

<b>Application No</b>	<b>S/34755</b>
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<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	TWO STATIC RESIDENTIAL CARAVANS TOGETHER WITH THE ERECTION OF A DAY/UTILITY ROOM, TWO TOURING CARAVANS AND A STABLE BLOCK (PARTLY RETROSPECTIVE) AT LAND AT HILLSIDE VIEW, HENDY, LLANNON, SA14 8JX

<b>Applicant(s)</b>	MR ADAM EVANS & MR CC J EVANS, 42 LLYN TIRCOED, TIRCOED FOREST VILLAGE, PENLLERGAER, SWANSEA, SA4 9LB
<b>Agent</b>	HAYSTON DEVELOPMENTS & PLANNANDREW VAUGHAN-HARRIES, THE PLANNING STUDIO, HAYSTON BRIDGE, JOHNSTON, HAVERFORDWEST, PEMBROKESHIRE, SA62 3HJ
<b>Case Officer</b>	Paul Roberts
<b>Ward</b>	Hendy
<b>Date of validation</b>	24/11/2016

## CONSULTATIONS

**Head of Transport** – Has no objection to the application subject to the imposition of suitable conditions on any permission granted.

**Llanedi Community Council** – Object to the application on the following grounds:-

- The development has been completed prior to making an application for planning consent;
- The site is outside the village development limits;
- The proposal will result in an adverse impact upon the rural environment;
- Access to the site is inappropriate;
- The access into the site does not have any street lights.

**Local Member** - County Councillor G B Thomas has objected to the application for the following reasons and has requested that the Planning Committee undertake a site visit to assess the development:-

- It is located well outside the curtilage of Hendy and is not in the LDP;
- The site is located in the middle of agricultural land and woodland and the development will be totally out of character with the surrounding area;
- Access is onto a very busy and fast B class road leading from Hendy to Llannon which is a notoriously dangerous road where numerous accidents have occurred in the past;
- The site has ecological value in that it is a species rich meadow.

**Neighbours/Public** – The application has been publicised with the posting of a site notice on the entrance to the site. In response, one third party letter of representation has been received which raises the following issues of concern:-

- The applicant has blatantly disregarded planning application protocol;
- The land is remote and within an area of previously unblemished countryside;
- The development is unsightly and not in keeping with the surrounding area;
- Access to the site is directly onto the B4306 which is very busy;
- The visibility onto the B4306 is limited and unsafe;
- The applicant's address is in a modern housing estate which does not describe a place where a traveller would decide to live;
- The lack of a logical policy for traveller sites in the County should not be an excuse to allow unorganised, piecemeal, inadequate and unsightly developments in areas where no other person would be given planning consent;
- Concern that the applicant will replace the caravans with a house once permission has been granted.

## **RELEVANT PLANNING HISTORY**

The following previous applications have been received in respect of the application site:-

S/33962	Closure of existing road entrance and opening a new road entrance. Full planning permission	15 August 2016
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## **APPRAISAL**

**This application was received as a result of action by the Authority's enforcement team.**

## **THE SITE**

The application site consists of an irregular shaped parcel of land located on the south westerly flank of the B4306 in a countryside location to the north of the village of Hendy. The site is located approximately 1.4 kilometres to the north of the built form of the village and extends to approximately 0.5 of a hectare in area.

Having previously consisted of a grassed field enclosure with a gated entrance onto the B4306 close to its northern perimeter, the southern half of the site has since been cleared and excavated to form a level surface to accommodate residential accommodation in the form of two no. static caravans. A new access has been created onto the B4306 at the southern end of the original enclosure which leads into the site which consists of a large loose stone hardstanding area. Other structures in the site include a timber stable building,

a number of portacabin structures which are being used as utility/day rooms as well as touring caravans. The hardstanding area is bounded with timber fencing which extends along the access up to the roadway where it replaces part of the original hedgerow that has been removed to provide the access and its splayed entrance onto the B4306.

The surrounding area is of a rural character and appearance consisting of field enclosures interspersed with wooded areas. The roadway has no footways or pedestrian facilities. The site is approximately 2.7 kilometres from the centre of the village of Hendy and its facilities and services while the village of Llannon is located some 4 kilometres to the north along the B4306.

## **THE PROPOSAL**

The application seeks retrospective planning permission for the siting of two static caravans on the site together with the formation of the access and hardstanding area. The proposal also includes the retention of the existing stable building and the siting of a utility/day room building and two touring caravans together with associated parking and turning areas. The site is to be used for residential purposes by the applicant, his family and parents who are members of the traveller community.

By way of background to the application, the applicant previously applied for planning permission for the creation of a new access into the field enclosure back in 2016 which was to replace the original substandard access close its northern perimeter. Application S/33962 refers. At the time of the application, he confirmed his intention to graze his horses in the field and that the new access was required to provide a safer access and egress to and from the enclosure. However, shortly after the granting of planning permission, the applicant cleared and excavated the site and introduced the existing structures and caravans referred to above and he and his family have been living on the site since this time.

The two static caravans are to be sited on the southern edge of the hardstanding area adjacent to the access and existing stable building. The new utility/day room building is to consist of a mobile portacabin structure which will be sited close to the site's road frontage and will be flanked by the two touring caravans and four no. parking spaces. The stable building is of a timber frame construction with timber clad elevations and currently houses the electricity generator that serves the site.

Foul water from the development is disposed of via an existing septic tank located in the southern part of the site close to the access. Surface water is disposed of via soakaways within the development. The north western half of the site is to remain as a field paddock and is accessed from the hardstanding area via a gated entrance adjacent to the stable building. The applicant is also currently renting a further 4 hectares of land to the south of the site on the opposite side of the B4306 to graze his horses.

The current level of visibility at the entrance to the site is to be improved as part of the proposal to accord with the Head of Transport's requirements. A visibility splay of 2.4 metres by 160 metres is to be provided either side of the access which will require the applicant to translocate existing hedgerows into the site and away from the edge of the carriageway. It will also require the trimming back of frontage trees and hedgerows further to the south east of the access and it is noteworthy that whilst these are not in the control or ownership of the applicant, formal notice has been served on the relevant landowner who has confirmed his acceptance of these works.

The existing fencing located either side of the access is to be reduced in height and repositioned behind a new hedgerow that will provide a visual screen to the development and connect to the translocated hedge. The translocated hedge will also be augmented with additional planting.

The supporting statement accompanying the application confirms that the applicant and his father are descendants of a Welsh Romany Gypsy family and describes their lifestyle as falling within the definition of “travellers” as defined in Welsh Assembly Circular 30/2007 “Planning for Gypsy and Traveller Caravan Sites”.

Historically, the family have worked in the scrap metal industry throughout South Wales and parts of England and have lived in a number of traveller sites in the County including a Council run site in the Morfa in Llanelli and a private site at Westover in Whitland. Their stay at the latter extended to some 27 years with the applicant attending the primary school in Whitland. Family connections resulted in them moving to Cheltenham in 2001 before moving back to traveller sites in the Swansea area in 2010 given that the majority of the applicant’s scrap and vehicle recovery business was in the South Wales area. Family feuds within the traveller sites and a lack of available pitches resulted in the applicant and his family moving to a rental property in Penllergaer, Swansea while his parents were residing in a Council property in Gorseinon.

The applicant wishes to return to his gypsy traditions of living in a mobile home with his family and parents and purchased the application site for this purpose. In doing so, the statement draws reference to the lack of both publicly and privately owned traveller sites in the area. The applicant is currently renting commercial yards in Pontarddulais and Gorseinon in association with his business and the touring caravans proposed are required for those periods when he works away from the yards and application site.

## **PLANNING POLICY**

In the context of the Authority’s current Development Plan the application site is located in the countryside outside the development limits of settlements defined in the Local Development Plan (LDP). The following policies are of relevance to the proposal.

The LDP does not contain any allocated gypsy and traveller sites, but relies on a criteria-based policy to deal with such proposals. The relevant policy is Policy H7 which permits proposals for gypsy and traveller sites or extensions to existing sites subject to four qualifying criteria. These include the need for the proposed location to be reasonably accessible to a range of facilities and services, including existing community, social and educational provisions, and being within close proximity of main transport routes.

The second criterion requires that proposals should not be detrimental to nearby residents and adjoining land uses by virtue of noise and other disturbances. Thirdly, sites must be capable of being serviced with water, electricity, sewage and waste disposal, while the fourth criterion requires that there shall be no adverse effect on the landscape/townscape or the setting and integrity of the historic environment.

Policy GP1 is a general policy which, amongst others, promotes sustainability and high quality design, and seeks to ensure that development conforms with and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment and detailing. Developments should also not have a significant impact upon the amenity of adjacent land uses and properties, be served by

appropriate access provision and have regard to the safe and efficient use of the transport network. Proposals are also required to have regard to the generation, treatment and disposal of waste.

Policy EQ4 relates to biodiversity and states that proposals for development which have an adverse impact on priority species, habitats and features of recognised principal importance to the conservation of biodiversity and nature conservation (i.e. NERC & Local BAP, and other sites protected under European or UK legislation), will not be permitted unless satisfactory mitigation is proposed, and in exceptional circumstances where the reasons for development outweigh the need to safeguard biodiversity and where alternative habitat provision can be made.

Policy EQ7 is relevant to the proposal in that it is located within the Caeau Mynydd Mawr SPG Area where developments are required to contribute towards increasing the quality and amount of suitable habitat for Marsh Fritillary butterfly available within the SPG Area.

Policy TR3 relates to the highway design and layout considerations of developments and states that proposals which do not generate unacceptable levels of traffic on the surrounding road network, and would not be detrimental to highway safety or cause significant harm to the amenity of residents will be permitted.

National policy advice relating to gypsy and traveller caravan sites is set out in Welsh Assembly Government Circular 30/2007.

### **THIRD PARTY REPRESENTATIONS**

The application has attracted one letter of objection from a neighbouring resident as well as objections from the local member for the ward and Llanedi Community Council. The issues raised are appraised below.

A common ground of objection amongst respondents is that the site is located outside the development limits of Hendy as defined in the LDP being remote from the village and in the countryside. Reference is made to the unsightly appearance of the development which it is suggested is not in keeping with and harmful to the appearance of the surrounding rural area.

Although the site lies in an area of countryside outside the development limits of any recognised settlement defined in the LDP, advice contained in Circular 30/2007 provides that gypsy sites in rural settings which are not subject to any specific planning or other constraints are acceptable in principle. It also advises against an over rigid interpretation of national or local policies that seek a reduction in car borne travel and that sites should respect the scale of and not be so large as to dominate the nearest settled community serving them.

The site is not located in an area subject to any landscape or environmental designation and although it fronts the public highway and is visible in a local context, its modest scale means that it does not dominate the appearance of the surrounding rural area or the village of Hendy. Roadside screening provided by the translocated hedgerow combined with supplementary planting and a reduction in the height of the existing fencing that flanks the access will assist in minimising the visual impact of the development to the extent that it will not unacceptably challenge the objectives of the Circular or policies H7 and GP1 of the LDP.

In terms of sustainability, the site is typical of many rural locations in that its distance from local facilities in the village of Hendy and the absence of footways will mean that the occupiers are reliant on a car for day to day services. Notwithstanding this, advice contained in the Circular promotes a more pragmatic approach to car borne journeys in relation to gypsy developments and the location of the site performs well against the objectives of the first criterion of Policy H7 of the LDP in that it is reasonably accessible to the village of Hendy and its range of services and facilities. Furthermore, it is close to main transport routes both in terms of the A4138 that runs through Hendy and the M4 and the occupiers will also therefore have easy access to the higher order facilities available in the wider area.

In addition, the development will not be detrimental to the amenity of nearby residents given its countryside location and the separating distances to neighbouring properties. The site is also capable of being serviced with the required amenities and infrastructure in that foul drainage from the site is disposed of to a septic tank and the development has a water and electricity supply.

Turning to the matter of highway safety, although the current level of visibility from the site access is substandard, the applicant's proposals to translocate the existing hedgerows back from the roadway either side of the access and trim back frontage trees and hedgerows further to the south east of the access will provide visibility splays (i.e. 2.4 metres by 160 metres) commensurate with the 50mph speed limit along this part of the B4306. Vehicles will therefore be able to safely access and egress the site and the Head of Transport has confirmed his acceptance of the applicant's proposals and recommended the imposition of a condition securing the provision and retention of the improvements. Any permission granted will be conditioned in accordance with this advice. Furthermore, the parking and turning areas within the development are deemed to be acceptable for the purposes of the development.

The Head of Transport has previously raised concerns that the presence of the stable building within the development will result in the applicant and his family walking their horses along the road to the field enclosure on the opposite side of the B4306 that is currently being rented to graze the horses. The entrance to the field is located some 30 metres to the south east of the access to the site. Whilst these concerns are noted, the transfer of horses between the two fields would have occurred without the presence of the stable building on the site, whether by walking or transport via horse box. Officers are satisfied that the proposal will not result in an unacceptable increase in movements along the road to the extent that they will undermine the current level of highway safety. Furthermore, The Head of Transport has not raised concerns regarding the lack of lighting along the access into the site.

The proposal is therefore in accord with the objectives of Policies GP1 and T3 of the LDP in terms of its likely highway impacts. It is also in compliance with the requirements of the Circular which advises that proposals should not be rejected if they would give rise to only modest additional vehicle movements and the impact upon minor roads would not be significant.

The Authority's Planning Ecologist has raised no objection to the application from an ecological perspective subject to the imposition of a condition securing the submission of a detailed hedgerow translocation and mitigation scheme and the implementation of the same as part of any permission granted. The permission granted will be conditioned in accordance with this advice and require the implementation of the translocation scheme at the earliest opportunity so as to secure the necessary improvements to the existing access.

Finally, despite the retrospective nature of the application the Authority is nevertheless required to consider the application against the relevant local and national policy context as outlined above. Concerns that the applicant will replace the caravans with a house are not relevant material in the determination of the current application.

## **CONCLUSION**

Circular 30/2007 requires that the Authority make provision for gypsy and traveller caravan sites in the County through site allocation where a need is identified, along with criteria-based policies. Previous work undertaken by the Housing Service in 2012 identified a requirement for a new site in the Llanelli area for travellers with long established links with the area and this was reinforced by their more recent Gypsy and Traveller Needs Assessment which was approved by the Welsh Government early last year. Notwithstanding this there are currently no allocated sites in the Llanelli area with the LDP relying on a criteria based policy whereby proposals for new sites are considered against the requirements of Policy H7 of the Plan, as referred to above.

The Authority does have an existing gypsy and traveller site at Penybryn in Bynea which originally consisted of 30 caravan pitches. However, part of the site fell into a state of disrepair after it ceased being used in 2008/2009 and as a consequence 15 of the pitches and their associated amenity blocks were subsequently cleared from the site back in 2013.

The Authority has considered the option of reinstating these pitches to a habitable standard to meet the need identified in the Llanelli Area, however, there remain a number of constraints on the site. As a result, the Authority's Housing Service are undertaking a search for a new traveller site(s) in order to meet the identified need in the Llanelli area with a view to designating the site(s) as part of the forthcoming review of the Authority's LDP. It is anticipated that the revised LDP will be adopted by 2021.

Circular 30/2007 advises that the granting of a temporary permission may be justified in respect of gypsy proposals where, firstly, there is a reasonable expectation that new sites are likely to become available at the end of the period in the area which will meet the identified need and, secondly, there are no overriding objections on other grounds. Whilst the applicant is seeking to establish a new privately owned site in the absence of the availability of a suitable existing site or allocation, given the Authority's intention to identify and designate a new site in the revised LDP to meet the identified need in the Llanelli area, it is considered reasonable in this instance to grant a temporary permission for a four year period. This approach is consistent with the Circular advice in that there is an expectation that a new site will be allocated in the LDP and ultimately provided by the Authority thereby allowing the consolidation of such developments on a suitable site rather than having individual piecemeal developments in countryside locations in the wider Llanelli area.

The permission granted will therefore be conditioned for a temporary period of four years following which the entire development, with the exception of the hedge translocation works, planting proposals and new field entrance previously approved, shall be removed from the site and the land reinstated to its original use as a field enclosure. Suitable conditions will also be imposed restricting the occupation of the development to the applicant and his family and precluding commercial activities from taking place on the site. The latter will protect the surrounding area from potential visual and noise intrusion.

Finally, it is noteworthy that the Authority's Planning Ecologist has advised that the site is located within the Caeau Mynydd Mawr SPG area whereby developments that will potentially impact upon the Caeau Mynydd Mawr Special Area of Conservation are required to make a financial contribution to mitigate for the loss of habitat that will occur as a result of the development. However, in this instance it is considered unreasonable to request such a contribution given the intention to grant a temporary permission and the requirement to re-instate the land following this period.

In light of the foregoing, the proposal is considered to accord with the objectives of the abovementioned policies and is therefore presented with a recommendation for approval.

## **RECOMMENDATION – APPROVAL**

### **CONDITIONS**

- 1 Notwithstanding the time limit given to implement planning permissions as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended) this permission, being a partly retrospective permission as prescribed by Section 73A of the Act, shall have been deemed to have been implemented on 24 November 2016.
- 2 The development shall be carried out in accordance with the details shown on the following schedule of plans:-
  - Site and location plan (02d) received on 5 February 2018;
  - Site plan (24) received on 22 February 2018;
  - Floor plans and elevations of stable block (06c) received on 22 February 2018;
  - Septic tank installation details (07) received on 28 September 2016;
  - Visibility splays – translocation works to LHS on plan of entrance (09d) received on 22 February 2018;
  - Visibility splays – translocation works to RHS on plan of entrance (10d) received on 22 February 2018;
  - Overall visibility splays (08d) received on 22 February 2018;
  - Expanded plans showing area affected by improved visibility (RHS) Sheets 1-6 (16e, 17b, 18d, 19b, 20a, 21b) received on 5 and 22 February 2018;
  - Expanded plans showing area affected by improved visibility (LHS) Sheet 1 of 5 (11c) received on 30 January 2018;
  - Expanded plans showing area affected by improved visibility (LHS) Sheets 2, 3 and 4 of 5 (12a, 13a, 14a) received on 11 April 2017;
  - Expanded plans showing area affected by improved visibility (LHS) Sheet 5 of 5 (15b) received on 19 December 2017;
  - Existing and proposed site sections – North East and South West (22b) received on 2 March 2018;
  - Existing and proposed site sections – South East and North West (23b) received on 2 March 2018.
  - Floor plan and elevations of stable block (06D) received on 2 March 2018.
- 3 The development hereby approved shall only be occupied by the following and their resident dependents: Mr Adam Evans; Miss Leane Evans; Mr Clarence Charles John Evans and Ms Jean Clarke.



- 4 When the land ceases to be occupied by those named in condition number 3 above, the use shall cease and all caravans, structures, materials and equipment brought onto or erected on the land, or works undertaken to it in connection with the use (with the exception of the hedge translocation works, planting proposals and new field entrance previously approved under planning application reference S/33962), shall be removed and the land shall be restored to its condition before the development took place within six calendar months of that date.
- 5 The permission hereby granted is for a temporary period of four years from the date of this planning permission following which the use shall cease and all caravans, buildings, structures, materials and equipment brought on to, or erected on the land, or works undertaken to it in connection with the use (with the exception of the hedge translocation works, planting proposals and new field entrance previously approved under planning application reference S/33962) shall be removed, and the land restored to its condition before the development took place within six calendar months of this date.
- 6 No more than two static and two mobile caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 shall be stationed on the site at any time.
- 7 No commercial or business activities shall take place on the land, including the storage of materials, nor shall any vehicle over 3.5 tonnes be stationed, parked or stored on the site.
- 8 Within two months of the date of this permission, a method statement for the proposed hedgerow translocation works required to accommodate the visibility splays required by condition 10, as shown on the overall visibility splays drawing (08d) received on 22 February 2018, shall be submitted for the written approval of the local planning authority, to include methodology, hedgerow aftercare and a detailed programme of works. The works shall be carried out in strict accordance with the approved details.
- 9 Within two months of the date of this permission a scheme of landscaping of the development which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant supply sizes and proposed numbers/densities; and implementation programme shall be submitted for the written approval of the local planning authority. The works shall be carried out in strict accordance with the approved details.
- 10 Any access gates shall be set back a minimum distance of 12.0 metres from the highway boundary, and shall open inwards into the site only.
- 11 A visibility splay of 2.4 metres by 160 metres shall be provided either side of the site access within 4 months of the date of this planning permission and shall be retained thereafter in perpetuity.
- 12 The parking spaces and layout shown on the plans herewith approved shall be retained, unobstructed, for the purposes of parking only. In particular, no part of the parking or turning facilities is to be obstructed by non-motorised vehicles.

- 13 The site access road shall be hard-surfaced for a minimum distance of 10 metres behind the nearside B4306 carriageway edge. The hard surfacing shall be fully carried out within 4 months of the date of this planning permission and retained thereafter in perpetuity.
- 14 Within two months of the date of this permission, detailed elevational and floor plan drawings of the proposed day/utility room shall be submitted for the written approval of the local planning authority. The development shall be implemented in accordance with the approved details.

## **REASONS**

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 To ensure that only the approved works are carried out.
- 3 To restrict the occupancy of the site.
- 4-6 In the interests of visual amenity.
- 7 In the interests of visual amenity and safeguard the amenity of adjacent land users.
- 8+9 In the interest of visual amenity and to safeguard/retain existing landscape features.
- 10-13 In the interests of highway safety.
- 14 In the interest of visual amenities.

## **NOTE(S)**

- 1 Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

In addition, any Conditions which the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers') responsibility to ensure that the terms of all Conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any Conditions which require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

Failure on the part of the developer to observe the requirements of any other Conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.

- 2 Comments and guidance received from consultees relating to this application, including any other permissions or consents required, is available on the Authority's website ([www.carmarthenshire.gov.uk](http://www.carmarthenshire.gov.uk)).