

<b>Application No</b>	<b>E/37947</b>
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<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	THE RETENTION OF A RESIDENTIAL GYPSY CARAVAN, EARTH WORKS TOGETHER WITH THE ERECTION OF A DAY/UTILITY ROOM, PARKING FOR ONE TOURING CARAVAN, PARKING AND TURNING AREA AND INSTALLATION OF SEPTIC TANK AT LAND AT TERNAYMAR FIELDS, OFF BRYNCEITHIN ROAD, GARNANT, SA18 1YS

<b>Applicant(s)</b>	MR HENRY RIGERS, LAND AT TERNAYMAR FIELDS, OFF BRYNCEITHIN ROAD, GARNANT, SA18 1YS
<b>Agent</b>	HAYSTON DEVELOPMENTS & PLANNING LTD, ANDREW VAUGHAN-HARRIES, THE PLANNING STUDIO, HAYSTON BRIDGE, JOHNSTON, HAVERFORDWEST, SA62 3HJ
<b>Case Officer</b>	Andrew Francis
<b>Ward</b>	Garnant
<b>Date of validation</b>	22/10/2018

## REASON FOR COMMITTEE

This application is being reported to the Planning Committee following the receipt of more than one objection from third parties

## SITE

The application site consists of a broadly rectangular shaped parcel of land located on the westerly flank of Bryncethin Road, Garnant in a countryside location on the northern face of the Amman Valley. The site is located approximately 1.4 kilometres to the south of the main road through the village and extends to approximately 0.13 of a hectare in area.

Having previously consisted of a grassed field enclosure with a gated entrance onto the Bryncethin Road close to its eastern perimeter, the southern section of the field has since been built up with hardcore and gravel to form a level surface to accommodate residential accommodation in the form of one static caravan along with two wooden buildings used to store tools and produce. The existing access has been improved onto Bryncethin Road at the southern eastern corner 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 timber shed and a plastic portable toilet. The hardstanding area is

bounded to the south with the existing hedge and tree line and has no boundary along its northern edge with the rest of the field.

The surrounding area is of a rural character and appearance consisting of field enclosures interspersed with wooded areas and established detached dwellings. The roadway has a single carriageway and has no footways or pedestrian facilities. The site is approximately 1.5 kilometres from the centre of the village of Garnant and its facilities and services while the Town of Ammanford is located some 6.2 kilometres to the west along the A474.

## **PROPOSAL**

The application seeks retrospective planning permission for the siting of one static caravan on the site together with the improvement of the access and hardstanding area. The proposal also includes grassing of the northern part of the hard standing, with a boundary fence along the field boundary; the retention of the existing stable building along with the proposed siting of a utility/day room building, a touring caravan together with associated parking and turning areas. The site is to be used for residential purposes by the applicant, who is a member of the gypsy/traveller community.

The static caravan is to be sited on the northern edge of the hardstanding area adjacent to the proposed new utility/day room building, which will be sited approximately halfway along the width of the site. This is to consist of a mobile portacabin structure measuring 8.35 metres in length by 5.75 metres in width and 4 metres in height and will be flanked by two no. parking spaces. The stable building is of a timber frame construction with timber-clad elevations.

Foul water from the development is disposed of via a proposed septic tank located in the north-western part of the existing hardstanding, near the stable building on a part that is to be grassed over. Surface water is disposed of via soakaways within the development. The remainder of the field (0.76 ha) is to remain as a field paddock and is accessed from the hardstanding area via a gated entrance at the western edge of the site, off the turning area.

The supporting statement accompanying the application confirms that the applicant is a descendant of a long established Romany Gypsy family and describes their lifestyle as falling within the definition of "travellers" as defined in Welsh Assembly Circular 005/2018 "Planning for Gypsy, Traveller and Showpeople Sites".

Historically, the family are from the Berkshire area. Specifically, the applicant has lived in family caravans and worked in agriculture and fairgrounds as a younger man. Latterly, this was supplemented by lorry driving and included a move for himself and his wife and children to Hampshire, where they stayed until 2012. The applicant and his family moved to Pen Y Waun, Bryncethin Road in 2012 and was prepared to live in a bricks and mortar property due to the 2.8 Ha of land which came with the property and allowed for the breeding of horses and sheep along with seasonal agricultural work on the road in the summer months.

Due to the marriage break down, the applicant has been left homeless and has moved into the static caravan on Pen Y Waun land, the subject of this application.

## PLANNING SITE HISTORY

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

NONE

## 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. 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. As such, the relevant policies for the consideration of this application are:

[Carmarthenshire Local Development Plan](#) (Adopted December 2014) ('the LDP')

Policy H7

Policy GP1

Policy EQ4

Policy TR3

Welsh Government Circular 005/2018

## SUMMARY OF CONSULTATION RESPONSES

**Head of Transport** – Recommends the imposition of planning conditions.

**Cwmamman Town Council** – Object to the application on the following grounds:-

- The application site is in an unsustainable location 3km along a single track road with no facilities or services located within a reasonable distance.
- The site will cause detriment to nearby residents who have also objected to this proposal.
- There is currently a problem with the existing water supply to the dwellings at Bryncethin Road. Any additional demand will have a detrimental effect.
- The proposal will have an adverse effect on the landscape as it is on a north facing slope in the open countryside and directly visible from adjacent villages, thus making it incongruous with the local surroundings.

**Local Member** - County Councillor K Madge is a Member of the Planning Committee and has therefore made no prior comment to this application.

**Dwr Cymru/Welsh Water** – No objection.

**Neighbours/Public** – The application has been publicised with the posting of a site notice on the entrance to the site. In response, a forty four name petition along with eight third party letters of representation from seven separate residences have been received which raises the following issues of concern:-

- There is a need to ensure the applicant qualifies as a gypsy or traveller.
- The application site is in an unsustainable location, at least 1.5 km from the centre of Garnant which is classed as a Local Service Centre and cannot provide reasonable access to the range of facilities required and contrary to policy H7
- The current residents at this location regularly lose water pressure due to broken pipes. More demand will exacerbate the problem.
- The development is unsightly and not in keeping with the surrounding area. The site will be visible from the south facing slope across the valley which is the southernmost edge of the Brecon Beacons National Park.
- The road has a steep incline and is used by dog walkers and horse riders of all ages. They will be at risk with the increase in traffic given the lack of passing places.
- The road is unsuitable for heavy or long vehicles which cannot turn around. The road cannot cope with an increase in traffic, in particular vehicles towing caravans or horse trailers.
- One static caravan will lead to more with no control exercised. This could lead to a caravan park.
- The applicant has tried to hide his plans from local residents by taking down the site notice.
- There is a property in this location that cares for vulnerable children and young adults, but due to their issues, they have a high risk of absconding. More traffic will mean they are at more risk. The extra noise will also be problematic for their issues.
- Fly tipping occurs in this location. If that can't be controlled here, how can a caravan park?
- The applicant has already converted an old stable on the farm, near the house into living accommodation. Could that be used?
- The applicant told the neighbours that the hardstanding and caravan was for his son to use, yet now it is for himself. The applicant rarely uses the caravan to sleep in and continues to sleep in the house.

All representations can be viewed in full on our [website](#).

## **SUMMARY OF PUBLIC REPRESENTATIONS**

The application has been publicised with the posting of a site notice on the entrance to the site. In response, a forty-four name petition along with eight third party letters of representation from seven separate residences have been received, along with an objection from Cwmamman Town Council. The following points of objection are summarised and discussed:

## **Sustainability**

- The application site is in an unsustainable location 3km along a single track road with no facilities or services located within a reasonable distance.
- The application site is in an unsustainable location, at least 1.5 km from the centre of Garnant which is classed as a Local Service Centre and cannot provide reasonable access to the range of facilities required and contrary to policy H7
- The site will cause detriment to nearby residents who have also objected to this proposal.
- There is currently a problem with the existing water supply to the dwellings at Bryncethin Road. Any additional demand will have a detrimental effect.

In terms of sustainability specifically, the site is typical of many rural locations in that its distance from local facilities in the village of Garnant 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 Garnant/Glanamman and its range of services and facilities. Furthermore, it is fairly close to Ammanford and the occupiers will also therefore have easy access to the higher order facilities available in this wider area.

## **Services**

- The current residents at this location regularly lose water pressure due to broken pipes. More demand will exacerbate the problem.
- There is currently a problem with the existing water supply to the dwellings at Bryncethin Road. Any additional demand will have a detrimental effect.

Perhaps the point of concern most consistently raised relates to the lack of water pressure and the poor state of the mains water system in this part of Bryncethin Road. Any additional load upon this mains system will cause it to be under even more stress. In their consultation response, Dwr Cymru Welsh Water do not raise any concern regarding this issue which means that it must be assumed that they are happy to allow another connection. As such, despite the evidence of this concern, this point of objection cannot be sustained.

## **Visual Amenity**

- The proposal will have an adverse effect on the landscape as it is on a north facing slope in the open countryside and directly visible from adjacent villages, thus making it incongruous with the local surroundings.
- The development is unsightly and not in keeping with the surrounding area. The site will be visible from the south facing slope across the valley which is the southernmost edge of the Brecon Beacons National Park.

A common ground of objection amongst respondents is that the site is located outside the development limits of Garnant 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 005/2018 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 is adjacent to 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 Garnant. Roadside screening provided by the existing hedgerows, so the only view is in the area of the gate which would mean that the visual effect of the site upon the area is to the extent that it will not unacceptably challenge the objectives of the Circular or policies H7 and GP1 of the LDP.

### **Highways Concerns**

- The road is unsuitable for heavy or long vehicles which cannot turn around. The road cannot cope with an increase in traffic, in particular vehicles towing caravans or horse trailers.
- The road has a steep incline and is used by dog walkers and horse riders of all ages. They will be at risk with the increase in traffic given the lack of passing places.

Turning to the matter of highway safety, the Authority's Head of Transport has now commented on the proposal, offering no objections, subject to the imposition of planning conditions. As such, it is considered that the access to the site is considered to be acceptable to serve the one residential unit proposed. Vehicles will therefore be able to safely access and egress the site.

A further issue relates to the single track width of the road and lack of passing places for a distance of approximately 720 metres along the length of Bryncethin Road. The increase in vehicular movements brought about by the extra residential unit is not considered to be an issue by the Head of Transport.

### **General Amenity Concerns**

- There is a property in this area that cares for vulnerable children and young adults, but due to their issues, they have a high risk of absconding. More traffic will mean they are at more risk. The extra noise will also be problematic for their issues.
- Fly tipping occurs in this location. If that can't be controlled here, how can a caravan park?

- One static caravan will lead to more with no control exercised. This could lead to a caravan park.

The issues raised with regard to this application and amenity aren't typically related to overlooking or privacy as they normally are, given the distances involved. They are however related to issues of noise due to increased vehicular movements and the potential for more ad hoc and unauthorised development to occur at this site.

With regard to the issue of noise from traffic in particular, it is expected that the vehicular movements from one extra residential unit would not be so untoward that it would cause enough harm to recommend that this application is refused. Part of this noise concern relates to the construction vehicles, though as Members will be aware, the disruption during development cannot be considered as we are only looking at the developed proposal.

With regards to the concern that more unauthorised caravans will be brought onto the site, these would be in breach of planning law and as such, if the LPA were to be made aware of such breach, we could investigate and enforce against it.

### **Gypsy Status and Need for Caravan**

- There is a need to ensure the applicant qualifies as a gypsy or traveller.
- The applicant has already converted an old stable on the farm, near the house into living accommodation. Could that be used?
- The applicant told the neighbours that the hardstanding and caravan was for his son to use, yet now it is for himself. The applicant rarely uses the caravan to sleep in and continues to sleep in the house.
- The applicant has tried to hide his plans from local residents by taking down the site notice.

Based on the evidence submitted with the application, there is nothing to suggest that the applicant is not a gypsy and does not qualify for traveller status. As such, the Authority is happy to continue to consider this application on the basis of policy H7 and Welsh Planning Circular 005/2018.

If the applicant has separated from his wife, living in the dwelling's annex would potentially be too close to the main dwelling for the applicant to stay.

With regard to the issue of the person intended to use the caravan, this potentially adds into the main point of concern for this application. Given what has been verbally said by some people in relation to this application, there is some doubt regarding the integrity of this application. The main issue with this application relates to the concern that the applicant and his wife have not separated, as a result, this application is a deception and is an attempt to get a residential unit in the open countryside.

Given these comments and despite the clarification that has been sought from the applicant's Agent, in the absence of anything other than anecdotal evidence it falls for the local planning authority to consider the application as submitted.

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.

All representations can be viewed in full on our [website](#).

## **APPRAISAL**

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

### **Well-being of Future Generations (Wales) Act 2015**

The decision considers 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). The decision takes into account the ways of working set out at section 5 of the WBFG Act and it is considered that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

## **CONCLUSION**

Circular 005/2018 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. Notwithstanding this there are currently no allocated sites in the Ammanford 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.

Circular 005/2018 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, it is the Authority's intention to identify and designate a new site in the revised LDP to meet the identified need. However, this is in the Llanelli area which would be sufficiently distant from the application site for it to be outside the 'catchment' area. As such, outside of this area, each case is being considered on its individual merits.

This advice is repeated following advice from the relevant Housing Officer. Given the distance involved to the County site, it is advised that this application should be treated on its individual merits. Furthermore, the concern raised regarding the relationship status of the applicant doesn't necessarily raise policy objections, given the gypsy and traveller status of the applicant. It is understood that people of gypsy or traveller status may own property, but may not feel comfortable sleeping in that property so can seek to keep a caravan or a development such as the one applied for in this application on the land. Therefore, the provision of the development on this land is in accord with that consideration. The application site is in fairly close proximity to the residential dwelling, on the opposite side of Bryncethin Road.



Further to the above there are no ecological comments made on this application from the Authority's Planning Ecologist and no objections have been raised by the Coal Authority or Natural Resources Wales.

On balance, despite the objections raised by the neighbouring properties, nothing submitted, when subject to careful scrutiny, would justify a refusal of this planning application. As such, this application is recommended for approval.

## **RECOMMENDATION – APPROVAL**

### **CONDITIONS**

- 1 The development shall begin no later than five years from the date of this decision.
- 2 The development shall be carried out in accordance with the details shown on the following schedule of plans received on the 7 September 2018:-
  - Block and Location Plan (02) 1:500, 1:2500;
  - Drawing Context Section (06) 1:100;
  - Drawing Context Section (06) 1:100;
  - Drawing Floor Plan and Elevations of Day Room (04) 1:50, 1:100;
  - Drawing Location Plan (01) 1:5000;
  - Drawing Photo Montage Sheet 1 (07) 1:100;
  - Drawing Septic Tank Details (05) 1:20;
  - Drawing Site Plan (03) 1:1250 @ A3.
- 3 The site shall not be occupied by any persons other than gypsies and travellers as defined in Section 108 of the Housing (Wales) Act 2014 and Paragraph 2 of Circular 005/2018 – 'Planning for Gypsy, Traveller and Showpeople Sites'.
- 4 The occupation of the site hereby permitted shall only be by Mr Henry Rigers and his resident dependants.
- 5 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.
- 6 The access, visibility splays and turning area required, shall be wholly provided prior to any part of the development being brought into use, and thereafter shall be retained unobstructed in perpetuity. In particular, no part of the access, visibility splays, or turning area, is to be obstructed by non-motorised vehicles.
- 7 The parking spaces and layout shown on the plans herewith approved shall be provided prior to any use of the development herewith approved. Thereafter, they shall be retained, unobstructed, for the purpose of parking only. In particular, no part of the parking or turning facilities is to be obstructed by non-motorised vehicles.
- 8 All surface water from the development herewith approved shall be trapped and disposed of so as to ensure that it does not flow on to any part of the public highway.

- 9 No surface water from the development herewith approved shall be disposed of, or connected into, existing highway surface water drains.
- 10 The access shall be hard surfaced in a bonded material for a minimum distance of 5.0 metres behind the highway boundary, prior to any part of the development approved herewith being brought into use and thereafter maintained in perpetuity.
- 11 When the land ceases to be occupied by those named in Condition 4, 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, shall be removed and the land shall be restored to its condition before the development took place within 3 calendar months of that date.

## **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.
- 3-4 To restrict the occupancy of the site.
- 5 In the interests of visual amenity and safeguard the amenity of adjacent occupiers and land users.
- 6-10 In the interests of highway safety.
- 11 To ensure the restoration of the site when the use ceases.

## **REASONS FOR DECISION**

The decision to grant planning permission has been taken in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise.

- The proposal complies with policy GP1 of the LDP in that it is appropriate in terms of scale, design and layout, will not unacceptably harm the character and appearance of the area or cause unacceptable loss of amenity to neighbouring properties.
- The proposal complies with policy H7 of the LDP in that it is accessible to existing services and facilities and main transport routes, will not be detrimental to adjacent land uses and occupiers, and cause no unacceptable landscape impacts.
- The proposal complies with policy E4 in that it will cause no unacceptable biodiversity or ecology impacts.
- The proposal complies with policy TR3 of the LDP in that it will not result in any unacceptable highway or amenity impacts on the surrounding highway network.

## NOTES/INFORMATIVES

- 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)).