



Powys Local Development Plan

Position Statement - Gypsy and Traveller Accommodation

Incorporating an action statement and implications for the LDP

September 2016

Contents

		Page
	Summary	3
1.0	Introduction	4
2.0	Evidence of Need for Gypsy and Traveller Accommodation in Powys and the Actions taken by the County Council	4
3.0	Gypsy and Traveller Need in Machynlleth	5
4.0	Gypsy and Traveller Need in Brecon	7
5.0	Gypsy and Traveller Need in Welshpool	9
6.0	Conclusion	11
Appendix 1	Appeal Decision, Cwmanod, Llanddew, Brecon, 30/6/16	

Summary

The draft Gypsy and Traveller Accommodation Assessment 2016 undertaken by the Council has identified housing needs in Machynlleth, Brecon and Welshpool. This paper explains the evidence of need, the action being taken by the Council to address this need and the implications for the LDP particularly in relation to the LDP's policy H13, the allocation of a permanent site in Machynlleth and the commitment to provide additional pitches in Welshpool. Brecon is situated in the planning authority area of the Brecon Beacons National Park and not within the Powys LDP area.

1.0 Introduction

1.1 This paper sets out:

- The need identified for gypsy and traveller accommodation in Powys as a result of recent assessments of need including the findings of the Gypsy and Traveller Accommodation Assessment 2016.
- The actions the Council has taken previously and is currently taking corporately to meet the identified need.
- The implications for the Powys LDP in terms of policy and land allocations.

2.0 Evidence of Need for Gypsy and Traveller Accommodation in Powys and the Actions taken by the County Council

2.1 The future accommodation needs of gypsies and travellers within Powys has been assessed on three occasions since 2008:

- i. Gypsy & Traveller Accommodation Needs Assessment (2008) (EB02).
- ii. Gypsy & Traveller Accommodation Needs Assessment (Update, 2014) (EB03).
- iii. Gypsy and Traveller Accommodation Assessment (GTAA) 2016 (ED013) – this was submitted to Welsh Government for approval in February 2016, and in response to queries by Welsh Government was revised in June 2016. Approval by Welsh Government is anticipated by the end of September 2016. It

2.2 The assessments have identified need in three places: Machynlleth, Welshpool and Brecon. It should be noted that Brecon is situated within the Brecon Beacons National Park and lies outside the Powys LDP area, although nearby.

2.3 The need identified by the successive assessments is set out for each of the three places in tabular form in the following sections. Each table identifies the type of need (Permanent or transit), when the need is due to arise, how many pitches the need relates to, and a summary of the action or response the Council has taken corporately to address the identified need.

2.4 The implications for the LDP are set out beneath each table.

2.5 Welsh Government guidance on Undertaking Gypsy and Traveller Accommodation Assessments (May 2015) states in Chapter 3 – Assessing Accommodation needs:

“142. From the results of the Gypsy and Traveller accommodation assessment (GTAA) it should be possible to identify the number of Gypsy and Traveller households which require additional pitches immediately, within 5 years, and over the Development Plan period.”

2.5 The guidance also states in Chapter 5:

“231. Once the Gypsy and Traveller accommodation assessment has been approved by Welsh Ministers, Local Authorities will be subject to a legal duty to exercise their functions to provide mobile home pitches to meet the identified needs. Section 56 of the Mobile Homes (Wales) Act 2013 provides the power for Local Authorities to do this. However, Local Authorities should recognise there are a range of tools at their disposal to support them to achieve this aim.”

2.6 The Council has been advised that Welsh Government expects Local Authorities to address the need identified in the GTAA from the time that the GTAA was submitted. This means that immediate need will need to be addressed by Feb 2021 and the longer term need met by 2026, which will coincide with the end of the LDP plan period. The tables below explain the need identified by the GTAA up to 2026.

3.0 Gypsy and Traveller Need in Machynlleth

Table 1: Machynlleth

Study date	Type of need (Permanent / Transit)	When needed (period)	Number of Pitches	Summary of Council's Response / Action
2008 GTANA (EB02)	None	-	None	No need identified
2014 GTANA (EB03)	Transit	See note	2	Study concluded, “The Council will investigate feasibility options for providing a transient site to meet the need identified of 2 households. In seeking to identify a suitable site, the Council will liaise with the adjoining authorities of Ceredigion and Gwynedd. (Please note para 24.2 below following consultation). Para 24.2 says “Following the consultation response from the Housing Management and Options Officer interview the Council will investigate further while it undertakes a new GTAA in accordance with the provisions of the Housing (Wales) Act 2014 whether a permanent or transient site is required in Machynlleth.”
April 2015 – LDP topic paper – Gypsy and traveller Needs in Machynlleth (EB28)	Permanent	See 2016 GTAA	To be determined by GTAA but considering land used 3 pitches.	Having spoken to the families and their representatives, the Unity Project, the Council recognised that there would be a need for a permanent site, but the actual number of pitches was to be determined by the GTAA 2016. For the purposes of identifying land for inclusion in the LDP, a 3 pitch site was sought. An identification and assessment process of potential sites in Machynlleth was undertaken, and a site allocation (P42 HA4) was proposed in the Deposit Draft LDP, June 2015. The Council

				does not own any suitable land and land will need to be acquired.
2016 GTAA (Draft, awaiting WG approval) (ED013)	Permanent	Feb 2021	5	<p>The draft GTAA acknowledged that LDP Policy H13 included the allocation of land for a permanent site. Need identified from interviews on tolerated unauthorised site for 3 pitches and 2 pitches identified need from Bricks and Mortar interviews.</p> <p>The Council has accepted that some of the families in Machynlleth are homeless and provision of accommodation will be prioritised by the Council.</p> <p>In response, the Council appointed a Gypsy and Traveller Project Officer – Housing in January 2016.</p> <p>The Council has allocated £200k to assist in identifying land for a new site in the 2016/17 financial year. A further £2.28m has been made available to assist with meeting needs arising from the GTAA for subsequent years.</p> <p>The Council has established a multi departmental Gypsy and Traveller Project Board to consider and develop proposals for Machynlleth and address the needs identified in the GTAA. Inaugural meeting held on 31st March 2016 and the Board meets monthly.</p> <p>The Council has advertised and actively pursued land options in the Machynlleth area with a view to securing planning permission for the identified need. It has commissioned relevant surveys on pieces of land to identify suitability in preparation for submitting a planning application.</p> <p>The Council anticipates applying for Welsh Government grant to develop a new site in 2017.</p> <p>The Council plans to provide a new site by March 2018.</p> <p>Note: No further need for the longer term period 2021 to 2026 was identified by the GTAA.</p>

3.1 Implications for the LDP - Machynlleth

3.2 The Council, through its Gypsy and Traveller Project Board, is actively pursuing the development of a permanent site for 5 gypsy and traveller households in Machynlleth based on the findings of the Draft GTAA 2016. This need must be met by 2021. No further need has been identified for the period 2021 to 2026.

3.3 Site options are being investigated including detailed site survey work on several sites prior to a planning application(s) being submitted on a preferred site(s), and in advance of any land acquisition if required. The site proposed as an allocation in the deposit draft LDP, June 2015 at Newtown Road, Machynlleth (P42 HA4) is one of the sites under detailed investigation. This work is in progress and has yet to complete. At this stage it is considered that the following Further Focussed Changes should be made to the LDP:

1. Policy H13 – Gypsy and Traveller Sites and Caravans, and paragraphs 4.6.39 – 4.6.41.

It is proposed that the policy is amended to make reference to P42 HA4, as requested by the Planning Inspector (letter to the Council dated 6th May 2016).

It is further proposed that an additional paragraph be added to explain the findings of the draft GTAA 2016 as submitted to WG, and explain how the LDP is addressing the identified need.

2. Appendix 1 – Settlement Allocations, P42 HA4.

It is proposed that the number of units be amended to 5 to reflect the findings of the draft GTAA 2016, as submitted to WG.

3. Inset Map P42 – allocation P42 HA4.

No amendment feasible at this stage given on-going action.

3.4 Given the on-going action being taken by the Council, the position will have moved on by the time of the hearing sessions on the LDP in 2017, and the Council will provide further clarification and evidence to the Examination at that point. It is considered that any changes that are necessary to the LDP in relation to the provision of a permanent gypsy and traveller site in Machynlleth are addressed at that point via Matters Arising Changes.

4.0 Gypsy and Traveller Need in Brecon

Table 2: Brecon

Study date	Type of need (Permanent / Transit)	When needed (period)	Number of Pitches	Summary of Council's Response / Action
2008 GTANA (EB02)	14 stopping places 5 transit	2007-2017	14 stopping places 5 transit	Provision was for one extended family who were accommodated temporarily at Cefn Cantref temporary site (near Brecon in BBNP). Needs rationalised during period and in accordance with emerging Welsh Government guidance relating to Gypsy and Travellers. Council applied for 2 other planning applications for alternative sites which were refused consent.

				New site of 10 pitches delivered in 2014 at King's Meadow, Brecon (in BBNP).
2014 GTANA (EB03)	0		0	The assessment concluded "No future need has been identified in Brecon, however, the 4 additional un-serviced pitches provided on 'King's Meadow' will be used to accommodate future growth as it arises. There is also one family in Brecon who are currently tenants of the Kings Meadow site, but who want to develop their own site and who are being advised about the planning process."
2016 GTAA (Draft, awaiting WG approval) (ED013)	Permanent	Sept 2021	3	<p>The GTAA survey identified a need for 3 additional pitches due to family growth. The Council in April 2016 submitted a grant application to Welsh Government to provide permanent facilities to all 4 of the un-serviced pitches. Welsh Government awarded a grant of £303k in July 2016.</p> <p>The Council is tendering the works with a view to completing the plots by March 2017.</p> <p>One of the households has obtained planning permission via a planning appeal at Cwmanod, Llanddew (in the Powys LDP area) for a private site. This household has 5 years to comply with the conditions of the planning permission. When they move off site it will create a vacancy on the site.</p> <p>Given the action undertaken by the Council since the survey and the draft GTAA was submitted in Feb 2016, the revised GTAA, June 2016 no longer identifies an outstanding need in relation to Brecon.</p>

4.1 Implications for the LDP - Brecon

4.2 The housing need identified by the draft GTAA submitted in February is being met through the development of the remaining four un-serviced plots at King's Meadow, Brecon which is located in the area of the Brecon Beacons National Park and outside the Powys LDP area. Given the award of grant funding by Welsh Government in July 2016, the four serviced plots are expected to be completed by the end of March 2017. As such, the meeting of this need and the delivery of the site has no implications for the Powys LDP.

4.3 In addition to the need identified in the GTAA 2016, planning permission was granted at appeal on the 30/6/16 for a gypsy traveller site for a single family on land to the west of Cwmanod Cottage, Llanddew which is situated in the Powys LDP area. A copy of the appeal decision (reference APP/T6850/A/15/3141599) is attached as appendix 1.

4.4 It is considered that the following Further Focussed Changes should be made to the LDP:

1. Policy H13 – Gypsy and Traveller Sites and Caravans, and paragraphs 4.6.39 – 4.6.41.

It is proposed that an additional paragraph be added to explain the findings of the draft GTAA 2016 as submitted to WG, and to explain how the identified need is being met in Brecon, albeit outside the Powys LDP area.

2. Appendix 1 – Settlement Allocations.

No allocation necessary.

3. Proposals and Inset Maps

No amendments are necessary. The site at King’s Meadow is located outside the Powys LDP area.

The site at Cwmanod, Llanddew is located in open countryside and has the benefit of planning permission and it is therefore not considered necessary to identify this site on the LDP proposals map, as is the case for all dwelling commitments below 5 units.

5.0 Gypsy and Traveller Need in Welshpool

Table 3: Welshpool

Study date	Type of need (Permanent / Transit)	When needed (period)	Number of Pitches	Summary of Council’s Response / Action
2008 GTANA (EB02)	N/A	N/A	0	None identified, site refurbished in March 2012. Study said p29, “Withybeds is fully occupied, but there is no evidence of need in the north of the area beyond the families currently resident.” The site was comprised of 12 pitches, and transit pitches which were rarely used. The refurbished site provided 10 pitches which were dedicated to Irish Travellers. The Romany households who had previously occupied part of the site were re-housed to Council housing.
2014 GTANA (EB03)	Permanent	First 5 years	2	The 2 households identified from family growth moved off site and entered into relationships with occupants of sites in England. The provision was therefore no longer required.
2016 GTAA (Draft, awaiting	Permanent	Feb 2026	2	Para 6.38 of the GTAA, June 2016 states, “This leaves a residual need for the Council to

<p>WG approval) (ED013)</p>			<p>address through new household formation on the public site in Welshpool, which when viewed in isolation shows a need to provide two additional pitches when the supply through dissolution of pitches is taken into consideration".</p> <p>Investigations are being undertaken by the Council to determine whether it is possible to meet the need on the existing site at Leighton Arches, Welshpool. Alternative sites are also being investigated should it prove not possible to accommodate the identified need on the existing site.</p>
---------------------------------	--	--	---

5.1 Implications for the LDP - Welshpool

5.2 The Council, through its Gypsy and Traveller Project Board, is actively investigating the provision of 2 permanent pitches in the Welshpool area based on the findings of the Draft GTAA 2016. This need must be met by 2026.

5.3 Site options are being investigated including detailed site survey work on several sites prior to a planning application(s) being submitted on a preferred site(s), and in advance of any land acquisition if required. This work is in progress and has yet to complete. At this stage it is considered that the following Further Focussed Changes should be made to the LDP:

1. Policy H13 – Gypsy and Traveller Sites and Caravans, and paragraphs 4.6.39 – 4.6.41.

It is proposed that the policy is amended to make reference to the need to provide two additional permanent pitches in Welshpool by 2026. A specific site cannot be named or identified at this juncture given the on-going site selection and development process.

It is further proposed that an additional paragraph be added to explain the findings of the draft GTAA 2016 as submitted to WG, and explain how the LDP is addressing the identified need and the Council's commitment to meeting the need.

2. Appendix 1 – Settlement Allocations

No allocation feasible at this stage as the process of selecting a suitable site is being conducted.

3. Proposals and Insets Maps

No allocation feasible at this stage as the process of selecting a suitable site is being conducted.

5.4 Given the on-going action being taken by the Council, the position may have moved on by the time of the hearing sessions on the LDP in 2017, and the Council will provide further clarification and evidence to the Examination at that point if appropriate. Should any changes to the LDP be necessary or possible at that point, it is recommended that these are addressed via Matters Arising Changes.

6.0 Conclusion

6.1 At the time of writing this position statement (Aug 2016), the GTAA 2016 is awaiting approval by Welsh Government. The Council is however taking action on the basis of the draft findings to address the identified need. For the Powys LDP, this on-going work has implications for Machynlleth and Welshpool where the Council is taking steps to make additional provision as soon as practicably feasible. By the time of the Examination hearing sessions it will be possible to provide further information and for further amendments to the LDP to be addressed via Matters Arising Changes if necessary.

Appendix 1 - Appeal Decision, Cwmanod, Llanddew, Brecon, 30/6/16

Penderfyniad ar yr Apêl

Gwrandawriad a gynhaliwyd ar 07/06/16

Ymweliad â safle a wnaed ar 07/06/16

**gan Vicki Hirst BA(Hons) PG Dip TP
MA MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 30/06/16

Appeal Decision

Hearing held on 07/06/16

Site visit made on 07/06/16

**by Vicki Hirst BA(Hons) PG Dip TP MA
MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 30/06/16

Appeal Ref: APP/T6850/A/15/3141599

Site address: Land west of Cwmanod Cottage, Llanddew, Brecon, LD3 9SU

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs M and D Lewis against the decision of Powys County Council.
 - The application Ref P/2014/0920, dated 31 August 2014, was refused by notice dated 27 July 2015.
 - The development proposed is the change of use of land for gypsy – traveller site for single family, with associated development (hard standing and utility block).
-

Decision

1. The appeal is allowed and planning permission is granted for the change of use of land to a gypsy traveller site for a single family to include the siting of two caravans/mobile homes and utility block and all associated works at land west of Cwmanod Cottage, Llanddew, Brecon, LD3 9SU in accordance with the terms of the application, Ref P/2014/0920, dated 31 August 2014, and the plans submitted with it, subject to the conditions in the attached schedule.

Procedural Matters

2. The description of development in the heading above has been taken from the application form. An amended description was agreed between the main parties prior to the application being determined to more accurately describe the development being sought. It is on the basis of the revised description as set out in my formal decision above that I have determined the appeal. It was also confirmed at the hearing that the proposal did not relate to any commercial use of the site and that either a permanent or temporary permission was being sought.
3. The submitted application documents included a supporting statement which contains personal information. Powys County Council (the Council) did not publish the document on its website due to its content but retained it on the working file. The Planning Inspectorate has not published it on the Planning Portal as it contains personal and potentially defamatory content. It was agreed at the hearing that as interested persons may not have been aware of the statement that it would be

prejudicial and unfair to interested persons to take it into account. It was agreed that no prejudice would arise to the appellants if it was not taken into account as the relevant information within it had been provided in other documents as part of the appeal submissions. As such all parties agreed that the document should be disregarded and I have therefore not taken it into account in reaching my decision.

Main Issues

4. The main issues in this case are:

- whether the proposal would provide an appropriate site for a gypsy and traveller site, in particular having regard to its effect on the character and appearance of the area and its sustainability credentials; and
- whether there are other material considerations that would justify granting permission in particular having regard to the general need and supply of gypsy and traveller sites in the area and the personal circumstances of the appellants.

Appropriateness of Site – Policy Considerations

5. Policy HP20 of the Powys County Council Unitary Development Plan (UDP) relates to gypsy caravan sites. It supports their provision subject to a number of criteria, including meeting the needs of gypsies who have regularly resided in or resorted to the area and there are no other sites available, the development to not be visually intrusive in the landscape and incorporate screening provisions and the proposal being well related to existing community, social and educational facilities. The supporting text states that proposals for development of isolated small sites will not be permitted.
6. Welsh Assembly Government Circular 30/2007: "Planning for Gypsy and Traveller Caravan Sites" (Circular 30/2007) supports the principle of gypsy and traveller sites being located in rural settings, where not subject to specific planning or other constraints. The Circular advocates that sites should be sustainably located. In assessing the suitability of sites, the Circular advises local authorities to consider a range of sustainability criteria and to be realistic about the availability of alternatives to the car to access local services. It states that over rigid application of policies that seek a reduction in car borne travel would not be appropriate.
7. Powys County Council (the Council) does not dispute the gypsy status of the appellants or their family. There is no evidence before me to suggest that the appellants or their family are not gypsies and from the evidence given at the hearing I am satisfied that the appellants and their family are gypsies for the purposes of the definition at paragraph 3 of Circular 30/2007.
8. Local and national policies support the provision of gypsy and traveller sites in principle. Therefore, the main considerations are whether the proposal would be visually intrusive in the landscape and harmful to the character and appearance of the area, whether it would be sustainably located and whether there is an overriding need for the development.

Character and Appearance

9. The site is located within the countryside and comprises a small area of cleared woodland accessed via a single carriageway rural lane through an existing gateway on its southern boundary. The site is bordered by mature woodland to the west, the lane to the south, a further area of woodland and the River Honddu to the north and an area of cleared land to the east situated on a lower level, part of which is within the

appellants' ownership and part of which it is understood is in the ownership of Powys County Council. The property, Cwmanod Cottage lies to the east on the opposite side of the road bridge crossing the river. Two public footpaths are located to the east and south east, with a further footpath to the north. The site rises steeply from east to west. At the time of my visit the site was vacant. There was evidence of a stoned area in the western portion of the site.

10. The site is not the subject of any statutory or local landscape designations. The boundary of the Brecon Beacons National Park (BBNP) lies to the immediate south and to the east. The National Park designation affords the area the highest status of protection in landscape terms and I have had regard to the statutory purpose of National Parks to conserve and enhance the natural beauty, wildlife and cultural heritage of the area¹ in reaching my decision.
11. The LANDMAP assessment for the overall area describes it as a settled pastoral upland valley with well treed slopes with a scattering of farmsteads and rural dwellings on the valley sides. Settlements tend to be vernacular in style and complement the character of the landscape with views possible to the surrounding area but mostly channelled down the valley. The assessment gives the visual and sensory aspect of the landscape a high value.
12. The overall character of the area is of countryside and the proposed development comprising two caravans, a utility block and associated access, parking and hardstanding would be in direct contrast with the existing character of the area. I acknowledge the appellants' reference to the presence of caravans on farmyards and in gardens. Nonetheless these are viewed in association with other buildings and as ancillary elements to larger farms or dwellings. From my observations on site I do not find that individual caravans or caravan sites are a particular feature of the area.
13. The proposal would alter the tranquil, undeveloped nature of the site. Despite the presence of some vegetation there would be clear views of the development from the adjacent highway and from the bridge to the east. Whilst the mobile home would be set back from the highway and viewed against the backdrop of the woodland to the west, the elevated nature of the site would emphasise the development. The touring caravan would be positioned to the front of the site adjacent to the entrance and would be highly visible from the lane.
14. The proposal would also be visible from a short stretch of the public rights of way to the south east and north, the former being within the BBNP. However these views would be partially filtered by the presence of vegetation and in the case of the path to the north through the topography and distance. Whilst there would be some impacts to these paths, in the overall context of the enjoyment of these routes, I find that any harm would be limited to very short stretches.
15. I observed on my site visit that longer distance views would be limited due to topography, vegetation and the relatively small size of the proposal. As such I find that the impacts would be very localised and limited to the short stretch of highway to the south and east and limited portions of the public rights of way to the north and south east.
16. The appellants explained at the hearing that electricity provision to the site would require an additional length of overhead line and supporting poles taken from the

¹ Section 61, Environment Act, 1995

existing line to the north. In the context of the wooded area I do not find that this would cause a significant increase in any visual harm.

17. Nonetheless from local viewpoints the proposal would be an alien feature in this attractive pastoral landscape. It would be visually intrusive in the local landscape and harmful to the character and appearance of the area and would not conserve the natural beauty of the National Park. In this respect the proposal would fail to accord with policies HP20 and ENV2 of the UDP.

Sustainability

18. The site lies within approximately 600 metres of the village of Llanddew. It was confirmed at the hearing that Llanddew is defined as a small village in the UDP with a specified settlement boundary. It contains limited services. The larger settlement of Brecon lies approximately 2km distant and offers a range of services including health centres, shops and schools.
19. Whilst policy HP20 of the UDP requires sites to be well related to existing community, social, educational and other facilities no further clarity is provided. The appellants do not intend to rely on public transport for accessing services and would utilise a private car and Circular 30/2007 requires decisions to be made without over rigid application of policies that seek a reduction in car borne travel. I acknowledge the Council's view that the site is isolated and it is evident that Llanddew cannot offer day to day services. However in my assessment 2km is not an unreasonable distance for travelling to access local services in a rural area. I note, and whilst acknowledge that the site lies within the settlement boundary, that the Council has recently granted planning permission for housing and affordable housing in Llanddew which will similarly rely on services in Brecon.
20. Circular 30/2007 advises that issues of site sustainability are important not only for environmental issues, but also for the health and well-being of gypsies and travellers for matters relating to maintenance and support of family members and social networks. The appellants explained at the hearing that they have strong and long standing family and friend connections with the Brecon area and that the children, aged 6 and 8, attend the local schools. The location of the site close to Brecon and the publicly provided gypsy and traveller site at Kings Meadow where members of the family reside would enable family and social connections to be maintained and for the children to continue to attend the local schools, both now and in the future.
21. The site is also serviced by mains water and as stated above electricity could be gained from the supply that lies to the north. It was stated at the hearing that no phone line would be required as mobile phones would be used for both telephone and internet connection. A package sewage treatment unit would be provided for foul sewage.
22. I conclude that the site would provide an appropriate site for a gypsy and traveller site with regard to its sustainability credentials.

Other Material Considerations

Need and Supply of Gypsy and Traveller Sites

23. At the time of the hearing the appellants were residing at Kings Meadow which provides gypsy and traveller accommodation in the Brecon area. It was confirmed at

the hearing that there is currently no other available gypsy and traveller site in the Brecon area.

24. The Council has a duty under the Housing Act 2004 and Circular 30/2007 to assess the need for gypsy and traveller accommodation. Where an assessment of unmet need is evident, there is a requirement to ensure that sufficient sites are allocated through the Local Development Plan (LDP) process. These duties reflect wider duties to promote equal opportunities and to prevent unlawful discrimination on the grounds of race.
25. The Council is currently preparing its LDP and which has reached deposit draft stage. It was confirmed at the hearing that the Council commissioned consultants to undertake a Gypsy and Traveller Accommodation Assessment (GTAA) and the assessment has been submitted to the Welsh Government. The GTAA is not in the public domain at present, but the Council stated at the hearing that it identifies a need for 3 additional pitches and the Council will be seeking grant aid to provide 4 serviced pitches at the Kings Meadow site. The appellants contended at the hearing that there is a need for some 7 pitches due to the doubling up on pitches at the Kings Meadow site and that no consideration has been given to the need for private pitches with no approach being made to the appellants to discuss their needs.
26. The Council stated at the hearing that the Welsh Government has queried why the GTAA has not been informed by a discussion with the appellants regarding their need for a pitch due to their long standing personal circumstances which I refer to below. Furthermore, it would appear that the GTAA does not consider the need for private pitches, which the Council contends would be assessed on a case by case basis against a criteria based policy in a similar manner to the UDP policy HP20.
27. Given the stage of preparation of the GTAA and the LDP I give them little weight. Nonetheless, even though there was not consensus between the main parties at the hearing on the number of pitches needed, there was agreement that there is a need for some additional pitches within the Brecon area. It is the Council's position that these can be provided at the Kings Meadow site.
28. Whilst policy HP20 of the UDP allows for the provision of sites subject to compliance with detailed criteria this is on the basis that there are no other sites available locally. This does not appear to address Circular 30/2007's recognition that some gypsies and travellers wish to find and buy their own private sites to develop and manage. On the evidence before me no actual provision has been made for private sites within the UDP and given the current status of the LDP and the current shortcomings of the GTAA there is no identifiable time frame for this to be addressed in the forthcoming development plan.
29. Circular 30/2007 also notes 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. In this case, given there is a need in the area, the lack of identified other sites within the current development plan that could accommodate the appellants, and taking account that the provision of a private site would release a pitch at Kings Meadow that would go towards an identified need I afford these matters considerable weight.

Personal Circumstances

30. On the evidence before me it is well documented that the appellants experience difficulties living at the Kings Meadow site due to inter family conflicts. This has led to

Mr Lewis experiencing health problems which are substantiated by medical reports. It was explained at the hearing that Mr Lewis has to regularly sleep in a car due to the difficulties on the site and the conflicts have been taking place since 2000. The site is not managed by an on site warden and the difficulties on the site have implications for others residing there. The appellants consider that the situation does not provide a stable environment for the children who need to be accommodated in the area to enable them to continue their education in local schools.

31. It is evident that the appellants have attempted to find alternative accommodation and have resided in both unauthorised locations and have been provided a council house in Talybont and Brecon. However, they experienced harassment and found it difficult to adjust to living in bricks and mortar accommodation. The Council's Service Manager Housing Solutions stated in 2015 that the appellants are unable to reside on the same site as other family members with a mediator advising that it was unlikely that the parties could reside on the same site. The Council's Service Manager considered that in the interests of managing the Kings Meadow site it was recommended that the appellants find an alternative pitch/site in the Brecon area. The vacancy that this would create would assist in meeting a need on the site. The Council stated at the hearing that this was not the Council's agreed position and was the view of only one officer.
32. Nonetheless, the evidence before me demonstrates the difficulties on the site between the appellants and other family members, the lack of available alternative accommodation within the Brecon area, the attempts that the appellants have made to find other places to reside, and the need for the appellants' children to have a stable and safe home environment close to their education. I find these to be compelling reasons for the appellants to be able to secure suitable other accommodation in the Brecon area.

Other Matters

33. The site is not situated within a flood zone as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: "Development and Flood Risk" (TAN 15) with the boundary of the flood zone being located to the north of the site.
34. The site is situated adjacent to a Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC). On the evidence before me, including a bat and otter survey, road verge nature reserve re-instatement scheme and SSSI impact report, the proposal could be adequately conditioned to ensure that there would be no likely significant effects or harm arising to these statutory designations and I have no reason to disagree.
35. Concerns have been raised regarding highway safety. The appellants provided a transport assessment with their application and the Council's Highways Officer raised no objection subject to conditions. Whilst I note concerns at the width of the lane serving the site and the adequacy of nearby junctions within the village and wider surrounds, I am satisfied on the basis of the evidence before me and from my own observations on site that the additional traffic generated from one family would not cause any harm subject to conditions including one to control the size of vehicles on the site.
36. The property Cwmanod Cottage lies to the east on lower ground. Its western boundary comprises a mature hedgerow which the owner explained had been left to grow to provide screening should the appeal be allowed. Whilst this is acknowledged,

even at a maintained height the hedge would restrict views of the site and given the distance of the property from the site at a significantly lower level I do not find that the proposal would give rise to any loss of privacy or harm to residents' living conditions.

37. I note concerns relating to personal security and have had regard to the case law cited by the objectors' representative². I have also taken into account that the perceived fears of the public are a material consideration in my determination³. Whilst I acknowledge that there has been police involvement on occasions and Mr Lewis has a historic conviction I have no substantiated evidence before me that allowing the appeal would lead to any increased risk to local residents' future security.
38. I also note that Cwmanod Cottage is of a traditional cottage design and the objectors' contention that the proposal would detract from its setting. The building is not listed and there is little inter visibility between the site and the cottage. Given the distance and topography between the two sites I do not consider that the proposal would be harmful to its setting.
39. I acknowledge concerns regarding the potential precedent that would be set by allowing this development. I have no directly comparable sites to which this might apply before me. Each application and appeal must be determined on its individual merits, and a generalised concern of this nature does not justify withholding permission in this case.
40. Matters relating to tree felling and work on the site previously are not pertinent to my consideration of the particular proposal before me.

Overall Balancing

41. I have found that the proposed development would be visually intrusive in the local landscape. It would result in harm to the character and appearance of the area and would not conserve the natural beauty of the BBNP contrary to policies HP20 and ENV2. It is therefore necessary to consider whether other considerations outweigh this harm. In assessing this balance I have taken into account the special protection given to National Park landscapes.
42. The harm that I have identified is very localised in nature. The impact on the BBNP is restricted to a short section of the public footpath that lies to the south east and the impact to the wider countryside is in the main related to the short section of highway that passes the site and from views to the north which are to a certain extent filtered by vegetation. Additional planting to the east and along the highway edge would help to soften the impact of the proposal to the wider surrounds and could be required through a landscaping condition. I find that in this context the resulting harm is limited.
43. I have found that the site is sustainably located and that there is a need for additional gypsy and traveller pitches within the Brecon area. The Council maintains that this need can be met at the existing Kings Meadow site; however this does not take into account that some gypsies and travellers may wish to find and buy their own sites to develop and manage and the appellants' particular personal circumstances that make residing at Kings Meadow very difficult. The provision of the appeal site, which is

² Asbri Written Statement of Evidence, March 2016

³ Paragraph 3.1.8, Planning Policy Wales, Edition 8

owned by the appellants, would release a pitch at Kings Meadow to meet the wider need. The site is not constrained by any other planning considerations that cannot be addressed through planning conditions and in such cases national policy supports the provision of rural sites in principle. I give these matters considerable weight.

44. The appellants' personal circumstances are also material to the balancing exercise. The inter family conflicts at the Kings Meadow site are having a direct effect on Mr Lewis's health and feuding and conflict is not in the children's best interests. A refusal of permission is likely to lead to the appellants moving out onto an unauthorised site or to a site away from their family and friends. Even should they stay the situation between family members is untenable and is having an effect on their health and the children's welfare. A refusal would interfere with the right to respect for family and private life as enshrined in Article 8 of Protocol 1 of the European Convention on Human Rights.
45. I have noted the Council's reference to case law in this respect⁴ and the need for a proportionate and balanced approach. These are qualified rights which have to be balanced against the public interest in protecting the countryside and National Parks. In this case having taken into account all other considerations including the family's personal circumstances, the sustainable credentials of the site and the lack of other provision in the area, I conclude that the limited harm to the character and appearance of the area and the natural beauty of the BBNP is clearly outweighed by these factors. In the circumstances of the case I find a permanent permission to be justified and there is no need to consider the merits of a temporary permission.

Conditions

46. I have considered the conditions discussed at the hearing in light of the advice in Circular 016/2014. In addition to conditions relating to the time for implementation, and compliance with plans, given the justification for the development a condition restricting occupancy to gypsies and travellers and restricting the number of caravans are necessary. Conditions relating to the ecological and biodiversity interests of the site are necessary given the proximity to the SSSI and SAC and landscaping and boundary treatment details are required to integrate the site with the surroundings. Conditions relating to highway matters are necessary in the interests of highway safety. I note the appellants' concerns in relation to a bound surface and its impact on the visual appearance of the site and have included a requirement within the landscaping scheme to agree the surface to be used. I consider that a condition relating to the gradient of the access is required to ensure that caravans can reasonably enter the site. A condition restricting the number and weight limit of commercial vehicles on the site is necessary due to the rural nature of the road network and restrictions on storage are also necessary in the interests of the visual amenities of the area.
47. I have not imposed the suggested condition requiring the sewage treatment plant to comply with the manufacturer's installation requirements as both main parties agreed at the hearing that this would be unnecessary given the controls under other legislation. Whilst I note the Council's request for a condition relating to the materials for the development I find that this would be unreasonable given that caravans are generally of a consistent finish and the finishes for the utility block are specified on the relevant approved plan.

⁴ Council's Officer Report and documents provided at the hearing

Conclusion

48. I have taken into account all other matters raised, but find none that outweigh my conclusions that subject to the imposition of conditions the proposal would be acceptable. For the reasons above I allow the appeal.

Vicki Hirst

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mrs A Heine	Appellants' agent
Mr M Lewis	Appellant
Mrs D Lewis	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Miss G Bufton	Principal Planning Officer
Miss H Hobbs	Principal Planning Officer
Mr C Edwards	Council's Solicitor

INTERESTED PERSONS:

Mr K Warren (on behalf of Mr & Mrs Martin)	Asbri Planning
Mr R Martin	Local Resident
Mrs M Martin	Local Resident
Mr JP Davies	Local Resident

DOCUMENTS SUBMITTED AT THE HEARING

1. Council's notification letter of appeal arrangements, 23 May 2016
2. Map of Public Rights of Way submitted by the Council
3. Case Law relating to Human Rights submitted by the Council
4. Extracts from LANDMAP requested at the hearing and received via email on 9 June 2016
5. Correspondence from Kirsty Williams AM requested at the hearing and received via email on 9 June 2016

SCHEDULE OF CONDITIONS – APP/T6850/A/15/3141599 – LAND WEST OF CWMANOD COTTAGE, LLANDDEW, BRECON, LD3 9SU

- 1) The development shall begin not later than five years from the date of this decision.
- 2) The development shall be carried out in accordance with the following approved plans: 4157 (BP) 01, 4157 03, and Proposed Site Layout except insofar as may be required by other conditions of this planning permission.
- 3) The occupation of the site shall only be by Gypsies and Travellers as defined by paragraph 3 of Circular 30/2007 and their resident dependents.
- 4) There shall be no more than one pitch on the site hereby approved with no more than two caravans being stationed at any time, of which only one shall be a static caravan.
- 5) No commercial activities shall take place on the land.
- 6) Any storage including the storage of materials, shall only take place within areas agreed in writing with the local planning authority prior to the storage taking place.
- 7) No more than one commercial vehicle shall be kept on the land and it shall not exceed 3.5 tonnes in weight.
- 8) No development shall commence (including ground works and vegetation clearance), until a Construction Environmental Method Statement (CEMP) has been submitted to, and approved in writing by, the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:
 - i) risk assessment of potentially damaging construction activities;
 - ii) identification of biodiversity protection zones;
 - iii) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction;
 - iv) the location and timing of sensitive works to avoid harm to biodiversity features;
 - v) the times during construction when specialist ecologists need to be present to oversee works;
 - vi) responsible persons and lines of communication;
 - vii) the role and responsibilities on site of an ecological clerk of works or other competent person; and
 - viii) use of protective fences, exclusion barriers and warning signs.
- 9) No development shall commence until a fence to protect the Afon Honddu SSSI and SAC shall be erected along the top of the river bank in accordance with the specifications within Section 9.9 of "A Survey for Bat and Otter Presence" and Section 7.6 of "An Assessment to Consider the Potential Impacts on the Site of Special Scientific Interest" both by Just Mammals Consultancy LLP dated December 2013 and Section 10.5 of "An Extended Phase 1 Habitat and Species Survey" dated October 2013. The fence shall be retained thereafter.

- 10) No development shall commence until compensatory above ground otter resting site opportunities have been provided in accordance with the recommendations identified in Section 9.3 of "A Survey for Bat and Otter Presence" by Just Mammals Consultancy LLP dated December 2013". They shall be retained thereafter.
- 11) No development shall commence until a Biodiversity Enhancement Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall thereafter be implemented and retained in accordance with the approved details.
- 12) Prior to occupation a lighting design strategy for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:
 - a) identify those areas/features on site that are particularly sensitive for bats and otters and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory for example for foraging; and
 - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed and retained in accordance with the strategy and no other external lighting shall be installed without the prior written approval of the local planning authority.

- 13) No development shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - i) a statement setting out the design objectives and how these will be delivered;
 - ii) earthworks showing existing and proposed finished levels or contours;
 - iii) means of enclosure;
 - iv) other vehicle and pedestrian access and circulation areas;
 - v) hard surfacing materials;
 - vi) a native planting scheme including details and schedules of trees, hedgerows and wildflower meadows and the re-instatement of the road verge nature reserve in accordance with the methodology set out in "A Road Verge Nature Reserve Re-Instatement Scheme" by Just Mammals Consultancy LLP dated December 2013;
 - vii) a tree and hedgerow protection plan; and
 - viii) an implementation plan.

The landscaping works shall be carried out and retained thereafter in accordance with the approved details.

- 14) Any entrance gates shall be set back at least 5.5 metres distant from the edge of the adjoining carriageway and shall be constructed to open inwards away from the highway.

- 15) The gradient of the access shall not exceed 1 in 15 for the first 5.5 metres measured from the edge of the adjoining carriageway along the centre line of the access.
- 16) Within 5 days of the commencement of development, the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway to points 0.26 metres above ground level at the edge of the adjoining carriageway and 45.0 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the areas of land so formed that would obstruct visibility and the splays shall be maintained free from obstruction thereafter.
- 17) Within 5 days of the commencement of development, provision shall be made within the curtilage of the site for the parking of construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.3 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site park within the site and enter and leave in forward gear.
- 18) Prior to the occupation of the caravans, provision shall be made within the site for the parking of not less than 2 cars excluding any garage space together with a turning space such that all vehicles serving the site may enter and leave in forward gear. The parking and turning areas shall thereafter be retained and be kept free of obstruction.
- 19) No storm water drainage from the site shall be allowed to discharge onto the county highway.