

DELEGATED REPORT

Application No:	P/23/0170
Site Address:	Land To The Rear Of Ynysygored Cottages Aberfan Road Aberfan Merthyr Tydfil CF48 4QD
Development:	Provision of a traveller pitch to include the siting of a static caravan (relocation of existing), day room, touring caravan and associated works.
Case Officer:	Marlene Ferreira
Site Visit:	3rd August 2023
Application Expiry Date:	9th October 2023
Consultation reply date expired:	17th August 2023

APPLICATION SITE

The application site relates to a relatively flat 'L' shaped parcel of land, measuring approximately 810sq.m, located approximately 90m to the north 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 60m 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 55m to the south of the application plot. The site is also viewed in association with an unauthorised static caravan, which lies approximately 45m to the southwest (the subject of potential enforcement action, PE/19/0034). The River Taff, which runs north to south, lies to the east, within 60 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 room, to be used for residential purposes. The pitch would also cater for 2 on-site car parking spaces with on-site manoeuvring area.

The pitch itself would be located approximately 110m from Aberfan Road and would involve the creation of a hardstanding using crushed stone. The static caravan would be sited on the land, which currently lies 45m to the southwest of the site and would be re-located to the application site. The details submitted indicate that the static caravan would occupy an area of approximately 10.5m by 3.5m. The touring caravan to be sited on the land, would occupy an area of approximately 6m by 2.5m.

The day room, which would measure 8m wide, 5.5m deep, with a 4m ridge height, would provide a large kitchen area and bathroom. It would be constructed with artificial slate roof tiles, timber cladded walls and UPVc windows and doors. It would be sited centrally between the static caravan and the touring caravan.

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

The application has been accompanied by a planning statement and justification report for the development.

PLANNING HISTORY

- There Council's records do not indicate any other planning history relating to the application site. However, the following planning history relates to land in close proximity to the application site, which appears to also be owned by the applicant:

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, subject to conditions.

Planning Policy Officer

'...Concerns raised. The application site is within a C1 flood zone. NRW's comments will therefore be crucial. The application site may not be in accordance with Policy SW4, although it is supported by Policy SW8, and WG Circular 005/2018...'

Planning Ecology Officer

No objection, subject to clarification and amendments.

Environmental Health Manager

No objection, subject to conditions.

Natural Resources Wales (NRW)

'...We have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding flood risk. If this information is not provided, we would object to this planning application. Further details are provided below...'

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. One letter of objection and two letters of support were received.

- Objection: The objection letter received, raised concerns that there was already someone living in a caravan near the site and allowing the development would lead to additional caravans being located in the area, which could raise safety issues for local residents.

- Support: The support letter explains that the applicant is a neighbour and of good character, being an honest and reliable man. As such, there are no objections to the proposal.

Ward Members were advised of the representations received 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 Director of Neighbourhood Services.

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 sewerage 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 sewerage 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...'*

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 (2004). Paragraph 5 refers to nature of development and classes all residential premises as highly vulnerable development

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 lies outside the settlement boundary and as such, Policy SW4 is 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.

Whilst the supporting statement confirms that the applicant's eldest daughter is qualified in Equine Management and has an established riding school on land adjoining the application site, it is noted that his daughter resides in a residential property with her partner, outside the application site. Thus, as highlighted 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.

The proposal would therefore result in an unacceptable development in the countryside, not in accordance with LDP Policy SW4.

- Flood Risk Area

The application site is also situated within a C1 flood risk zone, as identified within the NRW Development Advice Map (DAM). The Flood Map for Planning also identifies the application site to be at risk of flooding and falls into Flood Zone 2 and 3 Rivers. The proposal, 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.

Given the location and nature of development, a Flood Consequence Assessment (FCA) was submitted with the application proposal. The report concluded 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 site is also 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...'* The report therefore recommends that *'...The finished floor level of the day room is set 150mm above the surrounding ground; A sustainable drainage system is included in the development; SAB approval is applied for; An emergency evacuation plan is prepared, maintained and effectively disseminated to all future occupiers; The site is registered on the flood warning scheme provided by NRW...'*

NRW were invited to review the FCA report. Their comments have been noted, and state that the site falls into Flood Zone 2 and 3 Rivers and Recorded Flood Extents (December 1979) and that there are *'... concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding flood risk...'*

The comments go on to state that *'...the FCA fails to demonstrate that the risks and consequences of flooding can be managed to an acceptable level for the reasons explained below. Whilst section 3.1 of the FCA states that the latest NRW 2D TUFlow model has been used to assess the flooding consequences at this site, there is no detail included about the name of the model or details of when it was obtained from us. It is*

recommended the FCA confirms what modelling has been used so we can confirm this is the most up to date...'

Their comments explained which criteria the FCA failed to comply with. A copy of NRW comments, with a request for further information, was sent to the agent on 27th July 2023. In the absence of additional information, a subsequent email was sent to the agent on 24th November 2023. The agent confirmed on the 17th January 2024 that the relevant information was being prepared and that it would be submitted when the FCA report had been amended and finalised. This information was, again, requested from the agent on the 9th May 2024, 17th September 2024 and 29th November 2024. To date, this information has not been forthcoming. As such, as noted in NRW's response, the FCA fails to demonstrate that the risks and consequences of flooding can be managed to an acceptable level. In the absence of the updated FCA, NRW have raised an objection to the application.

Notwithstanding the submission of the FCA, further guidance is provided under TAN15. TAN 15 explains that Zones C1 are 'areas of the floodplain which are developed and served by significant infrastructure, including flood defences, where 'development can take place subject to an application of justification test, including the acceptability of consequences'. Indeed, section 6.2 clearly explains that *'...New development should be directed away from zone C and towards suitable land in zone A, otherwise to zone B, where river or coastal flooding will be less of an issue. In zone C the tests outlined in sections 6 and 7 will be applied, recognising, however, that highly vulnerable development and Emergency Services in zone C2 should not be permitted. All other new development should only be permitted within zones C1 and C2 if determined by the planning authority to be justified in that location. Development, including transport infrastructure, will only be justified if it can be demonstrated that:*

- i. Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement¹; or,*
- ii. Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region; and,*
- iii. It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1); and,*
- iv. The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and appendix 1 found to be acceptable...'*

In this instance, the proposal does not form part of a local authority regeneration initiative or a local authority strategy. It does contribute to key employment objectives supported by the local authority or other key partners, nor can it be argued that the use is required to sustain an existing settlement or region. Thus, the proposed development does not meet any of the above exemptions, and therefore its siting in a flood risk area cannot be justified in this instance.

The proposed development is therefore unacceptable in this location and fails to comply with TAN 15 and LDP Policy EnW4.

- Applicant's Status

It has been discussed in the planning 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 2 pitches remaining on this site. However, further discussions have revealed that these 2 pitches remained purposely vacant to enable refurbishment works to be undertaken. As such, once these works have been completed, it is recognised that the Glynmill Site will be 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 reside at the unauthorised caravan located to the southwest of the application site since 2020. This proposal therefore seeks to re-locate the existing unauthorised caravan further north, within the proposed traveller pitch, to also include a day room, the siting of a touring caravan and two vehicular parking spaces.

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 in the unauthorised caravan 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...'*

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 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 60m of the River Taff, being located in a C1 flood zone, and would fail to meet the justification test 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 locations of the developments lie outside of Wales. Whilst the appeal decisions have been considered, 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 siting, 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 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, located to the southwest, which has also led 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 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 to 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 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, like the unauthorised caravan (which is proposed to be re-sited within the 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 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 requested that a Preliminary Ecological Appraisal be submitted in support of the application. An Ecological Appraisal was received on 14th August 2024. Following consideration of the report, amendments were requested. A reptile mitigation scheme and biodiversity enhancement

scheme was also requested to be submitted in support of the application. An amended Ecological Appraisal was received on 25th September 2024. A Reptile Mitigation Method Statement and a Biodiversity Enhancement Scheme was received on 19th September 2024.

The Council's Ecologist has considered the Ecological Appraisal and its conclusions and recommendations, which include mitigation/enhancement measures, such as the carrying out of vegetation clearance outside nesting season, the erection of bat boxes, and the erection of bird boxes, etc and found these to be acceptable. As such, a suitably worded condition could be added to any planning permission to ensure that the proposal is carried out in accordance with this report.

The Council's Ecologist has also considered the Reptile Mitigation Method Statement and Biodiversity Enhancement Scheme and has requested clarification regarding these documents. In respect of the biodiversity enhancement scheme, the Council's Ecologist has questioned whether a site visit had been carried out, whether the bird boxes can be erected at a height of 5 metres, as well as requesting details of a lighting scheme, etc.

In respect of the reptile mitigation method statement, the Council's Ecologist has confirmed that certain paragraphs need to be amended such as the omission of chemical treatment reference, as this would not be acceptable, and a paragraph added that the habitat manipulation would need to be supervised and overseen by a qualified ecologist, etc. These amendments were requested on 25th September 2024. On the 17th January 2024 the agent confirmed that the changes to the report were being undertaken and would be submitted in due course. This information was requested, once again, on 9th May 2024, 17th September 2024 and 29th November 2024. To date, this information has not been forthcoming. However, it should be noted that the remaining information requested could be secured by a suitably worded condition. As such, provided this information is submitted prior to the commencement of development and found to be acceptable by the Council's Ecologist, the proposed development could be considered acceptable and accord 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 (this would involve the re-siting of the unauthorised caravan to the southwest of the site into the traveller pitch), the siting of a touring caravan, the erection of a day room, and the provision of 2 parking spaces with turning area.

The Head of Engineering and Highways has considered the proposed development. It has confirmed that the access off the main road (B4285) would remain unaltered as a result of this proposal. Indeed, it 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 be served by two on-site parking spaces. The site plan indicates that there is sufficient on-site parking for three on-site parking spaces. As such, no concerns have been raised in respect of parking provision. The Head of Engineering and Highways has therefore concluded that there no concerns or objections in respect of highway or pedestrian safety, and the proposal would therefore accord with LDP Policy SW11.

Responses to Representations

- The concerns raised in the letter of objection have been considered and it should be noted that this proposal seeks to create one traveller pitch to serve one family, and as such, does not seek to site more than one caravan at the application site;
- Issues regarding the safety of nearby residents is a matter to be addressed by local agencies, such as the Police.

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 proposed and would therefore not justify the development in this location. As such, the proposed development runs contrary to the relevant LDP Policies.

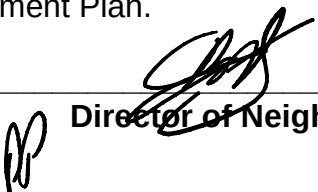
Finally, the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act") has been taken into consideration when determining this 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 APPROVED subject to the following **CONDITIONS:**

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 C1 flood zone, 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 6.2 of TAN 15 and Policy EnW4 of the Merthyr Tydfil Council Replacement Local Development Plan.

RECOMMENDATION ENDORSED


Director of Neighbourhood Services

DATE: 20.12.2024