

PLANNING & DEVELOPMENT COMMITTEE

13 JANUARY 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 20/0682/10 (GH)
APPLICANT: C/O Agent (Hayston Developments & Planning Ltd)
DEVELOPMENT: Creation of three traveller pitches to include a static caravan, touring caravan and day/utility room per pitch and installation of package treatment plant (partly in retrospect). (Revised Ecology report received 1/9/20; Dormouse and Bat Reports and revised site layout/day room plans received 24/11/10)
LOCATION: BROAD OAKS STABLES, LLANHARRY ROAD, LLANHARRY, PONTYCLUN, CF72 9LY
DATE REGISTERED: 01/09/2020
ELECTORAL DIVISION: Llanharry

RECOMMENDATION: GRANT SUBJECT TO CONDITIONS

REASONS: The proposed development raises concerns in respect of its location within land designated as a Green Wedge and the issues highlighted by the Council's Highways and Transportation Section.

However, the Local Planning Authority has balanced these against other material considerations that would weigh in favour of the proposal, including the lack of available alternative sites, the personal circumstances of the Applicant, and legislation pertaining to equality, human rights and the best interests of the child.

Consequently, it is considered that these wider material considerations, taken together with the specific context of the site and proposal, are sufficient to outweigh those concerns.

REASON APPLICATION REPORTED TO COMMITTEE

The proposal is not covered by determination powers delegated to the Director of Prosperity & Development

APPLICATION DETAILS

Full planning consent is sought for the creation of three Traveller pitches on land adjacent to Broad Oaks Stables, Llanharry.

It is proposed that each pitch would contain a static residential caravan, a touring caravan, and a day room. Amenity space would be provided to the rear and parking to the front within the gravelled forecourts.

In respect of the single storey day rooms, these would be constructed from blockwork and rendered to match the existing stable building. The day rooms would have a width of 9.1m and a depth of 6.1m and would be enclosed by a 4m high twin pitch roof of artificial slates.

The first plot, which is currently occupied by the Applicant and his family, already contains the touring and static caravans, together with a dog kennel. All to be retained as part of the proposal.

The second plot, which has also since been developed, would be occupied by the Applicant's sister and her family.

The third by the Applicant's daughter who will be married imminently.

In addition, the submitted plans demonstrate that the boundaries of the plots would be enclosed by a double staggered row of native tree and shrub species and a planting mix has been specified. Furthermore, bat and bird boxes have been incorporated within the scheme plans and a separate small area to the southern extent of the Applicant's site has been identified for ecological enhancements.

The application is accompanied by a Planning Statement and Justification Report, which sets the proposal against the local and national policy framework and associated Welsh Government guidance.

The Statement contains three appendices, including a confidential report in respect of the Applicant's personal details, Gypsy and Traveller status and site-specific needs; a Preliminary Ecological Appraisal (PEA); and a letter of support from Travelling Ahead (Gypsy, Roma and Traveller Advice and Advocacy Service).

Lastly, as the description of development notes, further supporting information, by way of an updated PEA and bat and dormouse surveys, were submitted as a response to matters raised by the Council's Ecologist during the consultation process.

SITE APPRAISAL

The application property is a part of an enclosed field to the north of Llanharry. It is located outside the settlement boundary and within an area designated as Green Wedge. The land within the red line of the site location plan comprises a surface area of approximately 0.36 hectares

Access to the site is via an existing track leading from a junction with Llanharry Road a little further to the west. The track leads to the extant approved stable block and to a field used for grazing horses, both of which are within the Applicant's ownership.

Previously gated and enclosed by a wire fence, hedge and mature vegetation, the field has been laid with hardcore and partly laid out as described above, such that at the time of the initial Officer site visit it accommodated two caravans and a day block. A separate timber fence has been erected inside the western and southern boundary.

With the exception of a long established scrapyard on land to the east, the site is surrounded by open countryside. The closest neighbouring properties, in any direction, are located in excess of 0.3km away.

PLANNING HISTORY

The most recent or relevant applications on record with this site are as follows:

- 13/0538/10:** Retrospective consent for access track and proposed stables (Amended plans received 29/08/2013). Decision: 01/11/2013, Grant.
- 06/0610/10:** Quarrying and removal of approximately 40,000 cubic metres of limestone aggregate and the deposit of inert waste material of approximately 77,600 cubic metres to reinstate the land for agricultural purposes. (Further information received & new means of access shown). Decision: 23/09/2008, Refuse. Appeal allowed, 10/09/2009.

PUBLICITY

The application has been advertised by direct notification to three individual properties and notices were erected on site.

Furthermore, in accordance with the Development Management Procedure (Wales) Order 2012 the relevant press notice was published on 20th August 2020 identifying that the application represented a departure from the Local Development Plan.

No representations have been received as a result of the above consultation.

CONSULTATION

Highways and Transportation

The public highway in the vicinity of the sight is severely sub-standard and its use to serve residential development would result in the creation of hazards to the detriment of highway safety and the free flow of traffic.

Dwr Cymru Welsh Water

As the applicant intends utilising a private treatment works we would advise that the applicant contacts Natural Resources Wales who may have an input in the regulation of this method of drainage disposal. However, should circumstances change and a connection to the public sewerage system/public sewerage treatment works is preferred we must be re-consulted on this application.

Natural Resources Wales

The exact location of the historical landfill boundary located to the west of the proposed development site is unknown, although based on a review of relevant maps, appears to be within 110m of the development site. Therefore, there is a risk that contamination from the landfill may be encountered during the proposed development works and we request that a condition, relating to the discovery of unidentified contamination, is attached to any planning permission.

Public Health and Protection

Conditions are recommended in respect of demolition, hours of operation, noise, dust, and waste. However, it is considered that such matters can be controlled within the scope of existing legislation and therefore, an advisory note would be more appropriate.

The Public Health and Protection Section also noted that adverse ground conditions may exist on site and the applicant may wish to carry out investigations in order to satisfy themselves that there would be no adverse impacts from the work being carried out. Alternatively, a precautionary approach could be adopted, and gas protection measures incorporated into the buildings.

Western Power Distribution

A service connection or alteration will require the consent of WPD

Countryside, Landscape and Ecology – Ecologist

No objection, subject to conditions in respect of ecology mitigation and hedgerows.

Housing Strategy Section

The Housing (Wales) Act 2014 requires Welsh Local Authorities to undertake Gypsy and Traveller Accommodation Assessments (GTAAAs) and to make provision for sites where the assessments identify an unmet need for mobile home pitches.

Rhondda Cynon Taf's Gypsy and Traveller Accommodation Assessment 2015-2020 identifies a potential unmet need of 4 pitches over the 5 year period of the GTAA.

The need for both a transit site and temporary stopping place was considered as part of this Assessment. However, the local evidence has not indicated a need for either due to only a minor number of short term unlawful encampments in recent years.

With the above information in mind, the application demonstrates there is sufficient demand for a fixed site with provision of 3 plots.

The Coal Authority

Coal Authority records indicate that the western part of the application site lies in an area of recorded shallow coal mining. However, the parts of the site where the development is proposed lies outside of the defined High Risk Area. Therefore, we do not consider that a Coal Mining Risk Assessment is necessary to support this proposal and we do not object to this planning application.

No other consultation responses have been received within the statutory period.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies outside the settlement boundary for Llanharry.

Policy CS2 - the policy emphasis in the Southern Strategy Area is on sustainable growth that protects the culture and identity of communities by focusing development within defined settlement boundaries. Emphasis will also be on protecting the cultural identity of the Southern Strategy Area by protecting the natural environment.

Policy AW2 - stipulates that development proposals will only be permitted in sustainable locations, these include sites that: would not unacceptably conflict with surrounding uses; and are well related to existing water, waste, sewerage, electrical, gas and telecommunications infrastructure and improvements to such services will be provided where necessary.

Policy AW4 - details the types of planning obligations that may be sought in order to make the proposal acceptable in land use planning terms and that Community Infrastructure Levy contributions might apply.

Policy AW5 - concerns the amenity and accessibility criteria of new development proposals. The policy states that development proposals will only be supported where: the scale, form and design of the development would have no unacceptable effect on the character and appearance of the site and the surrounding area; the development would be compatible with other uses in the locality; the development would have safe access to the highway network and would not cause traffic congestion; and car parking would be provided in accordance with the Council's SPG on Delivering Design and Placemaking: Access, Circulation and Parking.

Policy AW6 - relates to design and placemaking and outlines that proposals will be acceptable where: they are appropriate to the local context in terms of siting, appearance, scale, height, massing, elevational treatment, materials and detailing.

Policy AW10 - stipulates that development proposals will not be permitted where they would cause or result in a risk of unacceptable harm to health and/or local amenity due to issues such as water, noise or light pollutions or other issues including land instability or contamination, unless it can be demonstrated that measures can be taken to overcome any significant adverse risk.

Policy AW15 - proposals for the use of land for the stationing of caravans occupied by Gypsies, Travellers and Travelling Show People will be permitted where it can be demonstrated that the proposed development:

1. Cannot be accommodated on the site allocated by Policy SSA26.
2. Is reasonably related to local services.
3. Where possible, is located on previously developed land.
4. Includes sufficient space for parking and manoeuvring of all vehicles associated with the occupiers of the site curtilage.
5. Is provided with adequate on-site services for water supply; power; drainage; sewage disposal; and waste disposal facilities.
6. Does not adversely affect surface or ground water resources.

Policy SSA13 - settlements in the Southern Strategy Area have absorbed a significant amount of new development during the last decade. In order to protect the identity of these settlements, ensure the efficient use of land and protect the countryside from urbanisation and incremental loss; the policy stipulates that development will not be permitted outside the defined settlement boundary.

Policy SSA22 - identifies locations designated as Green Wedge to prevent coalescence, protect vulnerable and undeveloped land, and urban form.

Policy SSA23 - identifies that the site falls within a Special Landscape Area, where due to the landscape value of the site, development proposals are expected to demonstrate a higher standard of design and consideration of the wider site context.

Policy SSA26 - land is allocated at Beddau Caravan Park for the provision of Gypsy and Traveller accommodation for the whole of the County Borough

Supplementary Planning Guidance

- Design and Placemaking
- Access, Circulation and Parking Requirements

National Guidance

In the determination of planning applications regard should also be given to the requirements of national planning policy which are not duplicated in the Local Development Plan, particularly where national planning policy provides a more up to date and comprehensive policy on certain topics.

Planning Policy Wales Edition 11 (PPW) was issued on 24th February 2021 in conjunction with Future Wales: The National Plan 2040 (FW2040). PPW incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out Welsh Government's (WG) policy on planning issues relevant to the determination of all planning applications. FW2040 sets out the National Development Framework for Wales (NDF), WG's current position on planning policy at regional and national level.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is also consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

In addition, it is also recognised that the guidance within Welsh Government Circular 005/2018 – Planning for Gypsy, Traveller and Showpeople Sites is of specific relevance to the proposed development, particularly in respect of site sustainability and wider material considerations. Hence these matters are considered further below.

Other national policy guidance considered:

- PPW Technical Advice Note 12: Design
- PPW Technical Advice Note 18: Transport
- Manual for Streets
- Welsh Government Circular 005/2018 Planning for Gypsy, Traveller and Showpeople Sites (June 2018)
- Welsh Government Enabling Gypsies, Roma and Travellers Plan (June 2018)

REASONS FOR REACHING THE RECOMMENDATION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

Main Issues:

Principle of the proposed development

The proposal seeks consent for three traveller pitches, each with static and touring caravans, and day rooms on a parcel of undesignated land. This land is outside the defined settlement boundary, and within an area of Green Wedge.

Green Wedge

LDP Policy SSA22 determines that the application site lies within a Green Wedge and PPW11 is clear that there is a general presumption against inappropriate development within Green Wedges. Furthermore, Circular 005/2018 states that new Gypsy and Traveller sites in the Green Belt or Green Wedges are likely to be inappropriate development. National planning policy on Green Belts or Green Wedges applies equally to applications for planning permission for Gypsy and Traveller sites and other residential uses.

The Circular continues that alternatives should be explored before green wedge locations are considered. However, it does not follow that sites outside the defined settlement boundary, away from existing settlements are necessarily unsuitable. Car-borne travel should also not be used to effectively block proposals for Gypsy and Traveller sites.

In this instance, and in accordance with the Circular, the application acknowledges that developments within Green Wedges are not permitted if it is deemed that they prejudice the open nature of the land. The development will have some impact, however, the nature, scale, siting, design, land use/designation and planning history of this proposal, together with the proposed mitigation measures, are considered to be of minor concern and have some reversibility. The application submission correctly points out that 1/3 of the site is Brownfield with an existing approved yard, access and stable block, and also notes that there are no alternative available private or public pitches available within the County Borough to accommodate the Applicant's immediate needs

Furthermore, Welsh Government has recognised that the Covid-19 pandemic has disproportionately affected the lives of Gypsies and Travellers, both in terms of how they live and where they work. Pitches of lower density on smaller sites are considered to be more appropriate.

Special Landscape Area

The application site is also within a designated Special Landscape Area (SLA), which were designated to protect areas of fine landscape quality within RCT. The SLA designation does not preclude development however providing that proposals conform to the highest design standards possible and protect the visual qualities of the SLA.

It is however noted that the existing scrapyards (to the east of the application site) is somewhat of an eyesore in the context of the SLA, although previous permissions do not provide carte blanche to permit inappropriate development elsewhere.

Housing Act

The Housing (Wales) Act, 2014 places a legal duty on local authorities to properly assess the accommodation needs of Gypsies and Travellers and ensure that they are provided for. The current RCTCBC Gypsy and Traveller Accommodation Assessment (GTAA) only covers the period 2015-2020 and therefore the assessment of 'need' is considered to be fairly out-of-date.

Seemingly, with no emerging up-to-date evidence at present, this would be a significant material consideration, particularly if the application was refused and subject to an appeal. The Council's Housing Strategy Team has also advised that the planning application evidences an unmet need due to the growth of the Applicant's family.

Other Policy Considerations

Circular 005/2018 – Planning for Gypsy, Traveller and Show People Sites (June 2018), supports Gypsies and Travellers finding and purchasing their own sites for development. It states that an increase in the number of approved private sites may also release pitches on local authority sites for Gypsies and Travellers most in need of public provision.

This is somewhat contradictory in relation to criteria 1 of LDP Policy AW15 of the LDP, which states that sites will be permitted where they cannot be accommodated by allocation SSA26 (Beddau Caravan Park). National policy therefore takes precedence. Approving planning permission for private Gypsy and Traveller Sites, in appropriate locations, also contributes to the Well-being of Future Generation (Wales) Act's goals of *A more equal Wales* and *A Wales of cohesive communities*, as well as contributing to the 'due regard' duty placed upon Local Authorities by The Equalities Act 2010.

In relation to other aspects of Policy AW15, which is the criteria based policy for the use of land for the stationing of caravans occupied by Gypsies and Travellers, the proposal appears to be compliant with regard to its proximity to local services and due to the fact that the site is Brownfield land. There is also sufficient space on site for parking and manoeuvring of associated vehicles, and the site can be provided with adequate on site services for water, power and waste disposal.

The site is in reasonably close proximity to a number of local facilities within the settlement of Llanharry, including a Post Office, places of worship, and a primary and secondary school. Whilst not within a sustainable location, as defined by Policy AW2, it is nonetheless reasonably close to existing facilities and would allow the family to access basic services, amenities, and education.

Paragraph 39 of the Circular states that sites in the countryside, away from existing settlements, can be considered for Gypsy and Traveller sites if there is a lack of suitable sustainable locations within or adjacent to existing settlement boundaries. In assessing the suitability of such sites, local authorities should be realistic about the availability, or likely availability, of alternatives to the car in accessing local services.

Conclusion

National planning policy is generally very supportive of applications for Gypsy and Traveller sites, as mentioned previously, although it does state that they are typically considered to be inappropriate development, when located within a Green Wedge.

However, given that no alternative sites have been identified within the settlement boundary or elsewhere, interpretation of the Circular indicates that an objection based upon the requirements of LDP Policy AW2, which stipulate the criteria for a sustainable location, should be afforded minimal material weight.

In addition, the location of the proposal, adjacent to the Applicant's existing approved stables and access track, together with its proximity to the aforementioned scrapyard, it is considered that the Green Wedge designation may be afforded less weight in this instance.

Therefore, in light of the above, and subject to the material issues considered further below, it is considered that the highlighted local and national policy matters weigh in favour of the of the principle of the development.

Impact on the character and appearance of the area

Further to the references to the SLA and Green Wedge status considered further above, LDP Policy AW15 and Circular 005/2018 recognise that Gypsy and Traveller caravan sites can be located in the countryside, which means that there would be a likely change to the character and appearance of such areas.

Taking into account the location of the development within a topographically depressed area and set against the slopes of higher ground to the north and south, together with its relative proximity to the settlement boundary of Llanharry, the development would not be considered to have a detrimental impact on the wider landscape or unacceptably harm its open nature.

The proposal has also been assessed in the context of existing surrounding features which include an extensive established scrap yard, landfill operations to the south and recent new buildings constructed on farm land to the north.

The immediate visual impact of the proposal is also considered to be acceptable since even in its rural location, there is a large hedge between the highway and the site. This effectively screens the stables and the development that has already taken place. The additional hedge planting proposals will only add further to that screening and mitigation.

Therefore, it is considered that the proposals will not detract from the character or appearance of the area.

Impact on neighbouring occupiers

The benefit of the application site being located within open countryside is that its distance from most other dwellings prevents there being any direct or immediate consequences for the amenity of other residents, either in respect of privacy or harm to outlook.

In this case, reflecting its distance from neighbouring properties, and in the absence of any representations to the contrary, no objections are raised in this regard.

Highways and accessibility

Following consultation and assessment of the scheme the below comments were offered by the Highways and Transportation Section:

Public Highway

The proposed development would be served via the adopted unnamed lane off Llanharan Road, Llanharry. The adopted unnamed lane is severely sub-standard and lacks sufficient width to facilitate two-way traffic flow; segregated pedestrian footway facilities; highway geometry capable of affording satisfactory sightlines, highway drainage, street lighting and structural integrity.

As such, use of the lane to serve residential development would result in the creation of traffic hazards to the detriment of highway safety and the free flow of traffic, which gives serious cause for concern.

Furthermore, Llanharan Road also lacks segregated pedestrian footway facilities, adequate highway drainage and street lighting, which gives further cause for concern.

Therefore, the public highways in the vicinity of the site are sub-standard to serve residential development. The lack of segregated pedestrian footway facilities would discourage walking as a means of travel and the development would be heavily reliant on the use of private motor vehicles, contrary to the aims of PPW11 and the Active Travel (Wales) Act 2013.

Site Access

Access from the public highway would be via an existing access off the adopted unnamed lane that currently serves a stable block. The access measures in excess of 4.5m in wide and accommodates a sufficient turning area to ensure vehicles are able to enter and exit in a forward gear. As such, the existing access is acceptable to serve the level of development proposed.

Off-street parking provision

The proposal is for 3 no. Gypsy and Traveller pitches. The submitted site layout plan indicates provision of 2 no. parking spaces per pitch; however, there is scope for significantly more off-street parking provision than that shown on the plan.

The proposal therefore gives no undue cause for concern regarding off-street parking provision.

Conclusion

To conclude, the public highway in the vicinity of the sight is considered sub-standard to serve a residential use and would create traffic hazards to the detriment of highway safety and the free flow of traffic. Accordingly, a highway objection is raised on this basis.

Ecology

The Council's Ecologist has noted that the Applicant has undertaken the required assessment of foraging/commuting bats and although this records four species, the report concludes that with lighting mitigation the impacts on bat usage of the immediate area will be negligible.

The requirement for the bat activity survey work was due to the site being in a rural location near important bat habitats, but the activity work better substantiates the conclusion that the development would have a negligible impact. The Ecologist has confirmed that if a condition is appended to any consent requiring details of a scheme to deliver all recommendations within the November 21 Elite Ecology Bat Report, the bat issue would be resolved.

In terms of the dormouse survey, a survey has been undertaken of the immediate area and found no current evidence of dormouse occupancy. Again, the reason for requiring this work was because this site is close to key dormouse sites and habitats, and site-specific assessment was required to understand how this application might be affecting the species. The conclusions of the assessment, that there is unlikely to be an impact on dormice, is now much stronger with the nil results of the survey.

In light of the above, the Ecologist has requested a further condition for a local provenance hazel only hedgerow to be provided for the new garden boundaries, and has advised that any protected species have been resolved sufficiently for this application to proceed.

Further material considerations

Notwithstanding the matters above, the Local Planning Authority must consider whether there are any other material considerations that should apply in this case, that might outweigh the identified harm to highway safety.

Welsh Government Circular 005/2018 explains that the Housing (Wales) Act (2014) places a legal duty upon local authorities to ensure the accommodation needs of Gypsies and Travellers are assessed and that the identified need for pitches is met. Although the Housing Act is not planning legislation, it is relevant to this application since the unavailability of pitches to cope with identified need becomes a material planning concern.

In this regard the Council produced a Gypsy and Traveller Accommodation Assessment 2015-2020. The assessment determined that within this five-year period there would be a shortfall of four residential pitches, although the great fluidity of such demand is recognised and could be lesser or greater at the time of enquiry. Currently, as the response from the Council's Housing Strategy Team notes, the application has identified an unmet need and the demand for a fixed site of three pitches is justified.

The Circular also advises that the Human Rights Act 1998 (HRA) and the Public Sector Equality Duty (PSED), established by Section 149 of the Equality Act (2010) are germane. The former requires that decisions taken must respect private and family life and the home, and peaceful enjoyment of their possessions. The PSED is relevant because of the protected characteristics of the Applicant.

A further factor is that the requirements set out within of Article 3 of the United Nations Convention on the Rights of the Child (UNCRC) must be considered. The Article states that the best interests of children must be a primary consideration in making decisions that may affect them. All relevant adults should do what is best for children and when decisions are made, the impact on the child must be considered.

Article 3 applies in this case and it is evident that if the application did not gain consent the outcome would undoubtedly be disruptive to family life and in particular that of the younger family members.

Although, as a national treaty, the UNCRC has not been incorporated directly into domestic law, it has been recognised at Parliamentary level that its principles often guide practice and are often referred to by the courts when interpreting human rights.

Cognizant of these additional material matters, the courts have held that the identified harm to the public interest, i.e., the detriment to highway safety, must be balanced against the rights and personal circumstances of the Applicant. Article 8 of the European Convention on Human Rights states that "Everyone has the right to respect for his private and family life, his home and his correspondence".

Article 8 also instructs that "There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the

protection of health or morals, or for the protection of the rights and freedoms of others.”

In this regard, the Council’s Highways and Transportation Section has adopted a position that the highway infrastructure is unsuitable to support the development. However, given paragraph 39 of the Circular, which states that sites in the countryside, away from existing settlements, can be considered for Gypsy and Traveller sites, the recommendation to Members is that the identified highway safety concerns, are outweighed by the personal circumstances of the Applicant and his family.

Community Infrastructure Levy (CIL) Liability

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The Council’s Solicitor has advised that although the touring caravan and static caravan are unlikely to amount to a building for the purposes of planning and CIL liability, this would not be the case for a permanent utility/day room, the three of which would have a combined internal floor space of just over 188m²

Consequently, part of the development is of a kind that is liable for a charge under the CIL Regulations 2010 (as amended). The application lies within Zone 3 of Rhondda Cynon Taf’s Residential Charging Zones, where there is a liability of £85m² for residential development (including extensions to dwellings over 100m²).

The CIL (including indexation) for this development is therefore expected to be £21,875.48.

Conclusion

National planning policy and guidance clearly acknowledges that locations outside of the settlement boundary may be justified for Gypsy and Traveller sites, and indeed may be preferable.

Such countryside locations are unlikely to benefit from streetlighting, pavements and drainage, or accord with active travel aspirations, although the un-named road does actually benefit from several informal passing points within the verge, which allows vehicles to pass.

Consequently, it is logical that less material weight has been given to the representation and objection from the Council’s Highways and Transportation Section.

For the reasons given in the preceding sections of the report, greater weight has been attributed to the Applicant’s personal circumstances, the absence of any alternative sites and the wider material considerations that must be taken into account. In the overall planning balance therefore, the application is recommended for approval.

RECOMMENDATION: GRANT SUBJECT TO CONDITIONS

1. The development hereby approved shall be completed in accordance with the approved drawings and documents:
 - 02b
 - 03e
 - 04b
 - 05a

and details and documents received on 15th July 2020, 13th August 2020, 1st September 2020 and 6th December 2021.

Reason: To ensure compliance with the approved plans and documents and to clearly define the scope of the permission.

2. Notwithstanding the approved plans, the proposed new hedge planting, shown on drawing no. 03e for the purposes of forming garden boundaries, shall comprise only of locally sourced Hazel.

Reason: In the interests of biodiversity in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

3. Within three months of the completion of development, the recommended bat mitigation measures outlined in Section 5 of the Elite Ecology Bat Transect Survey, dated November 2021 shall be implemented on site and maintained in good order thereafter. No other external lighting shall be erected at the site or affixed to any structures without the prior consent of the Local Planning Authority.

Reason: In the interests of protected species in accordance with PPW 11 and Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

4. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. This remediation strategy shall be carried out as approved.

Reason: To ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without

unacceptable risk, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

5. The site shall not be occupied by any persons other than Gypsies and Travellers as defined in paragraph 3 of Welsh Government Circular 005/2018 'Planning for Gypsy and Traveller Caravan Sites'.

Reason: In order to ensure that the accommodation is occupied solely by Gypsy/Travellers, since the land would not be suitable for other residential purposes due to its unsustainable location outside the settlement boundary, in accordance with Policies AW2 and SSA13 of the Rhondda Cynon Taf Local Development Plan.

6. No commercial activities shall take place on the land, including the storage of materials.

Reason: In the interest of the character and appearance of the site and conserving the rural character and appearance of the area, in accordance with Policies AW5, SSA 22 and SSA23 of the Rhondda Cynon Taf Local Development Plan.

7. The occupation of the land hereby permitted shall be carried on by Mr Nathan Price, immediate family members and their resident dependants. When the land ceases to be occupied by any of those individuals the use hereby permitted shall cease and all mobile homes, static/touring caravans, portable structures, materials and equipment brought on to the land, shall be removed and the land shall be restored to its condition before the development took place within six calendar months of that date.

Reason: In order to ensure that the accommodation is occupied by those whose personal circumstances are material to the decision.

8. There shall be no more than the three pitches hereby approved on the site and no more than two caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than one shall be a static caravan or mobile home) shall be stationed on each one of the three pitches at any time.

Reason: To define the scope of the consent and in the interests of visual amenity in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.