

Application Number: DM/2020/00883

Proposal: Variation of condition 3 of planning permission DM/2019/01480 to enable up to 4 touring caravans to be parked on site for the use permitted under planning permission DM/2019/01480, and removal of condition 4 (the limitation to a personal consent) from planning consent DM/2019/01480

Address: Land Adjacent Sunnybank, A48 Crick to Parkwall Roundabout, Crick, Monmouthshire

Applicant: Mr. Martin Flynn

Plans: Location Plan

RECOMMENDATION: Split decision

Case Officer: Mr. P. Thomas

Date Valid: 07.07.2020

This application is presented to Planning Committee at the request of the Local Member

Previous Planning Committee on 1st September

- 1.1 This planning application was considered on 1st September 2020 where members took a split decision regarding the proposals to vary condition 3 and remove condition 4 of the previous planning consent DM/019/01480. The planning committee resolved to refuse the removal of condition number 4 and agreed with the officer recommendation to reword the condition accordingly as outlined in the report below. This element of the application has been determined.
- 1.2 The planning committee deferred the variation of condition 3 which seeks to enable up to 4 touring caravans to be parked on site for the use permitted under planning permission DM/2019/01480. This element of the application was deferred to seek amended plans to demonstrate that up to four touring caravans can be accommodated on site plus space for parking and turning, as well as two park homes and utility blocks. A plan that outlines the dimensions of the site has been provided to aid the member's consideration of the proposal. The application seeks to site the touring caravans anywhere within the site and there is a space of approximately 42m x 28m where the touring caravans could be sited (excluding park homes, day room and utility room). Concerns were raised by members regarding highway safety and the overdevelopment of the site. The siting of touring caravans on the site would not have an adverse impact on highway safety and there is a considerable turning area within the site measuring 4.65m x 16.7m. This would be a sufficient space for turning the caravans particularly given a caravan can be largely manoeuvred via its axle. The Council's Highways Officer has no objection to the proposal and raised no objection to the proposals within the previous planning application DM/2019/01480 stating that "*The development would not generate traffic manoeuvres that would be detrimental to highway safety or capacity on the local network*". To aid committee members with the consideration of highway safety matters the Council's Highways Officer will be in attendance at the Planning Committee meeting.
- 1.3 Committee also raised concerns regarding an overdevelopment of the site and the visual impact of the touring caravans. The site is capable of accomdatating the touring caravans and given the characteristics of the site and the erected fencing views of the site would be limited. The site would be apparent from the A48 immediately adjacent to the southern boundary, but it is screened behind an erected timber fence and the site is assimilated into the surrounding landscape. The site is principally viewed when passing the site along the A48 and this is generally a transitory view only. The site is next to the M48 bridge and a residential property and it is not viewed from any wider public vantage points The impact of siting touring caravans on the site would not be harmful to the character and appearance of the area.
- 1.4 Planning officers recommend that the variation of condition 3 is approved to allow the site to accommodate up to 4 touring caravans at the site as outlined in the previous report below.

- 1.5 If planning committee members are minded to refuse the proposed variation of condition number 3 against the advice of their officers to conclude the determination of this application two reasons for refusal based on the concerns that were raised at the previous meeting are outlined below for consideration.

The reasons for refusal offered to reflect those concerns are set out below:

1. The siting of touring caravans at the site would represent an overdevelopment of the site that would have an unacceptable impact on the visual amenity of the area. The development is therefore contrary to Policies DES1 (b) (c) (e), EP1 and LC5 of the adopted Monmouthshire Local Development Plan.

2. The siting of touring caravans at the site would have an unacceptable impact on highway safety given the inability for the caravans to be towed from the site safely contrary to the requirements of Policy MV1 of the Monmouthshire Local Development Plan.

PREVIOUS REPORT

1.0 APPLICATION DETAILS

1.1 The application DM/2019/01480 that sought planning permission for the change of use of land to accommodate two park homes and up to four touring caravans – for Traveller needs (private family site only) was approved on 14 February 2020 subject to conditions. The applicant now seeks to modify condition 3 and remove entirely condition 4 of that permission.

Condition 3 states:

3. Notwithstanding the details of the approved plans, the development hereby approved shall be limited to the installation of two park homes as detailed and the erection of the utility buildings. No part of the application site shall be used for touring caravans.

REASON: More than two park homes on the site would intensify the use and would constitute unjustified development relative to the identified demand for such facilities evidenced by the 2016-2021 Monmouthshire County Council Gypsy and Traveller Accommodation Assessment. The increase in development would be unacceptable with regards to the visual impact on the character and appearance of the application site and wider area in compliance with the LDP policies S13, S17, EP1 and DES1.

The reasons behind the applicant seeking the modification of condition 3 are set out as follows:

It is considered unreasonable to give permission for a small site (for Traveller needs) for a family of Irish Traveller origin and not allow some touring caravans on that site. It is requested that this condition to be removed or changed to allow the four touring caravans on site for the personal use of the applicant and his immediate family.

The applicant reluctantly agreed to the removal of touring caravans at the Planning Committee meeting in February as he thought he wasn't going to get a future home for his family, agreeing only on the basis that he thought the permanent residency on the site for his and his son's family had to take priority.

The applicant's advisors Travelling Ahead have advised officers that it is normal practice for any nomadic family's way of living to own and travel in caravans. Travelling may be reduced these days in comparison to the past but family life still revolves around caravans and they are also needed for older children to sleep in as they reach young adulthood to ensure separation of the sexes in keeping with the very important Gypsy and Traveller cultural traditions. It is considered that the reasons given to require the caravans not to be part of the permission which related to visual appearance of the site should be challenged – Travellers should not have to compromise on their traditional ways of life when there is a lack of site provision for them and they are trying to provide for themselves. Not only does human rights legislation protect the rights of Romany and Travellers to receive respect for their home and family life but the Court of Appeal, in *The Mayor and Burgesses of the London Borough of Bromley v Persons Unknown* [2020] EWCA Civ 12, has delivered a unanimous judgment reaffirming the rights of the Romany ('Gypsy') and Traveller community to live in accordance with their traditional, nomadic way of life and reaffirms the centrality of a nomadic lifestyle to Romany and Traveller tradition and culture.

The recent court judgement makes clear that:

"The Court considers that the applicant's occupation of her caravan is an integral part of her ethnic identity as a Gypsy, reflecting the long tradition of that minority of following a travelling lifestyle. This is the case even though, under the pressure of development and diverse policies or by their own choice, many Gypsies no longer live a wholly nomadic existence and increasingly settle for long periods in one place in order to facilitate, for example, the education of their children. Measures affecting the applicant's stationing of her caravans therefore have an impact going beyond the right to respect for her home. They also affect her ability to maintain her identity as a Gypsy and to lead her private and family life in accordance with that tradition."

In addition, the applicant believes that any other family would be entitled to keep their own caravan on a driveway or on land owned by them adjacent to their dwelling – this does not require planning permission. A settled family would not be prevented from parking their caravan or camper van on their own drive for when they go 'travelling'.

The applicant wishes this condition either to be removed or varied so that up to 4 caravans for the personal use of his immediate family only (i.e. the applicant and his son's family and their children) are permitted to be parked on the site rather than for the wider family use as set out in the original application. The touring caravans are not for wider use and shall be used for the immediate family only.

Condition 4 states:

4. The park homes hereby permitted shall be for the benefit of Mr. Martin Flynn (Senior) Mr. Martin Flynn (Junior) and their associated dependants and shall enure only for the period which the premises is occupied by Mr. Martin Flynn (Senior) Mr. Martin Flynn (Junior) and their associated dependants . When the site ceases to be occupied by any Mr. Martin Flynn (Senior) Mr. Martin Flynn (Junior) and their associated dependants, the use hereby permitted shall cease and any mobile home and all ancillary equipment and structures brought to the site in connection with the residential use shall be removed from the site.

REASON: To limit the occupation of the site to the family. Any variance in occupation would be contrary to the requirements of policy S1 which seeks to prevent and limit development in the open countryside. In compliance with the LDP policies S1 and H8.

The reason for the applicant seeking to remove condition 4 is on the grounds of discrimination in that it is argued that no settled family would be given planning permission and told it was only for named people. This would be the applicant and his family's home, just like a bricks and mortar house would be for a settled family's home. The applicant owns the land, will build the site, will invest in it, will live in it and wants his children and grandchildren to grow up there, but life may change in the future for anyone. They have not been granted temporary planning permission - this is permanent planning permission and the applicant wants this condition removed.

1.2 In October 2019, planning permission was granted for the change of use of the land for the keeping of horses and erection of stables (application DM/2019/01149 refers). As part of that application an area of fenced hardstanding to accommodate the stables and a hard surfaced turn out area was approved in the northern part of the site.

1.3 Under the later permission, DM/2019/01480 approval was given for shower rooms, toilets and day room facilities, with the park homes provided to the east of the approved building. The intervening space between the approved building and the two park homes was proposed to be used to accommodate up to four touring caravans. It is of the applicant's opinion that the space would be capable of accommodating four 5.5m x 2.3m touring caravans. The applicant has indicated that on-site parking would be provided adjacent to the driveway and to the south-west of the enclosed area.

1.4 A cesspit /septic tank was approved to be provided on the land to the south-west of the enclosed area.

1.5 The land to the south-east of the enclosed hardstanding would be re-sown with grass seed and used as an area of amenity space.

1.6 The applicant has actively participated in the last and most recent Gypsy, Traveller Accommodation Assessment (GTAA). Details of the applicant's personal circumstances and subsequent need is set out in the documents submitted in support of application

Site appraisal

1.7 The application site comprises a modest parcel of land positioned to the north of the A48, to the east of M48 and to the west of a residential property known as Sunnybank. The land is positioned on a gradient falling from north to south and is defined by an embankment to the north and along part of the western boundary and a mature hedge to the east. At the time of inspection the area is being developed to accommodate development approved under DM/2019/01480, including provision of a utility block, fencing and gates. Access is gained via an existing driveway leading from the A48 to the south-west of the site over which the applicant has a right of access.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2019/01149	Change of use of land for the keeping of horses and erection of stables	Approved	08.10.2019
DM/2019/01480	Change of use of land to accommodate two park homes and up to 4 touring caravans- Traveller needs (private family site only)	Approved	14.02.2020

DM/2020/00333 Discharge of condition 5 (bank structural stability), condition 6 (soft landscaping scheme) plus condition 8 (parking and turning areas) and 9 (timber cladding details) relating to DM/2019/01480 (change of use of land to accommodate two park homes and up to 4 touring caravans (private family site only) Approved 09.03.2020

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 LDP The Spatial Distribution of New Housing Provision
S12 LDP Efficient Resource Use and Flood Risk
S13 LDP Landscape, Green Infrastructure and the Natural Environment
S16 LDP Transport
S17 LDP Place Making and Design

Development Management Policies

MV1 LDP Proposed Developments and Highway Considerations
DES1 LDP General Design Considerations
H1 LDP Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements
H3 LDP Residential Development in Minor Villages
H8 LDP Gypsy, Traveller and Travelling Showpeople Sites
SD3 LDP Flood Risk
SD4 LDP Sustainable Drainage
LC1 LDP New Built Development in the Open Countryside
LC5 LDP Protection and Enhancement of Landscape Character
GI1 LDP Green Infrastructure
NE1 LDP Nature Conservation and Development
EP1 LDP Amenity and Environmental Protection

Other Policy Considerations

Monmouthshire County Council Gypsy and Traveller Accommodation Assessment 2016-2021
Welsh Government Circular 005/2018 Planning for Gypsy, Traveller and Showpeople Sites
June 2018
Welsh Government Enabling Gypsies, Roma and Travellers Plan June 2018

4.0 NATIONAL PLANNING POLICY

Planning Policy Wales (PPW) Edition 10

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. A well-functioning planning system is fundamental for sustainable development and achieving sustainable places.

The planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well-being, creating prosperity for all.

5.0 REPRESENTATIONS

5.1 Consultation Replies

Mathern Community Council - Recommend the application be refused.

The Community Council has considered this new application and would refer the Planners back to our original comments made in respect of the original application DM/2019/01480.

The Community Council believe these comments are still valid and its opinion has not changed.

These views should be fully considered by the Planners in determining this application and we would recommend refusal on the grounds of over development of the site, highway issues and lack of turning space on site plus the aesthetics taking into account the highly visual location of the site.

Previous comments relating to DM/2019/01480:

We have structured our comments round the criteria set for considering such sites as noted in policy H8 (Policy for Gypsy and Traveller sites).

"a) Would enable the established need to be met at a location that is accessible to schools, shops and health care, by public transport, on foot or by cycle"

Assuming a need has been established in this location, the site is well connected to local amenities and transport routes.

"b) Have a safe and convenient access to the highway network and will not cause traffic congestion or safety problems"

We do not believe that safe and convenient access to the site can be afforded and that extended vehicles accessing and egressing the site will pose safety problems.

Large and long vehicles will have to slow down completely to access the site and will similarly have to leave the site at very low speed, entering or exiting onto a 60mph stretch of road, potentially crossing the line of traffic.

Due to the scale of the development proposed on such a small site and based upon the layout drawings contained in the application there is no available, allocated area on site to turn long vehicles to ensure that they can enter and leave the site in forward gear. This may force vehicles to have to reverse onto the main road with obvious severe safety implications.

It should be noted that a number of years ago a fatal accident occurred just up the hill from this site, in the 60mph zone, where a motorcycle collided with a tractor and trailer. The tractor and trailer at that time were turning across the flow of traffic.

On the basis of the above we believe that safe access both on and off the site is not possible for extended vehicles.

"c) Are of a suitable size to allow for the planned number of caravans, amenity blocks, play area (for children on sites housing multiple families), the access road and include sufficient space for the parking and safe circulation of all vehicles associated with occupiers within the curtilage of the site"

The information supplied with the application notes the location of the Park House units and amenity blocks. These are located on the relatively flat plateau area of the site. As the site overall falls sharply to the A48, the area above the proposed Park Homes is not developable and the grass area noted to the lower section of the site is very steep and not suitable for housing 4 visiting caravan pitches. At wet times of the year this grassed area of land would not be accessible by vehicles as it becomes very wet and would just cut up. Caravans would not be able to be levelled or accessed on this site without hardstanding and terracing works.

The site overall is not large enough to house the proposed two Park Homes, two amenity blocks, 4 traveller pitches plus the necessary vehicle parking and circulation/turning areas. On this basis we believe that the proposal represents a complete overdevelopment of the site posing associated health and safety and visual amenity issues.

"d) Do not occupy a prominent location and are consistent with the LDP policies for protecting and enhancing character and distinctiveness of the landscape and environment. Where necessary the proposal will include mitigating measures to reduce the impact, and assimilate the proposal into its surroundings e.g. screening and landscaping"

The current land use is agricultural/stabling. The reference in the application to the use of the site as a quarry was not a permitted/authorised land use.

The site is in a very prominent position at the entrance to (or exit from) the village of Crick. It commands an elevated position clearly visible from the A48. The proposed development would not be in keeping with the vernacular of houses within the village, many of which are of a significant age and heritage. The mix of modern Park Homes, masonry utility blocks and caravans would significantly impact the visual amenity of the village especially in such a rural setting in a prominent location

The proposed buildings and caravans are out of context and would have a significant impact on the character and distinctiveness of the village of Crick.

"e) Avoid areas at high risk of flooding and proximity to uses with potential sources of pollution or emissions"

The land is not at risk of flooding but the lower grassed area of the site does experience significant water run-off from the upper sections of the site, restricting its use in wet periods.

"f). Are of an appropriate scale to their location and do not have an unacceptable impact on the amenities of neighbouring land uses"

As noted under headings c) and d) above this Council believe that there will be a significant visual impact on the village in general and neighbouring properties. This Council believes the proposal represents an overdevelopment of the site and poses a safety risk to road users.

"g) Are served, or can be served, by adequate on site services for water supply, power, drainage, sewer disposal, and waste disposal (storage and collection), and for travelling show people that there is a level area for outdoor storage and maintenance of equipment"

We are not aware of any services issues regarding the site.

We would note that on the basis of the information contained within the application, there is not any level area allocated for the outdoor storage and maintenance of equipment. Again any such area could have a detrimental effect on the visual impact of the site if provided. There are similarly no level, accessible areas identified for visiting caravans.

Should Monmouthshire County Council have a commitment to meet the accommodation needs of the Gypsy and Traveller community, a more suitable and appropriate site should be sought.

Environmental Health (comments in relation to DM/2019/01480) - If the site has planning permission approved for permanent residential mobile homes they will need to obtain a site licence under the Mobile Homes (Wales) Act 2013 from the Environmental Health department.

Housing Strategy and Policy Officer (comments in relation to DM/2019/01480) - The applicants have participated in the adopted and most recent Gypsy Traveller Accommodation Assessment (GTAA) which is currently under review.

The adopted GTAA found evidence of need for 8 sites within the authority with none currently indicated or allocated as part of the Local Development Plan. As part of this process, the applicant was identified as being in housing as a result of a cultural aversion to conventional housing.

The Council are currently reviewing the GTAA. At this time the projections indicate an increase in demand in the Authority. The applicant has again participated in the study and although housed in a dwelling, has been identified as being in housing need as a result of ongoing cultural aversion.

SEWBRc Search Results - priority species have been identified within 48m of the site.

5.2 Neighbour Notification

The application has been advertised by direct neighbour notification and the erection of a site notice. No letters have been received.

5.3 Local Member Representations

The Ward Member has requested the application be presented to Committee to allow for considerations with regards to planning policy and highway concerns.

6.0 EVALUATION

6.0.1 The site already has approval for the two residential park homes for gypsy and traveller family use and associated outbuildings – utility area and shower block - as well as parking areas, enclosures, gates and landscaping under planning permission DM/2019/01480 and the discharge of condition consent DM/2020/00333.

6.0.2 The site was considered acceptable as an exception to the normal constraint not to allow residential development in the open countryside, given the close proximity of the site relative to Crick, the identified need for provision as part of the Council's Gypsy & Traveller Accommodation Assessment (GTAA), the acknowledged lack of Council site provision, the applicant's specific housing need and the family's human rights, relative to the emphasis provided as part of circular 005/2018.

6.0.3 Concerns have been raised with the regards to the visual impact of the touring caravans being parked on site which Members concluded would give rise to an over-development of the site. This is considered below.

6.1 The variation of condition 3 to allow touring caravans on site

6.1.1 The key concern of Members regarding the provision of up to four touring caravans on site was that this would be visually harmful as an over-development of the site. Officers had recommended approval of the site previously and considered the limited number of touring caravans would be an acceptable element of this proposal. This remains the case, officers being mindful of the single storey nature of all the structures on site, the fluctuating levels of use and movement with regard to the touring units, the site's context with screening to the north and west and the increased screening and mitigation that would be provided. Whilst the development and use of the site would be apparent from the A48, immediately adjacent to the southern boundary, and from the garden of Sunnybank to the east, it is considered that the relatively low lying position of the site and proposals, relative to the rising land to the rear would help assimilate the development into the landscape when viewed from any wider public vantage points. It is also considered that the development of the site would reduce pressure to develop or encroach into the wider, more fragile and undeveloped areas of the open countryside.

It is considered that the impact generated would not be so significant to the overall character and appearance of the area to warrant refusal of the application.

6.1.2 The approved site layout plan under the discharge of conditions application DM/2020/00333 details a 2m high close boarded fence along the eastern boundary with Sunnybank as well as the site frontage, supplemented by a hedge planted in front of the fence along the site frontage. The fence has now been constructed on site, although the planting is yet to be carried out. These screening measures (existing and proposed) would limit views into the site from the A48 and would mitigate any concerns regarding the cumulative impact of the permanent and touring caravans grouped towards the rear (northern part) of the site.

6.1.3 Given the approved residential caravan use of the site for Gypsy and Traveller purposes, the parking of up to four touring caravans that would be used by the two families permitted to live on the site, would not be harmful to neighbour amenity by way of noise or visual intrusion. Touring caravans vary in size and need not be large units. There is ample scope on site near the area approved for the two park homes to accommodate up to four touring caravans. A separate parking area for cars has been identified on the approved block plan under DM/2020/00333. As advised above, ample screening exists and is to be supplemented, plus reasonable separating distances are in place between the nearest neighbour at Sunnybank and the caravans to be kept on site.

6.1.4 On the basis of the above this element of the application is considered acceptable and in accordance with the requirements of policies S13, S17, DES1, EP1 and criteria c) and f) of

6.1.5 Members did not omit the touring caravans owing to concerns about access, despite this being raised by third parties including the local community council. It is considered that the site access benefits from sufficient visibility leading onto the A48. In addition, the touring caravans element of the proposal would not generate a number of vehicle movements significantly detrimental to highway safety and sufficient provision can be secured to ensure that vehicles can enter and leave the site in a forward gear. It is therefore considered that the proposal would not be detrimental to the overall highway safety and free flow of traffic in the area. Highways colleagues have reviewed the proposed development and have no objection to the proposals. The submission is considered compliant with the requirements of policies S16, MV1 and criterion b) of Policy H8 of the LDP.

6.2 The removal of condition 4 which limits the use of the site to a specific Traveller family

6.2.1 The permission was granted on the site on the basis of the need for a family (or two families including the family of the applicant's son) identified to be in need within the Council's GTAA. This is discussed below.

Evidence of Need

6.2.2 The Adopted Gypsy and Traveller Accommodation Assessment (GTAA) for 2016-2021 identifies that Monmouthshire has a higher number of Gypsy and Traveller households living in the County than had been previously identified through the 2011 census, with an estimated unmet need for eight pitches, based on overcrowding, unauthorised occupation and likelihood of cultural aversion to conventional housing. However, there is no need for a transit site due to the low number of unauthorised encampments in the County. At this time the Council has no allocated or suitable sites available for the accommodation of Gypsy/ Traveller/ Showpeople, with an aspiration within much of the Gypsy, Traveller community for private site provision.

6.2.3 In this case, the applicants were involved in the Council's previous and most recent GTAA and identified that they require a site within the County. Although currently housed in a two storey dwelling in Caldicot, the applicant was identified as being in housing need as part of the adopted and pending GTAA as a result of cultural aversion to conventional housing.

6.2.4 Paragraph 58 of Circular 005/2018 refers to the statutory duty of local planning authorities to determine planning applications in accordance with the development plan unless material considerations indicate otherwise. It says that other considerations for Gypsy and Traveller site applications will usually include the impact on the surrounding area, the existing level of provision and need for sites in the area, the availability (or lack of) alternative accommodation for the applicants and their specific personal circumstances.

6.2.5. As part of the previous proposal the applicant provided information relating to the family's need for this site which has been confirmed by the Council's GTAA. The applicant has advised the family's current accommodation is contrary to their cultural beliefs and traditional way of life, which in turn is having a detrimental impact on his and his family's health and well-being.

6.2.6 The site in question, close to the settlement of Crick is defined as being in the open countryside and the development is permitted given the unmet need within Monmouthshire for Gypsy and Traveller accommodation. The site is suitable for a small gypsy and traveller site and it has previously been approved for this use within DM/2019/01480. The applicant's family have been identified via the GTAA as a family that have a local connection and require a site/home in Monmouthshire. It is evidenced via the GTAA that the family applying for the development have an unmet need and the previously imposed condition applied to planning consent DM/2019/01480 ensures that this need is met for the applicant and his family.

6.2.10 Removing the condition as the applicant has requested would not be acceptable as the condition ensures that the site is used to meet an unmet need identified within the GGTA for the applicant's family. The site is in the open countryside where no speculative residential use would be allowed under the terms of PPW10 and the adopted LDP. The removal of the condition would lead to an unfettered residential use in the open countryside. The removal of this condition would not be acceptable as it provides the justification for allowing the development. It is recommended that this element of the application is refused and the below condition is imposed on the any subsequent consent: -

The park homes and the touring caravans hereby permitted shall be for the benefit of Mr Martin Flynn (Senior) Mr Martin Flynn (Junior) and their associated dependants and shall ensure only for the period which the premises is occupied by Mr Martin Flynn (Senior) Mr Martin Flynn (Junior) and their associated dependants . When the site ceases to be occupied by any Mr Martin Flynn (Senior) Mr Martin Flynn (Junior) and their associated dependants, the use hereby permitted shall cease and any park home, touring caravan and all ancillary equipment and structures brought to the site in connection with the residential use shall be removed from the site.

REASON: To limit the occupation of the site to the family. Any variance in occupation would be contrary to the requirements of policy S1 which seeks to prevent and limit development in the open countryside. In compliance with the LDP policies S1 and H8.

Other Matters

6.2.11 As from 7th January 2019, all construction works with drainage implications, of 100m² or more are required to have a Sustainable Drainage System (SuDS) to manage on site surface water designed in accordance with the Welsh Government Standards to Sustainable Drainage.

6.2.12 The Council's SuDS Approving Body (SAB) have confirmed that the works require SuDS consent prior to the commencement of development. This information was forwarded direct to the applicant. The requirement to obtain SAB consent is regulated by other legislation outside of the planning process and the consents can be sought independently from each other.

6.2.13 Documents issued by Welsh Government provide guidance with regards to the standards, sizes and facilities to be provided as part of Council provided sites. Following consideration of this document by the Housing Strategy and Policy Officer it has been determined that the requirements are not applicable to private developments such as this proposal.

6.2.14 Following consultation on the previous application, the Council Environmental Health Officer has confirmed that the granting of permanent residential units on the site will require the applicant to obtain a site licence under the Mobile Homes (Wales) Act 2013. This might have further implications on the number of touring caravans that can be provided at the site. However, such matters are regulated and controlled by legislation beyond the remit of planning legislation and must be sought independently from the current planning application. There is no requirement as part of the planning process for the applicant to provide evidence of a site licence prior to the determination of the planning application.

6.3 Response to the Representations of Third Parties and/or the Community Council

6.3.1 A number of the objections received were relevant to the previously approved application, DM/2019/01480, rather than the current one and issues relating to the visual impact of the touring caravans and their implications on access have already been addressed in the preceding sections of this report and therefore shall not be repeated.

6.3.2 Whilst the current application seeks full planning permission, further consents will need to be sought from the Sustainable Drainage Approving Body, and the relevant Environmental Health and Licensing departments. Details regarding such matters could be added as an informative note to any grant of planning permission.

6.4 Well-Being of Future Generations (Wales) Act 2015

6.4.1 The duty to improve the economic, social, environmental and cultural well-being of Wales has been considered, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). In reaching this recommendation, the ways of working set out at section 5 of the WBFG Act have been taken into account and it is considered that this recommendation 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.

6.5 Conclusion

6.5.1 While concerns have been raised with the regards to the visual impact of the development and its potential overdevelopment, given the context of the site and the proposed mitigation, screening and material alterations that could be secured by condition, it is considered that the development would not have such a detrimental impact on the overall character and appearance of the area or the residential amenity of those living closest to the site to warrant refusal of the application. There is no objection to the touring caravans being parked on site by the Highway Authority and adequate access and egress can be safely provided.

The application applies to remove condition number 4 however, a condition ensuring that the site is used to meet the unmet need identified within the GGTA for the applicant's family is considered appropriate and justifies the rationale for approving this residential use in the open countryside in accordance with Welsh Government Policy. This development would help meet the need identified in the Council's GTAA for this family.

On the basis of the above, the recommendation is for a split decision to approve the variation of condition number three and refuse the removal of condition number four. This recommendation is considered compliant with the requirements of relevant local and national planning legislation and is recommended for approval subject to conditions.

7.0 RECOMMENDATION: Split decision - Approve the variation of condition number 3 and refuse the removal of condition number 4.

Conditions:

1. The development shall be carried out in accordance with the list of approved plans set out in the table below.

Reason: To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.

2. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To safeguard the landscape amenities of the area and to ensure compliance with LDP Policy GI1.

3. The development hereby approved shall be limited to the installation of two park homes as detailed, up to four touring caravans to be used in association with the persons living on the site, the erection of the two utility buildings and associated fences and gates. No additional park homes or touring caravans shall be allowed on site.

Reason: to limit the scope of development having regard to the visual impact of the proposal on the character and appearance of the application site and wider area in compliance with the LDP policies S13, S17, EP1 and DES1.

4. The park homes and touring caravans hereby permitted shall be for the benefit of Mr Martin Flynn (Senior) Mr Martin Flynn (Junior) and their associated dependants and shall ensure only for the period which the premises is occupied by Mr Martin Flynn (Senior) Mr Martin Flynn (Junior) and their associated dependants. When the site ceases to be occupied by any Mr Martin Flynn (Senior) Mr Martin Flynn (Junior) and their associated dependants, the use hereby permitted shall cease and any park home, touring caravan and all ancillary equipment and structures brought to the site in connection with the residential use shall be removed from the site.

Reason: To limit the occupation of the site to the family. Any variance in occupation would be contrary to the requirements of policy S1 which seeks to prevent and limit development in the open countryside. In compliance with the LDP policies S1 and H8.

5. There shall be no more than four touring caravans allowed on site at any one time and the touring caravans shall only be used in association with the persons living on the site.

Reason: To ensure the site is used in accordance with the permission and to avoid an over-development of the site, in the interests of Policy H8 of the LDP.

Informatives:

- 1 The proposed scheme will require a sustainable drainage system designed in accordance with the Welsh Government Standards for sustainable drainage. The scheme will require approval by the SuDS Approving Body (SAB) prior to any construction work commencing. Details and application forms can be found at: <https://www.monmouthshire.gov.uk/sustainable-drainage-approving-body-sab>
- 2 The applicant will need to obtain a site licence for the approved works under the Mobile Homes (Wales) Act 2013 from Monmouthshire County Council Environmental Health Department. Further information and advice is available on the website: <https://www.monmouthshire.gov.uk/licensing/licensing-applications/caravan-and-camping-site-licence/>