

DC/2016/00297

**A FOUR PLOT GYPSY SITE EACH PLOT HAVING SPACE FOR A MOBILE HOME,  
TOURING CARAVAN, UTILITY BUILDING AND PARKING SPACE**

**NEW STABLES, ABERGAVENNY ROAD, LLANCAYO**

**RECOMMENDATION: REFUSE**

Case Officer: Kate Young

Date Registered: 10/08/16

**1.0 APPLICATION DETAILS**

- 1.1 The proposal is for a permanent Gypsy site for an extended family of Romany Gypsies. The site which is triangular in shape, covers an area of 0.44 ha. To the west of the site is the B4598 and to the east is an unclassified road, while to the north is agricultural land. There are several residential dwellings and commercial properties within close proximity. The site is surrounded by natural hedgerows. The land was brought by the applicants eight years ago and primarily has been used for the grazing of horses. However since the purchase of the land, the applicants have allowed the site to be used for the purpose of a Christian Church Mission when approximately 30 families have camped on the field for very brief periods of time once a year. According to the applicants this arrangement has now ceased and the site is no longer used for these gatherings.
- 1.2 Since March 2016 the family have stayed on the site and have installed a cess pit, have fenced off part of the site, replaced the site gate and erected a timber shed containing a bath and a toilet and installed a mobile home. Several people are now living on the site.
- 1.3 The current application seeks the provision of four individual gypsy plots. Each plot (except plot 4) would accommodate a mobile home measuring 11 metres by 3.65 metres, space for a touring caravan, an amenity block measuring approximately 3.7 metres by 2.2 metres (containing a kitchen and bathroom) and parking provision for one vehicle. Approximately two thirds of the site (including the plots) would be laid to gravel. Concrete bases will be laid down to support the jacks of the caravans. Each plot would be surrounded on three sides by a fence of feather edged boarding. The remaining part of the site would be laid to grass for the grazing of horses. A bin store and additional parking would be provided on site.

**2.0 RELEVANT PLANNING HISTORY**

None

**3.0 LOCAL DEVELOPMENT PLAN POLICIES**

Strategic Policies

- S1 Spatial Distribution of New Housing Provision
- S13 Landscape, Green Infrastructure and the natural environment
- S17 Place making and design

Development Management Policies

EP1	Amenity and Environmental Protection
DES1	General Design Considerations
H8	Gypsy, Traveller and Travelling Show people Sites
LC1	New Built Development in the open countryside
LC5	Protection and Enhancement of Landscape Character
NE1	Nature Conservation and Development
G11	Green Infrastructure
MV1	Proposed Developments and Highway Considerations

#### Other Policy Considerations

Welsh Government Circular 30/2007 Planning for Gypsy and Traveller Caravan Sites  
2009 MCC Gypsy and Traveller Accommodation Needs and Sites Study (recently updated)

2015 Gypsy Traveller Accommodation Assessment.

## **4.0 REPRESENTATIONS**

### **4.1 Consultations Replies**

#### Gwehelog Community Council - Refuse

##### Policy LC1 - New Built Development in the Open Countryside

There is a presumption against new built development in the open countryside, unless justified under national planning policy and/or LDP policies S10, RE3, RE4, RE5, RE6, T2 and T3 for the purposes of agriculture, forestry, 'one planet development', rural enterprise, rural / agricultural diversification schemes or recreation, leisure or tourism.

This planning application as a 'new development' in the open countryside not meeting the above criteria goes against the LDP Policy LC1 for any 'new development' for this site.

LDP Reference point 6.1.25 Policy H8 provides the framework for assessing proposals for Gypsy, Traveller and Travelling Show people sites, whether for permanent, transit or emergency use. - Do not occupy a prominent location and are consistent with LDP policies for protecting and enhancing character and distinctiveness of the landscape and environment.

Approval of this application would go against the Monmouthshire LDP for both LC1 and H8 and if approved would therefore set a precedent for further development outside of the LDP. Gwehelog Fawr Community Council kindly request that unauthorised works are addressed by MCC and that Gwehelog Fawr Community Council may speak at Planning Committee should the recommendation be for approval.

#### Gwehelog Community Council additional comments

LDP Policy H8 states that sites will be permitted "where a need is identified". The application appears to contain no evidence that the gypsy family needs to live at Llancayo so unless a need has been identified in a recent Gypsy and Traveller Site Assessment, the absence of a justified need should either lead to the application being refused or ruled invalid. On this subject, the application form gives the applicant's address as the application site, and yet the letters of support come from Pontypool and elsewhere and refer to knowing the family well. This begs the further questions, where were they living previously and what was (or perhaps still is) the applicant's address, and why did they have to move to Llancayo? Another concern is the lack of definition of the term 'family' and the risk that the site's development will

set a precedent for other uncontrollable expansion. Gwehelog Fawr Community Council is aware of the site alongside the junction of the A472/A449 where permission was given by a Planning Inspector for two caravans for named individuals, and yet that site currently hosts four caravans, and has a planning application for another seven on an adjoining site. Given this relevant local circumstance, the Llanccayo application surely needs much more clarification/information before it can be properly considered, otherwise how will the number of caravans be controllable?

2) Policy H8 contains a number of criteria, and if the application meets 1) above, these can be considered below:

a) The site is not accessible by public transport or on foot, and cycling to Usk would not be suitable for the young or elderly in particular.

d) The site occupies a prominent location, especially when the trees/hedges are not in leaf, and will damage the landscape of the Usk Valley, and intrude on views of the historic windmill when viewed from public footpaths.

e) Although part of the site is not at risk of flooding, the TAN 15 Development and Flood Risk 'Development and Advice Map' shows that the two roads alongside the site will both be inundated such that emergency access will not be possible in time of flood.

f) The site is not of an appropriate scale for its location; neighbours are concerned already about the site's amenity impact.

g) The site is to be served by cess pit drainage which is unsatisfactory.

#### Llanarth Fawr Community Council

It is noted that this application is just outside the boundary for Llanarth Fawr Community Council but it is felt by members that this site is close to the council area and any decision made by Monmouthshire County Council may set a precedent. The council would not support any application on a greenfield plot that would support occupation and subsequent retrospective planning permission.

The application asks whether the site is in a Flood Risk Area - the applicant has answered "no". On the EA website and plan it shows that half the site is in a flood zone.

The application ignores the fact that there is a footpath through the field, which has been blocked

#### Public Rights of Way

The applicant's attention should be drawn to Public Footpath No 64 in the community of Gwehelog Fawr which runs through the site of the development.

The statement accompanying the Definitive Map of Public Rights of way reads, "From Llanccayo Road by gap across field to gap and main road."

The wooden gates and gate/stile detailed in the application therefore obstruct the path and should be removed from the application.

Public Path no. 64 must be kept open and free for use by the public at all times, alternatively, a legal diversion or stopping-up Order must be obtained, confirmed and implemented prior to any development affecting the Public Rights of Way taking place.

No barriers, structures or any other obstructions should be placed across the legal alignment of the path and any damage to its surface as a result of the development must be made good at the expense of the applicant.

Countryside Access objects to the proposal until such time that the gates are removed from the application or it is in receipt of a valid application to install gates under section 147 of the Highways Act 1980. Section 147 is used to authorise gate to on public paths for preventing the ingress or egress of animals for agriculture and the breeding or keeping of horses

### Natural Resources Wales (NRW) - Objects

We have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if the scheme can meet the following requirement. **We would object if the scheme does not meet this requirement.**

#### **Flood Risk**

Requirement – further information is required to demonstrate that the risks and consequences of flooding can be managed to an acceptable level in accordance with TAN15.

The application proposes highly vulnerable development within Zone C2, as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). Our Flood Map information, which is updated on a quarterly basis, confirms the site to be within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Usk, a designated main river.

We refer you to Section 6 of TAN15 and the Chief Planning Officer letter from Welsh Government, dated 9th January 2014, which affirms that highly vulnerable development should not be permitted in Zone C2 (paragraph 6.2 of TAN15).

The decision as to whether a development is justified is entirely a matter for your Authority. However, should you be minded to permit the application, contrary to Welsh Government policy on development and flood risk, we are unable to give you technical advice on the acceptability of flooding consequences in terms of risks to people and property, as no flood consequences assessment (FCA) has been submitted.

Therefore, should you be minded to permit the application, the Applicant should be required to undertake a FCA prior to determination of the application that meets the criteria set out in TAN15. The purpose of the FCA is to ensure all parties, including your Authority, are aware of the risks to and from the development, and ensure that if practicable, appropriate controls can be incorporated in a planning permission to manage the risks and consequences of flooding.

**Please note, if no FCA is submitted or any FCA that is submitted fails to demonstrate the risks and consequences of flooding can be managed in accordance with TAN15, we are likely to object to the application.**

*Notwithstanding the above significant concerns, we have the following comments to make on other environmental interests to assist with your determination of this application.*

#### **Foul Drainage**

We note that the proposed method of foul drainage is stated on the application form as a cesspit/cesspool. The preferred method of foul drainage disposal is connection to the mains sewer. If this is not feasible, alternative methods of non mains drainage should be justified in accordance with the hierarchical approach set out in WO Circular 10/99. Your Authority will need to be satisfied that the sewerage arrangements are suitable. If you consider a cesspit a suitable method of foul drainage, it is essential that it is installed correctly. Incorrectly maintained cesspools can cause pollution by contamination of the ground, groundwater and, sometimes surface water. Any damage to the fabric of the cesspool, such as cracks or holes, is difficult to detect but needs to be rectified immediately in order to prevent pollution. The cesspit should meet the requirement of British Standard BS 6297. It should be fitted with a level warning device to indicate when the tank needs emptying. If the method of foul drainage changes, then we would wish to be re consulted.

### MCC Highways

The site has the benefit of an historic agricultural field access onto the B4598 Abergavenny Road that would appear to have been amended in recent months, albeit the applicants planning application, Section 6 indicates that neither a new nor altered vehicular access from the existing highway will be required, this is clearly not the case. The current amended access remains sub-standard and not in accordance with current design standards and in contravention of Section 184 of the Highways Act 1980.

The proposal for the creation of a 4 plot caravan site, comprising mobile static caravans, provision for touring caravans, toilet blocks, cess pit and associated parking provision clearly demonstrates a significant change of use and a considerable increase in vehicle movements with frequent need to enter and exit the site with large vehicles and towed touring caravans.

The B4298 through Llanccayo has been the subject to highway safety concerns over the years and representations have been received from the community regarding the number of accidents and the speed of vehicles travelling the B4298 resulting in a number of reported accidents over the years that resulted in a fatality in 2005 and 2 serious injury collisions in 2006 and 2013. In 2007 a 40mph speed limit was introduced and a further speed limit reduction of 50mph on the remaining lengths of the B4298 was introduced in 2015 for the reasons of improving highway safety. Therefore the significant increase in vehicle movements of varying numbers and size of vehicles associated with a development of this type is detrimental to highway safety without significant improvements of the existing vehicle access over and above that which has currently been carried out or as detailed on the site plan submitted in support of the application.

Although the impact of the additional vehicles on the local highway network, the B4598, is not considered detrimental, the current access improvements and the proposed amendments to the existing access indicated on the supporting documents, site plan are not acceptable and I would recommend refusal of the application on highway safety grounds.

However should the applicant be minded to submit a more comprehensive means of access provision, the following requirements will need to be provided and supporting drawings submitted demonstrating the requirements for further consideration;

The existing field access is located approximately 20 metres within the Llanccayo Village 40mph speed limit, therefore the following minimum visibility splays will be required and clearly demonstrated on supporting drawings

Right 2.4 x 120 metres (40mph)

Left 2.4 x 160 metres (50mph)

- The access shall be a minimum of 3.5 metres wide to accommodate the size and type of vehicles requiring access and egress
- 45 degree access splays are required to accommodate the type and size of vehicles expected
- Gates shall be set back 15 metres from the edge of carriageway and open inwards to accommodate the size and type of vehicles, namely towed touring caravans etc.
- The gradient of the access over the first 15 metres from the edge of the highway shall be 1:40 (2.5%) and shall not exceed 1:20 (5%) this is required to ensure that vehicles do not stall when egressing the development onto the B4598.
- The access will be hard surfaced (concrete, bituminous, paving etc.) for the first 15 metres
- No surface water from the access or development shall be permitted to discharge onto the public highway.

- Appropriate turning provision shall be indicated and laid out for vehicles to turn around and exit in a forward gear. The applicant should allow for provision of a tanker lorry to service the cesspit.

Additionally the level and extent of onsite parking needs to be re-considered, the intended 4 parking spaces is not appropriate and is not in accordance with Monmouthshire's Adopted Parking Standards and will be required to provide one parking space per bedroom up to a maximum of three spaces. The proposal is located on the fringes of Llancayo a settlement with no local amenities within walking or cycling distance of the proposed development. The proposed site has no sustainable public transport provision and no footways are available on the B4298 which link to the nearest available amenities in Usk Town.

Drainage: The north western portion of the site lies within Flood Zone 3 and is prone to surface water flooding, the ground is therefore likely to be susceptible to flooding due to its relatively high water table.

#### Housing Strategy and Policy Officer

Several members of this family were assessed as part of the Gypsy and Traveller Accommodation Assessment in the late summer of 2015 and a welfare assessment was carried out by officers from Environmental Health. The applicants or members of their family were asked to complete a Home Search application. This was submitted to Monmouthshire Housing Association but not registered as there was insufficient detail because the family had said they were not interested in bricks and mortar accommodation. A further set of forms were given to the family in 2016. To date MHA has one of these families on their register. They are currently living in a Melin property in Torfaen but have requested a transfer to Monkswood. This person is not included in the information submitted on behalf of the applicant, relating to this current application.

#### MCC Landscape

##### MAIN ISSUES

1. New built development in the countryside. New built development will only be permitted where all the criteria set out in LC1 is satisfied.
2. Development may have unacceptable adverse effects on the special character or quality of Monmouthshire's landscape, as defined by LANDMAP.
3. All development should be of a high quality sustainable design and respect the local character and distinctiveness of Monmouthshire's built, historic and natural environment.

RECOMMENDATION: Following a desk top site appraisal, it is considered that the proposed development is unacceptable and we currently object to the proposal.

Reasons:

4. The proposal does not meet any of the criteria set out in LC1 and should not be permitted
  - a. LC1 sets out strict criteria for assessing development proposals and seeks to ensure that in exceptional circumstances where new development may be permitted in the countryside, there are no adverse impacts on the environment.
5. The proposal would have an unacceptable adverse effect on the special character of Monmouthshire's landscape, in particular.
  - a. The change of use and amount of development proposed would cause a significant adverse change in the character of the natural landscape; evaluated as high and/or outstanding, as defined by LANDMAP. Particular emphasis is given to those landscapes identified through the LANDMAP Landscape Character Assessment, as being of high and outstanding quality because of a certain landscape quality or combination of qualities.
  - b. The change of use and amount of development is insensitively and unsympathetically sited within the landscape.

c. The change of use and amount of development fails to harmonise with, or enhance the landform and landscape.

#### LOCAL DEVELOPMENT PLAN POLICY CONTEXT

MCC – LDP (LC1) New built development in the open countryside.

MCC - LDP (LC5) Protection and enhancement of landscape character.

Given the intrinsic quality of Monmouthshire's landscape, high priority is given to the protection, conservation and enhancement of the County's landscape character.

MCC – LDP (DES1) General Design Conditions

All development should be of a high quality sustainable design and respect local the character and distinctiveness of Monmouthshire's built, historic and natural environment.

Other matters

6. Landscape context. The way in which development relates to its rural landscape is critical to its success. Because of this, an understanding of landscape quality is fundamental to the design process.

7. No landscape or visual appraisal was submitted. LC5/DES1

8. Plans were not to scale.

Conclusion

9. An appraisal of landscape character (and a visual appraisal) would have provided the applicant with the necessary information to develop their proposal properly; informing the design; the siting of units, their scale and the layout.

10. The design process should be clearly illustrated within a DAS and in other supporting documents – The DAS did not address any of these issues.

11. Having undertaken the appropriate assessment and/or appraisal of site constraint's and opportunities, the principle for development would have been highly constrained. Development will only be permitted where it would not have an unacceptable adverse effect on the special character or quality of Monmouthshire's landscape.

12. The development is sited incongruously, the layout and proposed materials have not considered their impact within the immediate landscape or within the wider landscape of high value.

13. The area has an unspoilt character and visual unity...This gently rolling, domesticated, mixed arable and pastoral lowland is diverse and intimate in character and is representative of the intrinsic quality of Monmouthshire's landscape.

14. It is valuable landscape resource - The principle outstanding evaluations for this site relate to historical and cultural aspects and there is a high evaluation for the visual and sensory aspects. (LANDMAP)

#### Environmental Health

I have looked at this application and as explained did an initial assessment in April 2016. At the time of this inspection there were no significant public health issues. The only comment I would like to make is: 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.

#### MCC Planning Policy

The policy framework against which the proposal should be assessed is set out in the Adopted Monmouthshire Local Development Plan, PPW (Edition 8, January 2016) and WAG Circular 30/2007 Planning for Gypsy and Traveller Caravan Sites.

#### LDP Policies

- The proposed application site is greenfield agricultural land in the open countryside located some distance outside the development boundary of the nearest established settlement of Usk.

The development would represent new build development in the open countryside and as such would be contrary to Strategic Policy S1 of the LDP (Spatial Distribution of New Housing Provision). This policy advises that new residential development in the open countryside is only justified for the purposes of agricultural/forestry, rural enterprise dwellings or one planet development. This approach is supported by national planning policy as set out in PPW (paragraphs 4.7.8/9.3.6).

- Policy LC1 which relates specifically to new built development in the open countryside is also applicable. The policy contains a presumption against new build development in the open countryside although it does identify a number of exceptional circumstances involving new built development that might be acceptable (subject to policies S10, RE3, RE4, RE5, RE6, T2 and T3). It is not considered that these exceptional circumstances would apply to the proposal and as a consequence it would be contrary to this policy.

- Given the site's location in open countryside, consideration should also be given to LDP policies LC5 Protection and Enhancement of Landscape Character, NE1 Nature Conservation and Development and GI1 Green Infrastructure and the associated GI SPG. No doubt MCC's GI team will provide detailed comments on these matters.

- The site is partially located in Zone C2 floodplain, including the access to the site. Strategic Policy S12 and supporting development management Policy SD3 relating to Flood Risk are therefore of relevance. A Flood Consequences Assessment has not been submitted. It is considered that as the site is for a form of 'highly vulnerable development', development within this part of the site would be contrary to Policy SD3 and Welsh Government Guidance set out in TAN15.

- The LDP does not provide a specific site allocation for gypsies and travellers. It does, however, contain a criteria based policy H8 relating to the development of gypsy and traveller sites. This provides the framework for assessing proposals and should be considered accordingly.

The following LDP Policies are also of relevance and should be taken into account:

- S13 – Landscape, Green Infrastructure and the Natural Environment
- DES1 – General Design Considerations
- EP1 – Amenity and Environmental Protection
- MV1 – Proposed Developments and Highway Considerations

In the context of these policies the site is not considered to be a suitable sustainable location for a permanent gypsy site of this scale (4 pitches/plots). The proposal is for development in the open countryside and is some distance from the nearest established settlement. The closest essential services and facilities are located in Usk and are not easily accessible from the site by either walking or cycling. In addition, the site is not served by public transport. Accessing such services would likely be by car, contrary to local and national policy on sustainability. Although Circular 30/2007 recognises that the consideration of sustainable access to local facilities can be relaxed in the assessment of rural site provision.

#### Circular 30/2007

WG guidance on planning for Gypsy and Traveller caravan sites is provided in WG Circular 30/2007. In identifying sites for Gypsy and Traveller caravans, the Circular advises local planning authorities to consider locations in or near existing settlements with access to local services such as shops, doctors, schools, employment, leisure and recreation opportunities (para 20). The Circular identifies the issue of site sustainability as being important for the health and well-being of Gypsies and Travellers in terms of environmental issues and for the maintenance /support of family and social networks. It advises that this should be considered not only in terms of transport mode, pedestrian access, safety and distances from services but that consideration should also be given to a range of other issues, including:

- \* 'Promotion of peaceful and integrated co-existence between the site and the local community;



- \* Wider benefits of easier access to GP and health services;
- \* Access to utilities;
- \* Children attending school on a regular basis;
- \* Not locating sites in areas at high flood risk....' (para. 19).

The Circular provides further advice in relation to rural sites which is applicable to the proposed application. It advises that rural settings may be acceptable in principle subject to planning or other constraints. In assessing the suitability of rural sites it advises LPAs to be 'realistic about the availability, or likely availability, of alternatives to the car in accessing local services' (para 26). While it does not advise the over rigid application of national and local policies that seek a reduction in car borne travel given that they could be used to effectively block proposals for gypsy/traveller sites in a rural location, site sustainability is a factor which should be taken into account. Paragraph 36 of the Circular sets out other considerations, in addition to the development plan, which may be taken into account in the determination of planning applications for Gypsy/Traveller sites. These include 'the impact on the surrounding area, existing level of provision and need for sites in the area, availability of alternative accommodation for the applicants and their specific requirements'.

#### Evidence of Need

It is noted that evidence of the applicants' personal circumstances and subsequent need is set out in the Design and Access Statement submitted with the planning application. Consideration should be given whether the information submitted adequately demonstrates that there are exceptional personal circumstances which could justify such a proposal in the open countryside. It is also noted that the Council has recently prepared a Gypsy Traveller Accommodation Assessment (GTAA) which has been submitted to WG. I would suggest liaising with the Housing Strategy Officer who conducted the GTAA interviews to determine whether the applicants participated in this process and whether the GTAA found evidence of need for accommodation from the applicants.

## 4.2 Neighbour Notification

### 4.21 Objection letters received from 24 addresses

Unimaginable that the applicants were suddenly made homeless  
 Plots may be sold or rented to non-family members  
 Size of the site may increase  
 Blocking up an existing footpath  
 Up to 24 caravans on the site at any one time  
 Bonfires burning rubbish and tyres  
 A house would not be allowed on this site  
 No one else is allowed to build on a greenfield site  
 Out of keeping with the character of the area  
 Floodlights  
 Unsightly structures  
 Chickens on the road could cause traffic accidents  
 Spoil the beauty of the countryside  
 Adverse impact on tourism  
 Contrary to policy LC1 of the LDP  
 Visually prominent  
 Access is onto an accident black spot  
 Contrary to development plan  
 Sited on a flood zone  
 Adverse impact on adjacent Listed Building  
 No assimilation into the landscape

Site not well related to other buildings  
 Does not respect the character of the other buildings in Llancayo  
 Adverse impact on the cultural heritage of Llancayo  
 Site not accessible to public amenities  
 No public transport to the site  
 No footpaths from the site to Usk  
 No street lights  
 Poor access  
 Little need for Traveller and Gypsy sites in Monmouthshire  
 Application form incorrectly completed  
 Site plans inaccurate  
 Could attract rats  
 Everyone should abide by the same planning laws  
 Indiscriminate development  
 If the cess pit is not properly installed it could cause contamination of local water course  
 No one else would get permission to build there  
 Discriminatory to ordinary tax payer  
 This is a greenfield site  
 Other more suitable sites within Monmouthshire  
 Adverse impact on the community  
 Family members do have permanent addresses  
 Application should be determined in accordance with the development plan  
 Generators on the site cause noise disturbance  
 Business is being run from the site  
 Many more vehicles on the site  
 Adverse impact on the Usk Valley  
 No article 11 certificates  
 At the auction for the land bidders were told there could be no residential use of the land  
 No link to the recent G and T Accommodation Needs Assessment  
 Other objections were received but these were not material planning considerations.

#### 4.22 Letters of support received from 16 addresses.

The applicants are quiet, peaceful, polite, hardworking, respected, trustworthy people  
 Children attend the local schools  
 Discrimination should not be an issue  
 The site is neat and tidy  
 No traffic impacts, good safe vehicular access  
 Application should not be judged by race or culture  
 Everyone should be entitled to a fair, unbiased lawful decision  
 Family fully integrated into the local community  
 Christian family with ties to the local area  
 Christian revival in Usk bringing in new people and money  
 An asset to the community  
 No harm to the community

- 4.23 A Petition Received with 37 signatures  
 Work has already started, footings have been laid, water piped in, fences erected and tarmac laid out. The accommodation of travellers on a permanent or semi-permanent basis is totally unacceptable to the entire Llancayo community.

#### 4.3 Other Representations

### David TC Davies PM

I have been contacted by constituents regarding this application. I understand that there are concerns surrounding the details of the application; however I am also aware of the support being given to approve the development. I appreciate there are strong feelings for and against so I would be grateful if you could ensure the plans are looked at with impartiality and consideration be given to all parties involved.

### Usk Civic Society

Usk Civic Society objects to the above application for four mobile homes, four touring caravans, toilet blocks and a cesspit for occupation by one Gypsy family. It notes that the application is retrospective and that the site is already in occupation as an unauthorised Gypsy site. It further notes that while the material on the MCC planning website contains allusions to the family group, there is no coherent explanation as to the composition of this family group, its previous residential arrangements or its need to change the status of the agricultural land which it has apparently purchased to that of a permanent Gypsy site. The various expressions of support suggest that the family is well established (settled?) in the Pontypool/Newport area. It questions whether the application may be properly considered in the absence of this information.

In the expectation that the questions above are answered satisfactorily, the Society notes that under Policy LC1 in the LDP there is a presumption against new development in the open countryside unless certain criteria are met which do not apply in this case. Policy H8 provides that Gypsy and traveller sites may be allowed provided that they do not occupy a prominent position and are consistent with LDP policies for protecting and enhancing the character and distinctiveness of the landscape and environment. The Society submits that this site, right by the side of the B4598, in a landscape of SLA quality and in close proximity to a listed building (Llancayo House) and to the sensitively restored Llancayo Windmill, is in a prominent position and would (indeed already does) detract from the character and distinctiveness of the landscape and environment. It also detracts from the residential amenity of the nearby houses; many of the residents have testified to the disturbance and light pollution that they are already experiencing.

MCC's recent Gypsy and Traveller Site Assessment (GTSA) is not mentioned in the material supporting the application. This might suggest that the family in this application was not involved with the process of identifying need. If that is so then it weakens their case for having any such need recognised at this stage. Even if MCC were minded to accept that a legitimate need exists, it does not follow that it should be met at this site if, as we argue in this objection, it is otherwise unsuitable. The Society notes that the application is stated to be for residential use only, yet there is ample testimony from local residents that business activity, as well as the keeping of livestock on a scale ill-suited to so small a plot at the edge of a main through route, is well established. It goes against common sense to suppose that such activity would cease were the application to be approved; consequently a further cycle of enforcement action would be set up, to the further detriment of the enjoyment by local residents of their property.

The application site sits on the outside of a dangerous bend in the B4598 which, as local residents have pointed out, has a history of accidents. It goes against common sense to legitimise an access on to the road at that point, particularly one which will necessarily have to accommodate the movement of large touring caravans as well as other vehicles. The gates a short distance inside the site will exacerbate the problem, since vehicles entering or leaving will need to halt at the entrance to open and close them. Provision for car parking inside the site is not notably generous for the number of "households" (mobile homes). Any parking on the road would be quite unacceptable at this location. The Society notes that in fact one of the proposed pitches provides only for a touring caravan (for reasons of space?). It also questions

whether there is adequate space for a cleansing vehicle to service the cesspit and enter and leave in a forward direction. It has already been pointed out that emptying has been insufficiently regular.

Finally the Society notes, and agrees with, the comments of officials on the effect on access to the public footpath which runs at the edge of the site. It is not acceptable to block or impede access to this path.

#### Society for the Protection of Rural Wales – Objects

This application seeks to circumvent the normal development process; it has taken place over a number of years without planning permission.

Highly visible from the adjacent road

Adversely affects the landscape and this rural location

Sets a precedent for similar inappropriate development in the open countryside

Need to protect the open nature of the countryside.

#### Travelling Ahead

I write in support of the Purcell family application for New Stables Llancayo, Usk.

Our project, Travelling Ahead, provides advice, information and support to Gypsy and Traveller families around Wales and as such I am aware that a recent application has been made through the appropriate channels to Monmouthshire County Council to build a home for the Purcell family on their own land in Llancayo, Usk.

I am writing as through our work we are only too aware of the objections that regularly arise to developments of this kind and of the impact this can have on families. We feel that some balance is needed to ensure that an unnecessarily hostile and confrontational environment is not allowed to develop fuelled by comments from those who have no personal experience or relationship with the family or indeed any understanding of the position that many Gypsy and Traveller families find themselves in Wales.

Our dealings with the family have always left me impressed with their open and positive attitude; their children regularly engage with our project activities and are settled and doing extremely well at school; the older daughter is a member of our Youth Advisory Group and all of these activities are supported by the parents and wider family.

It has long been accepted that there is inadequate provision for Gypsies and Travellers when it comes to accommodation – in Wales only one site has been built by a local authority in the last 20 years (in Powys) and its estimated that there is a shortfall of pitches (plots or household spaces) in Wales of more than 300. So one of the few options that many families who wish to continue with their traditional way of life have is to purchase their own land and apply to build their own homes; this is an entirely legal option and has successfully delivered small and discreet homes for many Gypsy and Traveller families around Wales and the UK where permission has been granted.

You will of course be aware that the new Housing Act (Wales) puts a duty on local authorities to both assess Gypsy and Traveller accommodation need and to provide for that need in the form of culturally appropriate housing. Grants are available from the Welsh Government to support local authorities in this endeavour, and indeed ensuring that Gypsy and Traveller families have secure and permanent places to live has other cost benefits too as the cost of evictions and the subsequent homelessness problems (and access to education, health and employment) to local councils is huge and not a good use of tax payers money either.

I am unclear whether or not Monmouthshire Council have included the Purcell family in their recent county-wide assessment (this should be the case) but I understand the result of that assessment is that no site is deemed to be needed in Monmouthshire – this leaves families like the Purcells in an impossible position and it

should be noted that planning applications have in the past been successful precisely because local authority provision has remained so inadequate; this 'gap' is being acknowledged at both local and Welsh Government levels.

In addition the Equality Act 2010 asks public bodies to ensure that no group is treated unfairly on the grounds of ethnic origin and also to promote good relations between different groups – on these grounds I would ask that those making the decision about this application find an opportunity to meet with the family and visit the proposed site at New Stables rather than tempted to base decisions on the comments of those objectors – the family would welcome this and would like to invite both councillors and officers to discuss any concerns and their plans with them directly

I note a number of objections on the planning portal and would like to state that in relation to the keeping of dogs we have never experienced any problems with large and fierce dogs when visiting New Stables; all the family dogs I have seen are small and kept on leads, the larger greyhounds are kennelled and exercised regularly and arriving on foot at the family's home has never been intimidating in my experience. Noting comments on the location of the public footpath the family are aware and clear that this is a right of way and needs to be kept as such, the gates are not locked and if permission is granted they have stated they will plant hedge /fence to screen off the public rights of way allowing privacy for all parties.

Some of the objections refer to the parking of vehicles – I would just like to comment that most ordinary residential streets include vehicles parked, arriving and leaving throughout the day, my own street includes vehicles belonging to builders, plumbers, a stone mason and a landscape gardener, none of which implicitly implies that their business is being carried on from home.

#### 4.4 Local Member Representations

##### Councillor Val Smith – Contrary to LDP Policies

Councillor Sara Jones - Whilst the application does not sit in my ward I have been contacted by residents within the neighbouring village (which does fall under my division) who have understandable concerns with the application. I would like to support the comments made by Llanarth Fawr Community Council and the below on behalf of the residents I represent:

Policy LC1 under the LDP - New Built Development in the Open Countryside

This application contravenes Policy LC1.

I have also been made aware that the application restricts a public right of way, is affected by the flood plain and has an adverse impact on the local environment.

I note that that Cllr Smith has requested the application be considered by the Planning Committee and I would support this approach and be grateful if you could keep me notified as to the Committee date when this will come forward.

## 5.0 **EVALUATION**

### 5.1 Introduction.

- 5.1.1 By way of general background, a survey in March 2009 from the Equality and Human Rights Commission (EHRC) highlighted the urgent need to provide lasting solutions to Gypsy and Traveller accommodation under-provision. It notes that the majority of the 300,000 Gypsies and Travellers in the UK are conventionally housed; a further 17,900 caravans are recorded in England and Wales but about a quarter are not on authorised sites. Previously, local authorities had a duty to provide sites for Gypsies and

Travellers but this was repealed in 1994, a situation which apparently led to a rise in unauthorised encampments. The requirements of the Housing Act 2004 and (in Wales) a Circular in 2007 (“Planning for Gypsy and Traveller Caravan Sites”) requires LPAs to undertake an initial assessment of needs followed by the selection of sites if that is required. The planning system is largely land-use based, but the consideration of Gypsy caravan sites requires a wider perspective to be taken – an approach reflected in appeal decisions and case law which has identified the need to maintain the lifestyle of a section of the community as a factor in decision making, along with the right to a proper education. The courts have held that a balancing exercise must be undertaken weighing the harm arising to the public interest against the rights and personal circumstances of the appellants, with the availability of accommodation provision also being a material consideration.

- 5.1.2 Circular 30/2007 sets out guidance on the planning aspects of finding sustainable sites for ‘Gypsies and Travellers’ who are defined in the Circular as follows: *“persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such”*. The main issue of this current application is whether the personal circumstances of the applicants are such that they outweigh general planning policy and to assess why the provision of four pitches is required on this specific site.
- 5.1.3 Paragraph 5, of Circular 30/2007 identifies that some Gypsies and Travellers may wish to find and buy their own sites and to develop and manage them themselves (rather than having sites provided and run by the Local Authority). This appears to be the case in this instance. The applicants own this land and wish to develop it themselves to provide a total of four pitches. Paragraph 7 states *.There is a need to provide sites, including transit sites, in locations that meet the current working patterns of Gypsies and Travellers. In view of the changes in their work patterns, these may not be the same areas they have located in or frequented in the past.* And paragraph 8 continues: *‘This needs to be balanced with the responsibility of Gypsies and Travellers to respect the planning system. A more settled existence can prove beneficial to some Gypsies and Travellers in terms of access to health and education services, and employment and can contribute to greater integration and social inclusion within local communities. Nevertheless the ability to travel remains an important part of Gypsy and Traveller culture. Some communities of Gypsies and Travellers live in extended family groups and often travel as such. This is a key feature of their traditional way of life that has an impact on planning for their accommodation needs.’* While both of these paragraphs may be of relevance to this current application insufficient evidence of such need has been supplied to support this.
- 5.1.4 Although aimed at the identification of sites through the LDP process, the advice in paragraph 19 of the Circular is relevant in general terms in identifying aspects of site sustainability in terms of issues including:
- The health and wellbeing of Gypsies and family life
  - Access to GPs and health services
  - Access to utilities including waste recovery and disposal
  - Access for emergency vehicles
  - Regular school attendance and other educational provision
  - Safe play area
  - Environmental damage caused by unauthorised encampments
  - Nature conservation and landscape interests.

Although it can often be the case that urban sites might be considered more sustainable, paragraph 26 of the Circular says that acceptable sites may also be found in rural or semi-rural settings and advises against the over-rigid application of development plan policies seeking to reduce car-borne travel.

- 5.1.5 Paragraph 36 of the Circular refers to the statutory duty of local planning authorities to determine planning applications in accordance with the development plan unless material considerations indicate otherwise, and 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. Ensuing paragraphs set out general advice aimed at encouraging a dialogue between the local planning authority and the Gypsy community. The LPA are asked to provide advice and practical help with planning procedures and the gypsy community are advised that they should always consult local planning authorities on planning matters before buying land on which they intend to establish any caravan site requiring planning permission. In this case the applicants did not approach the LPA before buying the land.
- 5.1.6 In assessing this proposal, consideration has been given to the Well-being of Future Generations Act and the associated objectives, including the promotion of community cohesion, equalities duties and sustainable development.

## 5.2 Evidence of Need

- 5.2.1 On the 3<sup>rd</sup> February 2016 a report on the Gypsy and Traveller Accommodation Assessment was presented to MCC Cabinet. The purpose of this report is to inform the LDP's Annual Monitoring Report and the LDP Review Process to meet the current and future needs of Gypsy and Traveller Sites. The assessment found that there was a higher number of Gypsy and Traveller households in the County than was previously thought with an estimated need for eight pitches to 2021. This was based on levels of overcrowding, unauthorised occupation and the likelihood of cultural aversion to conventional housing.
- 5.2.2 In this case we do know that some of the applicants were involved in the Council's Gypsy and Traveller Assessment carried out in 2015 and stated that they require a Gypsy site within the County. We also know that one of the family members has a flat in Pontypool and one of the families had a Melin House in Torfaen but was looking to transfer to a house in Monmouthshire. Although the applicants have provided some information related to their needs for this site, this information is incomplete. From the information submitted it is not clear why all of the family members mentioned in the DAS have had to move from their previous address and why they need to relocate to this particular site. Some but not all of the occupiers identified themselves as being in housing need as part of the 2015 GTAA.
- 5.2.3 Circular 30/2007 makes it clear that LPA's should use the Accommodation Assessments when determining planning applications for Gypsy Sites including Private Sites. It also states in paragraph 37 that in order to encourage private site provision the LPA should offer advice and practical help with the planning process and that in return Gypsy and Travellers should always consult LPA's on planning matters before buying land on which they wish to establish a site. In this case officers, the applicants did not consult with the LPA prior to buying this site. Since the application was submitted, officers have met with the applicants and their agent to discuss the level of information required to process the application. Also officers have sent several emails requesting further information.

### 5.3 Development Plan Policy

#### Principle of Development

- 5.3.1 Paragraph 36 of Circular 30/2007 refers to the statutory duty of local planning authorities to determine planning applications in accordance with the development plan unless material considerations indicate otherwise, and 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.
- 5.3.2 The application site lies in open countryside outside of any development boundary. Policy S1 of the LDP only allows for new residential development in exceptional circumstances, these being conversions, sub-division and dwellings necessary for rural enterprise. No such justification has been put forward so the application seeking what essentially amounts to four new residential units in the open countryside is contrary to Policy S1 of the LDP. Policy S1 reflects government guidance that new dwellings in the open countryside should not normally be allowed. The policy refers to new residential development and the proposed plots constitute four new residential properties in the open countryside.
- 5.3.3 Policy LC1 states that there is a presumption against new build development in the open countryside unless justified under national policy for rural enterprise, agricultural purposes, recreation or tourism purposes. In this case no justification has been put forward that the site is needed for any of these specific purposes so that the development is considered to be new built development in the open countryside without justification and therefore contrary to policy LC1. The development would result in new build with four utility rooms measuring up to 3.7 metres by 2.2 metres. In addition to this there would be a significant amount of hard standing and three mobile homes measuring up to 11 m x 3.65 m as well as the inevitable domestic paraphernalia.
- 5.3.4 As stated above LPAs are required to assess the accommodation needs of Gypsies as part of the LDP process and that LDPs should include policies for the provision of Gypsy sites. The Council commissioned a Gypsy and Travellers Needs and Sites Study in 2009 to inform the LDP. The Study found that Monmouthshire had a very low Gypsy and Traveller population with only one authorised private site containing one caravan. Since then permission has been granted on appeal for two Gypsy pitches on Maerdy Farm, near Usk. As a result of lack of need no specific Gypsy sites were allocated in the LDP however it was considered that there was a need to guide future applications for Gypsy sites. Subsequently Policy H8 of the LDP provided a framework against which proposals for Gypsy, Traveller and Travelling Showpeople sites will be assessed.

#### “Policy H8 – Gypsy, Traveller and Travelling Showpeople Sites

Where a need is identified for transit or permanent pitches/ plots for the accommodation needs of Gypsies, Travellers and Travelling Showpeople, they will be permitted provided they:

- 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;
- b) Have a safe and convenient access to the highway network and will not cause



traffic congestion or safety problems;

c) Are of a suitable size to allow for the planned number of caravans, amenity blocks, a 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 site curtilage;

d) Do not occupy a prominent location and are consistent with 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;

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

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

g) Are served, or can be served, by adequate on-site services for water supply, power, drainage, sewage disposal and waste disposal (storage and collection), and for Travelling Showpeople that there is a level area for outdoor storage and maintenance of equipment.

Proposals for the use of land for emergency pitches to meet proven need for use by Gypsies and Travellers will provide basic facilities, meet criteria b, d, e and f of this policy, and the location should be within reasonable travelling distance of a settlement with services and community facilities, including health and education.”

5.3.5 This policy should only be used where a need has been identified. In this case the LPA has not been convinced that there is proven need for an additional site as the applicants have not supplied sufficient information to support their case. Notwithstanding that no need has been proven the proposal will be assessed against criteria a) to g) of Policy H8 above.

5.3.6 The site is located within the small hamlet of Llancayo where there are no services, not even a shop. The site is 2km north of the town of Usk, where there is a primary school, shops and health care facilities, although there is no public transport between the site and the town and it is not safely accessible on foot or cycle as there is no public footpath or cycleway along the B4598. The site does have direct access onto the B4598 and there could be safe and convenient access onto the highway network, if the access into the site was to be improved in accordance with the requirements of MCC Highways. The use of the site by the occupants of the four pitches would not cause traffic congestion or highway safety problems subject to the necessary access improvements. Although relatively small, the size of the site is considered suitable for the four proposed pitches and a site plan has been included as part of the application which illustrates how the mobile homes would be accommodated on the site. In addition there is sufficient land available to provide adequate parking facilities. The proposed site in the open countryside is not consistent with the policies in the LDP in respect of protecting and enhancing the distinctiveness of the landscape and the environment. The site is visually prominent. The land was previously greenfield agricultural land and development on the site harms the rural character of the area. Part of the site is within a defined flood risk area and the proposal introduces highly vulnerable development into a flood zone which is contrary to the advice given within TAN 15 and LDP policy, including H8(e). The proposed development is not of an appropriate scale for this location, introducing four residential units into a small hamlet, in an area where new housing would not be allowed and it would result in an unacceptable impact on the amenity of neighbouring land users. The site already has the benefit of a water supply and a cess pit has been installed. Waste could be collected from the site but there is no power supply, although this could be installed if

necessary. The application is therefore contrary to criteria a), d), e) and f) of Policy H8 of the LDP.

5.3.7 The next section will consider whether the applicant's needs constitute so significant a material consideration as to justify approving the application.

#### 5.4 Other Material Considerations

5.4.1 In evaluating the application, regard must also be given to 'other material considerations' as required by legislation, including a consideration of whether there are any 'very exceptional circumstances' which justify setting aside land use policy considerations. The main issues in this case are need and the availability of alternative accommodation.

##### 5.4.2 *Exceptional Circumstances of the applicants*

The Design and Access Statement submitted with the application states that the site is needed for two cousins and their extended family who are Gypsy Travellers.

The first applicant is a single man of 23 years of age who has spent most of his life travelling throughout the UK and has no permanent place to stay. As a teenager he lived with his mother in bricks and mortar but we have no evidence of where this was.

The second applicant is a married man of 21 years who has a young child; he lived in a Gypsy Traveller site in Pontypool until he was three years of age but then moved to a private site near Norwich. When he was aged 11 his family moved back to Wales and lived in a 3-bedroomed house in Monkswood as there was no alternative culturally-appropriate accommodation available and the mother wanted the children to continue with their education. Until recently this applicant was staying in a caravan close to his mother's house in Monkswood but the landowner, BAE systems, requested that the unauthorised caravan be removed.

The applicant's wife is also from the Gypsy /Traveller community and spent time on a tolerated site near Bristol but that land was sold and she had to go on the road again.

The intended occupier of the third plot is a 32 year old single man with a history of mental illness and other health issues. He has a flat in Pontypool but finds it difficult to settle in bricks and mortar accommodation and spends much of his time moving around staying with his family using his flat only as a base to do laundry and take baths.

The fourth plot would be occupied by the sister of the second applicant. She has two children aged 9 and 14 who attend the Church in Wales Primary School in Usk and The Gypsy Unit at West Monmouth High School respectively.

Also living on the site would be the mother of the second applicant. She also has medical conditions and has lived in the area for 11 years. She was renting a property in Monkswood but says that when the owner sold that property she was forced to move into a caravan and onto the site in March 2016 or be homeless.

Her 26 year old daughter lives in Monkswood with her partner (who is not a Gypsy /Traveller) and her 4 year old son. She also has mental health issues and receives counselling from the Light House in Pontypool. This has put a strain on her relationship with her partner so she frequently stays with her mother.

5.4.3 Whilst the Council sympathise with the personal circumstances and medical conditions of the proposed occupiers, they are not considered to be sufficient to justify overriding Development Plan policy. Some members of this group have registered as being homeless, but have not documented this or supplied any evidence to support this. The applicants have not demonstrated the reason why they should live in this particular location other than they own the land. The Council has not been supplied with robust evidence to explain why this occupiers of this site are unable to live in their previous addresses, which include a house in Monkswood known to be vacant. It is therefore concluded that there are no compelling reasons why the applicants have to occupy this site. It appears that their occupation of the site is more a case of personal preference rather than an exceptional personal circumstance of the applicants. This is no justification for allowing for a Gypsy site in this location, contrary to overarching Development Plan policies.

5.4.4 While it is acknowledged that four of the occupants took part in the recent GTAA, it is not clear that no alternative accommodation is available. The remainder of the occupants did not take part in the Assessment of need stating that they were not aware it was taking place. Notwithstanding the absence of a clear and justified need to reside on this site, the highway safety concerns, landscape harm and flood risk (which prevents safe escape from the site in the event of a flood), render this proposal unacceptable and contrary to Policy H8 of the LDP.

## 5.5 Visual impact

5.5.1 This application seeks new built development in the open countryside where policy LC1 of the LDP will apply. Policy LC1 states that there is a presumption against new built development in the open countryside. It then identifies some circumstances where exceptions may apply such as where development is needed for agriculture or tourism. There is no such exception for Gypsy sites. The proposed development will not be satisfactorily assimilated into the landscape, it will be visible from several public vantage points including the two adjacent public highways and a public footpath. Even with substantial landscaping within the site, the mobile homes, amenity blocks and other domestic paraphernalia will be visually prominent. The proposal represents new residential development that is not well related to the rural character of the area. The proposal is clearly contrary to Policy LC1 of the LDP as none of the criteria set out in that policy have been satisfied. The applicants have failed to provide a landscape assessment, although a landscaping scheme has been submitted. The applicants have not demonstrated how landscape character has influenced the design, scale, nature and site selection. Without this information it is difficult to fully assess the landscape impact of the proposal. An appraisal of the landscape character and visual appraisal would have provided the applicant with the necessary information to develop their proposal properly, informing the design, scale, massing and layout. The design process has not been illustrated or explained in either the Design or Access statement or in any other supporting documents.

## 5.6 Highway Considerations

5.6.1 The site has the benefit of an historic agricultural field access onto the B4598 Abergavenny Road that has been altered in recent months. Section 6 of the application form indicates that neither a new or altered vehicular access from the existing highway will be required, but this is clearly not the case. The current amended access remains substandard and not in accordance with current design standards and in contravention of Section 184 of the Highways Act 1980. The use of the site for four residential units intensifies the use of the access and the significant increase in vehicle movements of varying numbers and size of vehicles associated

with a development of this type is detrimental to highway safety without significant improvements to the existing vehicle access over and above that which has currently been carried out or as detailed on the site plan submitted in support of the application. Although the impact of the additional vehicles on the local highway, the B4598, is not considered detrimental, the current access improvements and the proposed amendments to the existing access indicated on the supporting site plan are not acceptable. Highways have concerns on highway safety grounds regarding the access without this information being submitted. The applicants have been requested to submit plans for improvements to the access but none have been forthcoming.

- 5.6.2 Additionally the level and extent of onsite parking needs to be reconsidered. The four parking spaces are not in accordance with Monmouthshire's Adopted Parking Standards and will be required to provide one parking space per bedroom up to a maximum of three spaces. The proposal is located on the fringes of Llancayo, a settlement with no local amenities within walking or cycling distance of the proposed development. Although the site has no sustainable public transport provision and no footways are available on the B4298 which link to the nearest available amenities in Usk Town, national guidance indicates that a rigid approach to such matters is not appropriate in relation to Gypsy and Traveller sites..

## 5.7 Flooding

- 5.7.1 The north-west corner of the site, including the access, is within flood risk Zone C2 as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15. NRW flood map information which is updated on a quarterly basis, confirms the site to be within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Usk, a designated main river. Section 6 of TAN15 and the Chief Planning Officer letter from Welsh Government, dated 9th January 2014, affirms that highly vulnerable development should not be permitted in Zone C2 (paragraph 6.2 of TAN15). Although the location of the mobile homes is just outside this designated flood risk area the access is within the zone and the site should be looked at as a whole. A Gypsy site proposing residential accommodation is classified as highly vulnerable development. The applicants have been requested to provide a Flood Consequences Assessment but to date this has not been received. Policy S12 of the LDP states that all new development should avoid the siting of inappropriate development in areas at risk of flooding. Policy SD3 looks at flood risk in more detail. It states:

"Proposals for highly vulnerable development or emergency services will not be permitted in areas which may be liable to flooding, unless the residential development is for the conversion of upper floors within defined settlement boundaries or the proposal is to extend an established tourism, leisure or educational establishment. Less vulnerable built development will be permitted within defined settlements or on sites allocated for uses such as employment. Development proposals within a flood plain will be required to demonstrate that:

- a) the development is or can be protected by approved engineering works and / or other flood protection measures;
- b) such remedial measures would not cause flooding or significantly increase the risk of flooding elsewhere;
- c) the development, including any remedial measures, can be sympathetically assimilated into the environment in terms of its siting, scale, design and landscaping;
- d) the development does not interfere with the ability of the Environment Agency or other bodies to carry out flood control works or maintenance; and

- e) the nature conservation interest of the water source corridor is protected and, where practicable, enhanced.

Development resulting in additional surface water run-off and leading to an increased risk of flooding will only be permitted where adequate protection and mitigation measures are included as part of the proposal.”

- 5.7.2 The applicants have not demonstrated that the site, particularly the access can be protected by approved engineering works or other flood protection measures. If the access was to flood rapidly the occupants of the site could be trapped on a flooded site with no safe means of escape. No evidence has been put forward to explore how this development would impact on local flooding; it may exacerbate the situation as a result of increased areas of hardstanding. No protection or mitigation measures have been put forward as part of this application. Moreover, no information has been provided regarding pollution prevention measures to demonstrate that, in the event of a flood, the cess pit will not cause a pollution incident. The proposal to site highly venerable development within a C2 flood zone is contrary to the advice given by NRW and also contrary to polices S12 and SD3 of the LDP. There is no justification for allowing residential development in this location within the flood zone.

## 5.8 Drainage

- 5.8.1 The applicants have already installed a cess pit at the site. This has not been inspected by Council officials to ensure that it is installed correctly. If it has not been installed correctly it may cause pollution by contamination of the ground, groundwater and, sometimes, surface water. The preferred method of foul drainage disposal is connection to the mains sewer. If this is not feasible, alternative methods of non mains drainage should be justified in accordance with the hierarchical approach set out in WO Circular 10/99.

## 5.9 Conclusion

- 5.9.1 If the application is appraised solely on land-use policies it is clear from the above appraisal that the site is contrary to policy in terms of its open countryside location and lack of agricultural, forestry or rural enterprise justification. If an application were made for residential use of the site by a person other than a Gypsy or Traveller such an application would undoubtedly be refused. The applicants have submitted some information seeking to explain why the personal circumstances in this case are so exceptional that they outweigh Development Plan policy. However this information has been insufficient. The Council recognises that the people referred to are Romany Gypsies but the applicants have failed to explain adequately why they have moved from their current addresses or why this particular site should be considered as the only alternative other than the fact that the applicants brought this land at auction and now own the site. In any event, the use and development of the site is considered to be unacceptable in terms of landscape harm and flood risk. As such the proposal does not comply with LDP Policy H8 and there are no overriding material considerations to outweigh these policy objections.

## 6.0 **RECOMMENDATION: REFUSE**

### **Reasons for Refusal**

1. The application site is on greenfield agricultural land in the open countryside outside any development boundary. The applicants have failed to supply sufficient evidence to demonstrate why their particular personal circumstances are so significant as to outweigh the policies in the adopted Local Development Plan which presume against new residential

development in the open countryside. Insufficient evidence has been supplied to explain why the applicants have to live in this particular location at this time.

2. Part of the site including the access and the adjacent access roads lie within Zone C2 flood risk as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15. No Flood Consequences Assessment has been submitted so it has not been demonstrated that the site, particularly the access, can be protected by approved engineering works or other flood protection measures. If the access were to flood rapidly the occupants of the site could be trapped on a flooded site with no safe means of escape. No evidence has been put forward to explore how this development would impact on local flooding, it may exacerbate the situation as a result of increased areas of hardstanding, and no protection or mitigation measures have been put forward as part of this application. Moreover, no information has been provided regarding the potential for flooding to cause a pollution incident relating to the cesspit. The proposal to site highly venerable development within a C2 flood zone is contrary to the advice contained in TAN15, Planning Policy Wales and also contrary to policies S12, SD3 and H8 e) of the LDP. There is no justification for allowing residential development in this location within the flood zone.

3. The proposed development is not be satisfactorily assimilated into the landscape, being prominent from several public vantage points including the two adjacent public highways and a public footpath. Even with substantial landscaping within the site, the mobile homes, amenity blocks and other domestic paraphernalia will be visually prominent. The proposal represents new residential development that is not well related to the rural character of the area. The proposal is clearly contrary to Policy LC1 of the LDP

4. The current vehicular access into the site is sub-standard and not in accordance with current design standards. The proposed use of this access without improvements to visibility and ease of access splays will be detrimental to highway safety.

Informative:

It is considered that it may be possible to overcome reason for refusal 4 by proposing and implementing appropriate improvements to the access and visibility to ensure the proposal would not harm highway safety.