the conclusion of any Flood Consequences Assessments and NRW will not consider these conclusions. WG Circular 005/2018 states that Gypsy and Traveller Sites should not be located in zone C2 risk of flooding (referring to a previous version of TAN 15, where zone C2 is similar to the new Zone 3). NRW's comments will therefore be crucial (Policy EnW4). The application site may not be in accordance with Policy SW4, although it is supported by Policy SW8, and parts of WG Circular 005/2018.

Planning Ecology Officer

Further information requested in the form of an up to date Ecological Appraisal, as well as amendments to the Biodiversity Enhancement Scheme, the Reptile Mitigation Method Statement and to the Green Infrastructure Statement.

Environmental Health Manager

No objection, subject to conditions.

Natural Resources Wales (NRW)

‘...We have no comments in relation to flood risk because section 10 of Technical Advice Note 15: Development, flooding and coastal erosion, dated 2025 (TAN 15), clearly states that “No new highly vulnerable development on greenfield land should be permitted in zone 3 regardless of the conclusion of any Flood Consequences Assessments and NRW will not consider these conclusions.”

Welsh Water

No objection, subject to conditions.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to nearby properties and a site notice was displayed within the vicinity of the site. No letters of objection were received in respect of this proposal.

POLICY CONTEXT

National Development Framework

- Future Wales: the National Plan 2040 (February 2021)

This document sets out 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.

National Planning Policies

- Planning Policy Wales (Edition 12, February 2024)

Para 3.60 states that *‘...Development in the countryside should be located within and adjoining those settlements where it can best be accommodated in terms of infrastructure, access, habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where they meet a local need for affordable housing or it can be demonstrated that the proposal will increase local economic activity. However, new building in the open countryside away from existing settlements or areas*

allocated for development in development plans must continue to be strictly controlled. All new development should be of a scale and design that respects the character of the surrounding area...

Para 4.2.25 explains that *'...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 an area...'*

Para 4.2.36 discusses Gypsies and Travellers and states that *'...Local authorities are required to assess the accommodation needs of Gypsy and Traveller families and to allocate sites to meet the identified need³⁵. Where a Gypsy and Traveller Accommodation Assessment (GTAA) identifies an unmet need, a planning authority should allocate sufficient sites in their development plan to ensure that the identified pitch requirements for residential and/ or transit use can be met. Planning authorities will need to demonstrate that sites are suitable for development and deliverable in the identified timescales. In drawing up policies planning authorities should consult providers of social housing, representatives of Gypsies and Travellers communities and landowners in areas likely to be appropriate for site provision. The consultation should be undertaken in a manner that is consistent with the planning authority's Community Involvement Scheme...'*

Para 6.4.21 – 6.4.23 note that local authorities should seek to maintain and enhance biodiversity and build resilient ecological networks to ensure that any adverse environmental effects can first be avoided, mitigated or compensated. Regard should also be given to any potential impacts on protected species which may result in disturbance or harm to the species or its habitat.

6.6.20 discusses foul drainage and states that *'...Development proposals in sewered areas must connect foul drainage to the main sewer, and it will be necessary for developers to demonstrate to planning authorities that their proposal site can connect to the nearest main sewer. To ensure consistency of design and facilitate long-term maintenance, sewers should be built to Welsh Government standards and adopted...'*

6.6.21 refers to private sewage treatment facilities and explain that *'...The installation of private sewage treatment facilities within publicly sewered areas is not considered acceptable because of the greater risk of failures leading to pollution when compared to public sewers. Where non-mains sewage proposals, such as septic tanks and or independent sewage treatment systems, are included in development applications they should be subject to an assessment of their effects on the environment, amenity and public health in the locality, in accordance with the criteria set out in Circular 10/99, prior to the determination of the planning application...'*

Para's 6.6.25 and 6.6.26 discusses development and flood risk and states 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 priority should be to protect the undeveloped or unobstructed floodplain from development and to prevent the cumulative effects of incremental development... In areas of flood plain currently unobstructed, where water flows in times of flood, built development should be wholly exceptional and limited to essential transport and utilities infrastructure. Such infrastructure should be designed and constructed so as to remain operational even at times of flood, to result in no net loss of floodplain storage, to not impede water flows and to not increase flood risk elsewhere.'*

TAN 15: Development and Flood Risk should be referred to for further policy advice on development and flood risk. It will be important to note that developments located within flood risk areas remain at risk from flooding even if mitigation measures are applied...

- Technical Advice Notes (TAN's)

TAN 5: Nature Conservation and Planning (2009). Paragraph 4.1.1 refers to nature conservation in development control and states that '*...the development control process is a critical stage in delivering the protection and enhancement of nature conservation required by PPW and the following can help in achieving these objectives:*

- *adopting the five-point approach to decision-making - information, avoidance, mitigation, compensation and new benefits;*
- *ensuring that planning applications are submitted with adequate information, using early negotiation, checklists, requiring ecological surveys and appropriate consultation;*
- *securing necessary measures to protect, enhance, mitigate and compensate through planning conditions and obligations;*
- *carrying out effective planning enforcement;*
- *identifying ways to build nature conservation into the design of new development...*

TAN 6: Planning for Sustainable Rural Communities (2010). This TAN seeks to ensure that appropriate development takes place in the right location, in support of living and working rural communities whilst safeguarding the countryside and open spaces.

TAN12: Design (2016). This TAN advises that the Welsh 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 (2025). This TAN identifies different sources of flood risk, defines the different Flood Zones, differentiates between different proposals, including highly vulnerable development, and dictates when Flood Consequence Assessments should be submitted and where developments should be directed.

Local Planning Policies

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

- Policy SW4 - Settlement Boundaries
- Policy SW8 – Gypsy, Traveller and Showpeople Accommodation
- Policy SW11 – Sustainable Design and Placemaking
- Policy EnW1 – Nature Conservation and Ecosystem Resilience
- Policy EnW4 – Environmental Protection
- Policy EcW10 – Sustainably Supplying Materials
- Policy EcW13 – Minerals Safeguarding

- Supplementary Planning Guidance (SPG's)

- SPG Note 4: Sustainable Design (July 2013)
- SPG Note 5: Nature and Development (May 2015)

PLANNING CONSIDERATIONS

The issues to consider under the assessment of this application relate to whether the proposed development is acceptable in principle in this location, and whether, in terms of its siting, scale and design, would be acceptable with regards to its impact upon the character and appearance of the area, residential amenity, ecology, parking provision and highway safety.

Principle of Development

- Countryside Location

The application site, although amended since the submission of the last application, (P/23/0170), continues to lie outside the settlement boundary and as such, Policy SW4 is still a primary policy consideration. This policy states that *'...outside settlement boundaries, proposals will be regarded as countryside development and will not be permitted unless: is for the purposes of agriculture or forestry; is associated with rural enterprises or the winning and working of minerals; is for the re-use, adaptation, or replacement of rural buildings and dwellings; supports the expansion of an existing business in the countryside; is for tourism, recreation or leisure facilities or complementary development where the need for a countryside location is fully justified; is for the provision of public utilities, infrastructure or waste management facilities that cannot reasonably be located elsewhere; is required for the reclamation or treatment of unstable or contaminated land; is for renewable energy in accordance with Policy EcW8; is for affordable housing in accordance with Policy SW5; or is low-impact One Planet Development...'*

The policy goes on to state that *'...where countryside development is acceptable in principle, the proposal must also satisfy other relevant plan policies...'*

Both national and local policies, as noted earlier and listed above, advocate strict control in respect of development in countryside locations. Whilst PPW does recognise that sensitive filling-in of small gaps may be acceptable, very special circumstances are needed to justify it. In this instance, the proposal does not relate to sensitive infilling and does not bear any special circumstances. Indeed, it fails to meet any of the criteria set out under LDP Policy SW4, i.e. it does not relate to the conversion of a rural building, it is not an agricultural workers dwelling, it does not amount to an affordable home to meet local housing need supported by a housing needs survey, nor does it support the expansion of an existing business in the countryside, etc.

It is important to note that Policy SW4 is also supportive of development in association with rural enterprise. Under the last refused application (P/23/0170), the supporting statement highlighted that the applicant's eldest daughter was qualified in Equine Management, had an established riding school on adjoining land, but lived in a residential property with her partner, outside the application site. As such, the proposed development did not meet the exemption associated with rural enterprises under LDP Policy SW4.

Under this application, it is acknowledged that the Planning and Green Infrastructure Statement submitted in support of the application states that *'...the eldest daughter lives with the applicant and operates a successful riding business, which is used by many school children...'* It explains that the riding business is well established at the application site *'...where she uses 7 horses and has good links with local schools for business...'* and

goes on to confirm that *'...the rural enterprise continues to grow and the need to have a site for security and maintenance is essential and link into Romany Ways and Culture...'* However, further on within the statement, it clarifies that the applicant *'...resides with his wife and three children, whilst the eldest daughter resides in the council property with her boyfriend, however, has spent more time at the application site for work and family reasons...'* It is therefore unclear whether the eldest daughter, who appears to operate a riding school from land adjoining the application site, lives at the caravan with the applicant or within a residential property with her partner. Nonetheless, it should be acknowledged that the description of development refers to the provision of a traveller pitch but does not specify that this would be in support of a rural enterprise. Furthermore, it should also be recognised that, as stipulated under TAN 6, that *'...applications for a new permanent or temporary rural enterprise dwellings in the open countryside, need to be supported by robust evidence...'* and in this instance, no information or evidence has been submitted in support of the application to confirm that this proposal would constitute a residential use in support of a rural enterprise. Indeed, an appraisal which addresses the different tests, i.e. functionality, time, financial, etc, has not been included with the submission of the application. As such, the proposal would not be considered to amount to development in association with a rural enterprise and would therefore result in an unacceptable development in the countryside, which fails to accord with LDP Policy SW4.

As discussed above, the proposal does not meet any of the exemptions under LDP Policy SW4. Indeed, the proposed traveller pitch to be used for residential purposes is a form of development which the local development plan seeks to locate within the settlement boundaries and away from the open countryside.

- Flood Risk Area

The application site is also situated within a Flood Zone 3, as indicated within NRW's Flood Map for Planning (FMP). The FMP identifies the application site to be at risk of flooding from rivers. Specifically, Flood Zone 3 areas, as explained in the FMP layers, relate to areas with more than a 1% (1 in 100) chance of flooding from rivers in a given year (including the effects of climate change). Section 9 of TAN 15 classifies different developments into vulnerability category. It specifies that all residential premises (including hotels, Gypsy and Traveller sites, caravan parks and camping sites) are classed as highly vulnerable development. Thus, the development hereby proposed, to provide a traveller pitch with associated access track, for the siting of a static caravan and a touring caravan, and the erection of a day room to be used for residential purposes, is defined as highly vulnerable development under TAN 15. Paragraph 9.2 and 9.7 of TAN 15 clarifies the different classifications and uses single dwellings as an example. Specifically, it explains that *'...Highly vulnerable development is development where the ability of occupants to decide on whether they wish to accept the risks to life and property associated with flooding, or be able to manage the consequences of such a risk, is limited...'* and *'...All small new developments, including single dwellings, should be considered under a single vulnerability category. For example, it is important that gardens, access paths and driveways of a residential dwelling should remain flood-free, therefore the whole area of development should be considered highly vulnerable...'*

Given the location and nature of development, a Flood Consequence Assessment (FCA) (Francis Sant – May 2025) was submitted with the application. The report concluded that *'...the compound is moved slightly to the north to higher land to provide betterment and to reduce the risk of flooding. The site, however, lies in a Zone 3 flood area, as shown on the Flood Map For Planning, and is considered at risk of flooding during a 1 in 100 year event*

with climate change. The study found that the development is not considered to be at risk from tidal or surface water flooding while the risk of flooding from reservoir failure is considered to be low. There is a medium risk from ground water flooding. The NRW TUFLOW model also showed that the site is expected to remain flood free during a fluvial Q100 event, even when climate change is taken into consideration, although the access route may be affected. During the Q1000 event the flood depth is expected to be less than 100mm with a corresponding velocity of less than 0.15m/s. The flood risk at the site can, therefore, be considered to be manageable in accordance with TAN 15. As the surrounding land lies in the ownership of the developer, and considering the shallow flood depth, any loss of flood storage capacity is unlikely to have an impact on third parties. Any loss would be further compensated by the removal of the existing storage yard. The site is afforded a degree of protection from the river defences although even if the defences are removed the site would remain flood free during a Q100 event and the depth would be less than 200mm during a Q1000 event. A Flood Response Plan should be prepared in case of an event to facilitate an evacuation if it is safe. If necessary, a flood free place of refuge is available in the day room or static caravan, even during a Q1000 event. If it is required to evacuate during a T1000 event (eg medical emergency) then an access route is available from the site to the highway and north to Troedyrhiw (see Flood Response Plan). Part of the route, however, will be subject to flooding. A sustainable drainage solution, in accordance with the Welsh Government Standards and the SUDS Manual, should be incorporated into the design. SAB approval is also likely to be required which should be confirmed with the local authority...'

The report therefore recommends that '...the compound is moved to an area north of the existing developed site; the day room is raised 300mm above the ground levels; flood proofing measures, should be considered for inclusion in the scheme; consideration should be given for the inclusion of a non-return valve on the foul sewer system; a sustainable drainage system should be included in the design; SAB approval should be applied for; the site is registered on the flood warning scheme provided by NRW; a flood response plan is prepared, maintained and effectively disseminated to all future occupiers of the development...'

NRW were invited to review the FCA report submitted in support of the application. Their response letter stated '...we have no comments in relation to flood risk because section 10 of TAN 15, dated 2025, clearly states that 'no new highly vulnerable development...should be permitted in Zone 3 regardless of the conclusion of any Flood Consequence Assessments and NRW will not consider these conclusions'...'

The letter goes on to state that '... We have no comment to make with regards to flood risk. As you are aware the planning application proposes highly vulnerable development (residential). The Flood Map for Planning identifies the application site to be at risk of flooding and within Flood Zone 3 Rivers and the Recorded Flood Extent of the December 1979 flood event. The decision as to whether a development should be considered contrary to TAN 15 policy is entirely a matter for your Authority. However, we would remind you that under the Town & Country Planning (Flood Risk Area Development) (Notification) (Wales) Direction 2025, where the Planning Authority is minded to grant permission, there is a requirement to refer such applications to Welsh Government. We have no further comment to make with regards to flood risk...'

Section 10, paragraph 10.22 of TAN 15 confirms the comments of NRW and clearly states that '...No new highly vulnerable development on greenfield land should be permitted in zone 3 regardless of the conclusion of any Flood Consequences Assessments and NRW

will not consider these conclusions. Welsh Ministers must be notified of any such proposal a planning authority intends to approve...'

As such, having considered the recent changes to TAN 15, the proposed siting of a static caravan and associated works in a flood risk area cannot be justified in this instance and would therefore result in unacceptable development in principle, in this location. Thus, the proposed development would fail to accord with TAN 15 and LDP Policy EnW4.

- Applicant's Status

It has been discussed in the Planning and Green Infrastructure Statement submitted with the application that the applicant has Gypsy status and falls within the definition of Gypsies, as set out in paragraph 2 of Welsh Government Circular 005/2018, Planning for Gypsy, Traveller and Showpeople Sites. As such LDP Policy SW8 is a relevant consideration. This policy states that the *'...Glynmill site is shown on the proposals map as the preferred location for development for Gypsy, Traveller and Showpeople accommodation needs. Proposals for new Gypsy, Traveller and Showpeople accommodation will be permitted where: The design, size of the site and number of pitches are appropriate to its location and the accommodation needs of the applicant(s); and, It has adequate access to services and facilities...'*

The supporting text goes on to state that *'...Where the proposal is considered to be justified under the policy, planning permission will be restricted to the applicant and their dependent resident family. The suitability of the site in terms of access to essential services and facilities and potential highway safety will be an important factor in considering proposals. Proposals will also be expected to be able to provide utility services and infrastructure without causing unacceptable environmental impacts...in all cases, the standards and design must have regard to the Mobile Homes (Wales) Act 2013 and the Welsh Government Good Practice Guide in Designing Gypsy Traveller Sites 2014...'*

The Council's Gypsy and Traveller Accommodation Assessment (GGAT) 2018 anticipated that there would be a surplus of 2 pitches at the Glynmill Site by 2020 and there would be a need for an additional 4 pitches over a 15 year period. As such, up to date information in respect of the number of pitches at the Glynmill Site has been requested. Following consultation with the Housing Section (Gypsy Roma Traveller Officer) it is acknowledged that there are currently no vacant plots at the Glynmill site. It was also noted that there is an active waiting list for when plots do become available at this site. It is therefore recognised that the Glynmill Site is currently at capacity. Thus, there are no available sites at the preferred location.

Circular 005/2018 under paragraph 12 confirms that it is appropriate for applicants to select their own sites *'...Some Gypsies and Travellers may wish to find and buy their own sites to develop and manage. An increase in the number of approved private sites may also release pitches on local authority sites for Gypsies and Travellers most in need of public provision...'* In this instance, the applicant has personally selected this site for residential purposes. The supporting statement explains that the applicant has searched for a plot of land to create a pitch and additional land to keep his animals. In 2018 the opportunity arose to purchase land at this location. The applicant purchased the land and his wife and 3 children have lived on the land, either in the previous unauthorised caravan or this currently proposed caravan, since 2020.

The proposal, in respect of its layout, scale and design has been considered in line with chapter 3, of Welsh Government Guidance, Designing Gypsy and Traveller Sites, as referred to in the supporting text under LDP Policy SW8. Indeed, the provision of a traveller pitch to comprise of a hardstanding area, a day room (amenity block) of this scale, and the siting of a static caravan and touring caravan with on-site car parking provision is typical of any traveller pitch and as such, would amount to an acceptable development.

This guidance document also states under para 3.18 that *‘...Gypsies and Travellers may have longstanding connections to a specific area of a Local Authority and may wish to be accommodated there. Local Authorities should take account of these views, especially where the desire relates to continued registration with local services with experience and expertise engaging with these communities...’* In this instance, the applicant, having only owned the land since 2018 and having lived on the land since 2020, does not appear to have a longstanding connection to the area. It is noted however that his 3 children do attend the local school. Nevertheless, para 65 of Circular 005/2018, states that *‘...Planning authorities should not refuse applications because the applicant has no local connection. But they are entitled to refuse applications in locations that do not comply with planning policies...’*

Given that the proposal in respect of its layout, scale and design would amount to an acceptable development, having noted that there are no pitches available within the preferred Glynmill Site, and that there is support for applicants to select their own sites, it is important to consider whether the location of the development is appropriate. Indeed, it has already been established that the proposal does not amount to a development which meets the exemption criteria under LDP Policy SW4.

The advice provided under the Welsh Government Circular 005/2018, Planning for Gypsy, Traveller and Showpeople Sites recognises, that at times, in the absence of pitches within designated sites or suitable sites in sustainable locations, development may be located in the countryside. Specifically, para’s 38 and 39 states that *‘...In deciding where to provide for Gypsy and Traveller sites, planning authorities must first consider sustainable locations within or adjacent to existing settlement boundaries with access to local services e.g. education settings, health services and shops. Sites in the countryside, away from existing settlements, can be considered for Gypsy and Traveller sites if there is a lack of suitable sustainable locations within or adjacent to existing settlement boundaries. In assessing the suitability of such sites, local authorities should be realistic about the availability, or likely availability, of alternatives to the car in accessing local services. Over rigid application of national or development plan policies that seek a reduction in car borne travel in order to effectively block proposals for any Gypsy and Traveller Site in a countryside location would be inappropriate. Sites should be considered in context and in relation to the local infrastructure, population size and density to ensure they are in proportion to local settled communities...’* Nevertheless, para 37 also recognises that *‘...Issues of site sustainability are important for the health and well-being of Gypsy and Travellers not only in respect of environmental issues but also for the maintenance and support of family and social networks. Consideration may include the following matters as listed below...’*

- opportunities for growth within family units;
- the promotion of peaceful and integrated co-existence between the site and the local community;
- access to health and education services;
- access to utilities including water, waste water disposal and waste collection services;

- access by walking and cycling, public transport and private motor vehicles (including emergency vehicles);
- suitable nearby or on-site safe play areas;
- contribution to a network of transit sites which reduce the need for long-distance travelling or unauthorised encampments;
- not locating sites in zone C2 risk of flooding and only considering sites for location within zone C1 risk of flooding in line with guidance contained in TAN 15, given the particular vulnerability of caravans; and,
- regard for areas designated as being of international, national and local importance for biodiversity and landscape...'

The Welsh Government Guidance also reiterates the importance of selecting sites for the provision of traveller pitches and identifies, under para 3.22, the relevant considerations:

'...- Access – Local Authority residential sites should be located with access to public roads and footpaths leading to the site. Although access to public transport would be ideal, it may be unrealistic in close proximity to the site in rural settings;

- Suitability of land – A site survey should be undertaken which will identify possible problems such as drainage, risk of flooding, contaminated land etc. Local Authorities should consider whether remediation work to resolve any problems is financially viable. Mobile homes are considered to be highly vulnerable to flooding so sites should not be situated in C2 flood zones. Locations in C1 flood zones should be subject to a justification test.

- Local Services – Ideally located within reasonable distance from education settings, health services and shops. If a site is located, or is going to be located, in a rural area this will not be achievable in many instances...

- Environment – sites should not be located next to hazards such as rivers or canals, unless appropriate mitigation can be installed. Locating sites next to industrial sites or major roads should be carefully considered, which may require monitoring of noise and air quality and resultant design measures to reduce the impact.

- Utilities – water, electricity, sewerage, drainage and refuse disposal should be provided on all sites. This may require consultation with utility providers to ensure any essential criteria for new connections is understood.

- Sustainability – the site should be available for use as a Gypsy and Traveller site in the long-term (at least 21 years)...

Having considered the above advice and guidance, it is concluded that the traveller pitch is of a typical layout, scale and design, would be accessed via an acceptable single track, located approximately within 0.8 miles of local facilities (at Aberfan and Troeyrhiw) and 0.6 miles of local schools, and may be capable of being served by adequate utilities. However, the proposed development would lie in a countryside location, within 70m of the River Taff, being located in a Zone 3 flood area, and would fail to accord with the advice set out under TAN 15. It is therefore considered that the needs of the applicant, in this instance, would not outweigh the in-principle concerns discussed earlier in the report and would therefore not justify development in this location.

Regard has been had to the appeal decisions submitted in support of the application which relate to residential developments within a Flood Zone. It is noted that the majority of the locations of the proposed developments lie outside of Wales. Whilst one appeal decision, CAS-02030-S8W8X4 Vale Road, Rhyl, Denbighshire, lies in north-east Wales, it would not outweigh the concerns previously raised. With regards to all other appeal decisions referred to, these have been considered, and this application has been assessed on its own merits.

Character and Appearance

The proposal, as explained earlier in the report, represents an unjustified form of development in the countryside. Given the domestic nature of the development, and its rural setting, the proposal would have an urbanising impact on its surrounding rural environment, and as such, would be detrimental to the visual appearance of the countryside. Indeed, although it is noted that the traveller pitch is proposed to be enclosed by planted trees along its perimeter, and despite its location, set back from the main road and largely screened from public vantage points by large existing trees, the domestic appearance of the traveller pitch with static caravan and day room, as well as any associated paraphernalia, would undoubtedly add domestic visual clutter to the area and diminish the quality of the land by harmfully altering what is otherwise a rural setting. Indeed, it is argued that this visual harm is also recognised by the applicant, hence the inclusion of planted trees around the edge of the pitch which seeks to lessen the visual harm of the proposal. Nevertheless, the visual harm is already evident by the siting of the existing unauthorised caravan and touring caravan, which undoubtedly, overtime, would lead to the positioning of additional domestic equipment/apparatus on the surrounding land.

The development would involve the introduction of buildings and structures at the centre of a large field where it would be visually prominent within the immediate surroundings and would appear at odds with the general character of the countryside. It would not be located close to a group of existing buildings and it would be away from the field boundaries and as such would represent a clear encroachment/sprawl into the countryside which erodes its qualities.

There is a need to protect the qualities of the countryside and the introduction of earth mounds and planting to screen the proposal is not an acceptable approach to justify the development in such a location. This is a point echoed in PPW, that such arguments would lead to the further erosion of the countryside, which should be protected for its own sake.

The proposed development is therefore not in context with its surrounding rural environment and would have a detrimental and unacceptable impact on the character and appearance of the countryside. As such, it would not accord with LDP Policy SW11.

Residential Amenity

With regards to the amenities of nearby occupiers, the impact of the development has been considered acceptable. The proposed traveller pitch, would be accessed via the existing private single track, which runs alongside the northern boundary of 1 Ynysygored Cottages. However, the pitch itself would be located a significant distance from other residential occupiers and would therefore not give rise to any unacceptable impact. Whilst it is acknowledged that the use of the access track would result in some increased activity near the boundary of 1 Ynysygored Cottages, resulting from the comings and goings of residents and/or visitors of the traveller pitch, this impact would not be considered significantly harmful or disruptive to nearby occupiers to warrant the refusal of the application. Thus, in this instance, the proposed development would not be considered to have a significant impact upon residential amenity and would therefore accord with LDP Policy SW11.

Ecology

The Council's Ecologist has considered the proposed development and the information received in the form of an Ecological Appraisal Report, Biodiversity Enhancement Scheme, Reptile Mitigation Method Statement and Green Infrastructure Statement ((GIS) contained within the Planning and Green Infrastructure Statement), and has requested that further information is submitted in support of the application. With regards to the Ecological Appraisal Report, it was noted that the report was over 2 years old and as such an up to date report was required (to include any updates to surveys which may be deemed necessary). In terms of the Biodiversity Enhancement Scheme, further clarification was requested in respect of the siting of the bird boxes and the bat box types, as well as the submission of a lighting scheme, and a 10 year management and maintenance plan. Turning to the Reptile Mitigation Method Statement, alterations to the report were requested, to include omitting the reference to the use of chemical treatment and clarifying that the process of habitat manipulation is overseen and supervised by an appropriately experienced ecologist. In respect of the GIS, further clarification was requested with regards to the step-wise approach which is required to specifically relate to the development proposed, details of the siting of the bird boxes and the submission of a long-term landscape/habitat establishment management maintenance and monitoring scheme, etc.

The comments of the Council's Ecologist were sent to the agent on the 10th March 2026 together with a request to submit the required information. A subsequent email was sent to the agent on the 21st April 2026 requesting that the required ecological information be submitted by the 1st May 2026. To date, this information has not been forthcoming.

Whilst it is acknowledged that an up to date survey of the site was not submitted in support of the application (as discussed above), and would be required as part of the application assessment and consideration (as set out in Planning Policy Wales (edition 12)), it is also reasonable to conclude, having noted the conclusions reached in the former Ecological Appraisal Report (submitted in support of the earlier application P/23/0170) that the other remaining items in need of clarification and/or amendments, could be secured by a suitably worded condition. Thus, provided that the outdated survey report was revised and that the required information was submitted prior to the commencement of development and found to be acceptable by the Council's Ecologist, the proposed development could have been considered acceptable and could have accorded with LDP Policy EnW1.

Parking and Highway Safety

The proposed development, as explained earlier, includes the provision of a traveller pitch to include the siting of a static caravan and a touring caravan, the erection of a day room, and the provision of 2 parking spaces.

The Head of Engineering and Highways has considered the proposed development, which would be served via the existing access off the main road (B4285), which is to remain unaltered as a result of this proposal. Indeed, this access currently serves the unauthorised caravan, and as such, it is not envisaged that this would contribute to significant additional trips. Thus, no concerns have been raised in respect of the use of the existing access in association with this proposal.

The proposal, as shown on the submitted plans, would be served by sufficient on-site space to manoeuvre vehicles enabling suitable ingress and egress from the site in a forward gear. The traveller pitch would also be served by two on-site parking spaces and the site plan indicates that there is sufficient on-site parking for two to three vehicles. As such, no concerns have been raised in respect of parking provision.

The Head of Engineering and Highways has therefore concluded that there are no concerns or objections in respect of highway or pedestrian safety, and the proposal would therefore accord with LDP Policy SW11.

CONCLUSION

The proposal amounts to unacceptable residential development in a countryside location and in a flood risk area. Whilst no highway safety concerns have been raised, the proposal would cause demonstrable harm to the site's rural setting and fails to preserve the character and appearance of the countryside. The applicant's status has been fully considered, however, this does not outweigh the concerns with the proposal and would therefore not justify the development in this location. As such, the proposed development runs contrary to the relevant LDP Policies.

Finally, 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 and thus the proposal is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.

Accordingly, the following recommendation is made:

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

1. The proposed development would result in an unjustified encroachment into the countryside, contrary to Policy SW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.
2. The proposed development, given its residential use and associated domestic paraphernalia, 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.
3. The proposal would introduce highly vulnerable development within a Zone 3 flood area, as defined by Technical Advice Note (TAN) 15: Development and Flood Risk. Due to the risks of flooding and the nature of the proposal, it would represent an inappropriate form of development contrary to paragraph 10.22 of TAN 15 and Policy EnW4 of the Merthyr Tydfil Council Replacement Local Development Plan.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE: 15.06.2026