

My submission simultaneously responds to both MG5 and MD18 (MD18 proposes the future expansion of MG5).

The VOG has concluded that the G&T allocation will either be provided in Sully or at Llangan.

In order to allocate the site the VOG has not followed national policy (or even its own local policy), but has sought to justify the allocation by way of subjective presentation, withholding relevant information and ignoring not only national guidance and good practice. More importantly they have ignored the voice of the travelling community themselves.

## **1. What is the size of the site / How many pitches are proposed.**

It makes no sense to include a site of the size proposed for 2 pitches.

During the course of the Court of Appeal South Glamorgan County Council Exp Harding CO/510/95) 27<sup>th</sup> November 1997 Mr Justice Scott Baker stated that the Planning Officer (in the appeal case) had raised concerns that were not reported to the planning committee:

*“the size of the application site which relates to the entire field rather than the area occupied by the caravans. Granting permission for this field will establish the principle of development on the entire site – a strategic objection must therefore be raised”*

This clarified that the inclusion of the whole site for 2 pitches grants permission to develop the whole area. This constitutes “development” in a planning context in the open countryside and is contrary to both the local and national policy.

The council’s previous consideration suggests that they believe the site can accommodate up to 21 pitches, an indication of the level of expansion that they have in mind.

Llangan is a population of circa 30 dwellings (88 residents) and the expansion would NOT be of a “scale, form and character that is sympathetic and would respect the immediate setting of the wider surroundings”; would “represent a visual intrusion into the open countryside” and “singularly and more specifically cumulatively (if it were to be expanded) have an unacceptable appearance on the character of the settlement”.

## **2. What is the current status of the land:**

The former South Glamorgan CBC granted permission to itself (1994) to develop the site to accommodate a single family.

The community challenged the decision. Officers were found in the High Court to have manipulated and withhold information and the permission was overturned, described as “unacceptable development in the open countryside”.

The Judge allowed for leave for a Consequential Order if the Authority did not return the land back to agricultural use. The Authority sought to identify alternatives at the next opportunity being the LDP.

The VOG describes the site as “tolerated”. However, the “toleration” relates to the current family living at the site (who are an important member of the community) and extends to the smaller area of land (the area tarmacked).

### **3. Is the allocation consistent with national planning policy**

The Local Authority have been provided with an objective assessment of the site set against National Policy by Messrs Barton Wilmore (Appendix 1) which details the specifics.

I would like to focus on the SSA .

The council has previously stated that the site is within 250m of Llangan (not the 600m as described). It is therefore relevant that the SSA for Llangan is adopted for this site. This SSA identifies Llangan as a HAMLET in the LDP and not sustainable for further development.

The VOG define HAMLETS as:

*“hamlets comprised of historic sporadic development of isolated individual houses or farm houses and barn conversions. Although these hamlets have a limited role and function many are important to the rural character of the Vale of Glamorgan and as such require protection from over-development through planning controls to safeguard these sensitive rural settlements and the rural character of the Vale” “In order to conclude what is deemed suitable for future development in the way of sustainability, it is considered that many of the Vale of Glamorgan’s rural settlements cannot realistically fulfil this role principally because they do not have the range of services and facilities necessary to meet this requirement. Furthermore, many of them are isolated and do not have access to public transport services or access to basic community services or employment opportunities. Given their location and limited role and function it is reasonable to conclude that there is likely to be a high reliance on the private car to access basic amenities. Therefore, these areas are considered to be unsuitable and unsustainable locations for further additional development”*

The appraisal undertaken for the site states that the area is “served by public transport and is not affected by conservation status”. This is not correct. Llangan and Fferm Goch has not had a bus service for several years having been withdrawn due to its viability.

The SSA states that the proposed area is not affected by Conservation Status. This is also untrue. The conservation report (Appendix 2) cites various vista’s which include one that directly looks onto the proposed site.

The council has sought to align the site location with the nearest “sustainable” settlement. It has done this to portray the illusion that the site is in a sustainable location. This is clearly inappropriate, if a local distinction to the nearest settlement is to be made it must be to the SSA attributed to Llangan.

To this end we have provided an amended SSA in Appendix 3

**4. Are there any constraints / barriers that make the site unacceptable / deliverable.**

The 3 key constraints relate to a legal obligation to return the site back to its former use and physical constraints in respect of access to the site and the Conservation Status.

It is incumbent upon the council to ensure that there are no material physical restrictions why the site cannot be developed. Where there are obvious site constraints, a detailed assessments must be undertaken (as with the Sully flooding issue). In this instance (and by the council's own recognition due to their previous objection to the site) there are issues relating to site access.

This requires a detailed risk assessment of all travel to determine whether safe access is possible to public services prior to any potential allocation. The council has not undertaken this risk assessment. The site access is restricted to 2.5m along the direct access road to the site and less than 3.0m from the main junction adjacent to the school across to the junction of the lane which accesses the site. None of the roads are serviced with footpaths and are unlit. An independent assessment by Capita Simons which has been previously submitted to the Council (Appendix 4) has concluded that the access is unsuitable and unsafe for public pedestrian access.

In addition DESIGNING GYPSY AND TRAVELLERS SITES MAY 2015 states that

***"Access to and circulation around the site should be such as to allow easy access for Fire and Rescue services and ambulances"***

Whilst the South Wales Fire Service have acknowledged that they have been informed of the LDP they have not been provided with any specific details of the site. More importantly they have not been advised of challenges re the site access.

We have contacted the South Wales Fire Service who have stated:

***"Point 1 the minimum widths etc should be as follows in accordance with Approved Document B5 Table 20***

***Pedestrian Priority***

***Pedestrian schemes must take into account the need for permanent and unobstructed access for firefighting appliances. Consultation must take place with the Fire Authority during the earliest planning stages of any development to ensure adequate access for fire appliances"***

The Fire Officer then concludes.

***"Point 1. The width of 2.5m would not be adequate for fire appliances."***

It is incumbent on the Council to raise this issue with the Fire Service and demonstrate how the **minimum with of 3.7m** can be achieved for the highway **plus** pedestrian footpaths to allow safe access along the roads to the services that they allege exist (bus stops, schools and employment).

I refer to a Legal Undertaking provided by the Council in May to Mr Stan Harding on the 1st May 1996 (Appendix 5).

I understand that it is the Councils position that this Legal Undertaking has been set aside.

However, it is demonstrable that the order to seek possession and the Legal Undertaking are not linked and that the setting aside of the possession order has no effect on the Legal Undertaking

I refer to the meeting minutes from the Council dated 28th October 1998; some 2 years after the date of the setting aside of the eviction notice amongst other evidence (Appendix 6).

*2.3 During May, 1996 the Chief Executive, on behalf of the Council gave an undertaking to Stanley Harding that the Council use all lawful endeavours to remove the occupiers from the Penllyn Glebe, Llangan site.*

*2.4. Every effort has been made to find an alternative location but at present there is nothing available.*

### *3. Legal Implications*

**3.1. As noted in paragraph 2.3 above the Council has given Stanley Harding an Undertaking that it will use its best lawful endeavours to remove the occupiers from the Penllyn Glebe site. The Head of Legal and Administration is satisfied that the Council can demonstrate that it has used its best lawful endeavours to that effect, however the absence of suitable alternative accommodation cannot achieve that aim, and that any claim to the contrary by Mr. Harding could be resisted.**

It is clear that the Council having consulted with its own Legal team recognise that the Undertaking has **NOT** been set aside and that to this day it remains in effect.

There is numerous correspondence between Mr Harding and Julie Barratt (the Councils Barrister) confirming that action is being delayed until an alternative suitable site becomes available – which supports the validity of the Undertaking.

The Legal Undertaking is not time limited it remains in effect and the Council remain bound by its obligations.

The Council in its SSA states that the site is unaffected by Conservation status. This is untrue. The site is located adjacent to the Llangan Conservation area (Appendix 2). The area plan highlights SIGNIFICANT VIEWPOINTS within the body of the report which includes a vista that directly overlooks the proposed site. The plan is provided as Appendix 2 with the views circled.



The Management Plan states that “there is a presumption that all the features of the Conservation Status should be **preserved or enhanced**, as required by the legislation.”

**“Recommendation: The development of open areas that contribute to the character of the Conservation Area will be opposed”**

The definition of open spaces is not limited to those that sit within the boundary of the conservation status. They also include spaces that sit close but outside the area and have an effect on the conservation status of the site:

*“The document is intended for use by planning officers, developers and landowners to ensure that the special character is not eroded, but rather preserved and enhanced through development activity. While the descriptions go into some detail, **a reader should not assume that the omission of any building, feature or space from this appraisal means that it is not of interest**”*

More specifically the plan states:

*“Although not exhaustive, the defining characteristics of the Conservation Area that reinforce the designation can be summarised as follows:*

**Extensive views to St. Mary Hill”**

The plan states there must be:

*“Protection of significant views into and out of the Conservation Area”*

The Council therefore recognise that the development of MG5/MD18 must be considered in the context of the Llangan Conservation Area status.

The Inspector should note, Llangan sits on an elevated position:

*“The landscape setting of the Conservation Area is very important and is notable for its rural, almost hilltop, location”*

**“Landscape Setting**

*“For this reason, the boundary has been drawn widely around the historic built environment **and includes fields and open spaces** that are vital to the area’s rural landscape setting*

**Development which impacts in a detrimental way upon the immediate setting of the Conservation Area will be resisted. The Council will resist applications for change on the edges of the Conservation Area which would have a detrimental effect on the area’s setting**

**Views**

*There are many short and long views into, out of and through the Conservation Area which make a positive contribution to its special character. The most important views are identified on the Appraisal Map in the character appraisal.*

***Recommendation: The Council will seek to ensure that all development respects the important views within, into and from the Conservation Area, as identified in the appraisal. The Council will seek to ensure that these views remain protected from inappropriate forms of development.***

However, it could be proposed that the development could be “sensitively” screened. The report recognises that the site sits significantly above the allocated site in its “hilltop” location and any development, no matter what mitigation was put in place would be materially visible from the Significant View point represented in the Conservation document and the development would neither “preserve or enhance” the conservation status.

#### **5: Policy MD18 – reference to “Local”**

Should criterion 1 refer to “local” need given the definition of G&T in WG Circular 30/2007

#### **RURAL EXCEPTION**

The VOG are asking the Inspector to agree that the site can be expanded by way of priority within MD18 for travellers who by definition do not currently reside in the VOG as they are not identified in the most recent G&T assessment. The Council states:

*“Whilst the Llangan site is in a rural location, it is nevertheless close to the village of Llangan and the minor rural settlement of Fferm Goch and, furthermore, rural settings are considered to be acceptable in principle in Welsh Government Circular 30/2007”*

The council therefore recognises that the site is Rural in nature.

The Vale of Glamorgan argues that this allocation is acceptable by way of the “Rural Exception Policy”. The Rural Exception Policy states

*“At least one member of the household must have strong local connections, as defined in the Housing Act 1996, as amended by the Homelessness Act 2002.”*

The Welsh Government PLANNING FOR GYPSY AND TRAVELLER CARAVAN SITES 2007 (referred to in the council’s reasoning for allocating the site referred to earlier) contains the following statements in respect of Rural Exception:

*a. “Mixed uses should not be permitted on Gypsy Traveller Rural Exception Sites”*

The argument preferring MD18 is drawn into question as the site would not in a policy (or human) context be eligible for working travellers or transient travellers or travellers of an alternative domination.

*b. “Rural exception site policies for Gypsies and Travellers should operate in the same way as rural exception site policies for housing, as set out in paragraphs*

*9.2.21 to 9.2.22 of Ministerial Interim Planning Policy Statement 01/2006 "Housing" (June 2006) and paragraphs 10.13 to 10.14 of Technical Advice Note 2 "Planning and Affordable Housing" (June 2006). In applying the Gypsy Traveller rural exception site policy, local planning authorities should consider in particular the needs of households who are either current residents or have an existing family or employment connection."*

Whilst (subject to other matters of objection) this argument could be applied to the current family occupying the site it would be inappropriate to apply it to families that do not meet these criteria, would be inappropriate for families currently outside of the settlement area and would certainly prohibit the site from future expansion because any future families would come from outside of the local authority area (in contradiction of TAN2)

The current family occupying the site have consistently voiced a preference to occupy their own land which in my view would fall within the Rural Exception Policy and therefore must be considered as an alternative allocation, allowing for the occupation of the family (in compliance with both local and national policy) and would allow the VOG to meet its legal obligations.

### **Conclusion**

What is important here, is not my view, nor indeed that of the local Council Members or Officers. The key issue is whether this site is wanted by the travelling community themselves.

The WG has developed robust and evidenced based policy to this effect. Through the LDP the VOG has commissioned 3 reports into the needs of the G&T community. The 1<sup>st</sup> (Fordham) contained interviews with the travellers who have expressed their needs very clearly, the latest report does not include this information (one can only assume as it is detrimental to the case of the VOG). Therefore, I have provided quotes from this report taken from the travellers themselves (Appendix 7). I believe their words speak for themselves.

The reality is that the VOG are inappropriately forcing Sully and Llangan but they have many suitable and sustainable sites for development. These have been discounted for unacceptable reasons, rather than allocating sites on robust policy compliant evidence. The initial land identification process sought sites capable of 21 pitches (shortlist Sully / Llangan). However, the latest numbers suggest only 2 are now needed and a review of alternative sites for single families must now be undertaken on the basis that the sites **MUST** be compliant with national planning policy.

The site currently owned by the family in St Mary Hill is one. The family – with the support of myself and their friends in Llangan will make their case for it to be allocated separately. I have provided evidence of at least 3 other sites that the VOG have identified for residential development, and therefore suitable for small G&T allocation in Appendix 8. We therefore recommend that the MG5 is removed from the LDP and substituted with the families own land in St Mary Hill (Appendix 9); and that the occupied site in Wenvoe is allocated (personally

attributed consent) Appendix 10. Alternatively, the VOG are instructed to review smaller sites for the remaining family in Wenvoe.

Therefore, policy MD18 is amended to remove the reference to extending MG5

Word Count - 2980

## Appendix 1

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# Vale of Glamorgan Local Development Plan Matters Arising Changes Consultation

Representation on Behalf Of  
Llangan Action

October 2016

VALE OF GLAMORGAN LOCAL  
DEVELOPMENT PLAN  
MATTERS ARISING  
CHANGES CONSULTATION

REPRESENTATION ON BEHALF  
OF LLANGAN ACTION

OCTOBER 2016

<b>Project Ref:</b>	20899/A5/Reports	20899/A5/Reports
<b>Status:</b>	Draft	Final
<b>Issue/ Rev:</b>	01	02
<b>Date:</b>	12 <sup>th</sup> October 2016	19 <sup>th</sup> October 2016
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Ref: 20899/A5/CP/gp  
Date: October 2016

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Appendix 4	Sustainability Appraisal for Land at Llangan
Appendix 5	South Glamorgan County Council Economic Development and Strategic Planning Services Committee Report 20 <sup>th</sup> December 1994 (Planning Application Ref. 3681)
Appendix 6	Vale of Glamorgan Council Report 28 <sup>th</sup> October 1998
Appendix 7	Response from South Wales Fire & Rescue Service
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## 1.0 INTRODUCTION

- 1.1 This Representation sets out an objection to the proposed allocation of a new Gypsy and Traveller site at Llangan for two pitches also under MAC50. It is also noted that the site at Llangan was previously proposed for a Gypsy & Traveller site in the Deposit Local Development Plan (2012) but was removed by the Council. The previous de-allocation of the site by the Council confirms that the proposed allocation via MAC50 is not 'Sound' and the Council should identify an alternative site to meet the need.
- 1.2 This Representation therefore confirms that the proposed alternative allocation at Llangan is not 'Sound' based upon the Tests set out within the Welsh Government Local Development Plan Manual (2<sup>nd</sup> Edition, August 2015), drawing largely on the previous representations submitted to the Deposit Local Development Plan in March 2012 and the Alternative Sites consultation in April 2014 which confirms that Llangan is not a suitable settlement for a Gypsy and Traveller site. Copies of the previous representations produced by Barton Willmore on behalf of Llangan Action is contained in **Appendix 1** and **Appendix 2** for ease of reference and should be read in conjunction with this Representation.

## 2.0 PROPOSED ALLOCATION OF LAND AT LLANGAN FOR A GYPSY & TRAVELLER SITE

- 2.1 Under Policy MG 5 of the Vale of Glamorgan Deposit Plan as amended by the Schedule of Focused and Minor Changes (June 2015) ("LDP"), land at Hayes Road, Sully is allocated for a Gypsy and Traveller site. The policy states that "*LAND IS ALLOCATED AT HAYES ROAD, SULLY FOR THE PROVISION OF A GYPSY AND TRAVELLER SITE*".
- 2.2 The Vale of Glamorgan Council has since proposed to amend Policy MG 5 of the LDP via MAC50 to state that "*LAND IS ALLOCATED AT LLANGAN FOR THE PROVISION OF A 2 PITCH GYPSY AND TRAVELLER SITE*". The supporting text to Policy MG 5 has also been revised as follows:

*"6.38 Sections 101 to 103 of the Housing (Wales) Act 2014 require local authorities to assess the accommodation needs of Gypsy and Travellers within their area and that where there is an identified need sufficient site(s) should be allocated within the Council's LDP to address that need.*

*6.39 The 2016 Vale of Glamorgan Gypsy and Traveller Accommodation Assessment (GTAA) identified an unmet need for 2 residential pitches over the short to medium term.*

*6.40 The current Gypsy and Traveller site at Llangan is in the ownership of the Council and is considered to be suitable to accommodate the short to medium term need of 2 pitches identified in the GTAA<sup>99</sup>.*

*6.41 The Council's Monitoring Framework has set out a 2 year timetable for the identification of an appropriate site to accommodate any future arising needs for Gypsy and Travellers.*

*6.42 In terms of transit provision the GTAA concluded that at this current time there is not a need for the Council to provide a transit site in the Vale of Glamorgan. However the Council should continue to monitor the number of unauthorised encampments and consider the use of short-term toleration or Negotiated Stopping Arrangements to deal with any short-term transient stops.*

*Vale of Glamorgan Gypsy and Traveller Accommodation Assessment  
May 2016”.*

- 2.3 As confirmed above, MAC50 proposes to amend Policy MG 5 to delete Land at Hayes Road, Sully and allocate Llangan for a Gypsy and Traveller site (2 pitches). This Section seeks to demonstrate that Llangan is not a suitable or sustainable location for a Gypsy and Travellers site.

#### Planning Policy Wales (8<sup>th</sup> Edition, January 2016)

- 2.4 A central theme running through Planning Policy Wales (“PPW”) is the provision of sustainable development. Paragraph 4.4.3 of PPW identifies that planning policies and proposals should:

- *“Promote resource-efficient and climate change resilient settlement patterns that minimise land-take (and especially extensions to the area of impermeable surfaces) and urban sprawl, especially through preference for the re-use of suitable previously developed land and buildings, wherever possible avoiding development on greenfield sites;*
- *Play an appropriate role to facilitate sustainable building standards that seek to minimise the sustainability and environmental impacts of buildings;*
- *Play an appropriate role in securing the provision of infrastructure to form the physical basis for sustainable communities while ensuring proper assessment of their sustainability impacts;*
- *Encourage opportunities to reduce waste and all forms of pollution and promote good environmental management and best environmental practice;*
- *Promote a low carbon economy and social enterprises;*
- *Contribute to the protection and improvement of the environment, so as to improve the quality of life, and protect local and global ecosystems;*
- *Minimise the risks posed by, or to, development on, or adjacent to, unstable or contaminated land and land liable to flooding;*
- *Locate developments so as to minimise the demand for travel, especially by private car;*

- *Help to ensure the conservation of the historic environment and cultural heritage;*
- *Contribute to the protection and, where possible, the improvement of people's health and well-being as a core component of sustainable development and responding to climate change.*
- *Promote access to employment, shopping, education, health, community, leisure and sports facilities and open and green space, maximising opportunities for community development and social welfare;*
- *Promote quality, lasting, environmentally-sound and flexible employment opportunities;*
- *Ensure that all local communities - both urban and rural - have sufficient good quality housing for their needs, including affordable housing for local needs and for special needs where appropriate, in safe neighbourhoods;*
- *Foster improvements to transport facilities and services which maintain or improve accessibility to services and facilities, secure employment, economic and environmental objectives, and improve safety and amenity. In general, developments likely to support the achievement of an integrated transport system should be encouraged; and*
- *Foster social inclusion by ensuring that full advantage is taken of the opportunities to secure a more accessible environment for everyone that the development of land and buildings provides. This includes helping to ensure that development is accessible by means other than the private car".*

## Welsh Government Circular 30/2007 – Planning for Gypsy and Traveller Caravan Sites

2.5 Welsh Government Circular 30/2007 paragraph 19 sets out issues in terms of suitable sites and states that:

*"Issues of site sustainability are important for the health and well-being of Gypsy and Travellers not only in respect of environmental issues but also for the maintenance and support of family and social networks. It should not be considered only in terms of transport mode, pedestrian access, safety and distances from services. Such consideration may include:*

- *opportunities for growth within family units;*
- *the promotion of peaceful and integrated co-existence between the site and the local community;*
- *the wider benefits of easier access to GP and other health services;*
- *access to utilities including waste recovery and disposal services;*
- *access for emergency vehicles;*
- *children attending school on a regular basis;*
- *also other educational issues such as space e.g. for touring or static play bus, homework club, teaching base for older children and adults;*
- *suitable safe play areas;*
- *contribute to a network of transit stops at intervals that reduce the need for long-distance travelling;*
- *possible environmental damage caused by unauthorised encampment;*
- *not locating sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans and; and*
- *regard for areas designated as being of international or national importance for biodiversity and landscape”.*

2.6 Furthermore, paragraph 20 of Circular 30/2007 identifies that in deciding where to provide for Gypsy and Traveller sites, local planning authorities should first consider locations in or near existing settlements with access to local services e.g. shops, doctors, schools, employment, leisure and recreation opportunities, churches and other religious establishments.

### Sustainability

2.7 The Vale of Glamorgan Council has clearly not followed the approach set out within PPW and the WG Circular 30/2007 by designating the Llangan site that is located in the open countryside of the Vale, with the site not even adjoining the boundary of even a Minor Village. Paragraph 4.7.4 of PPW identifies that major generators of travel such as housing are located within urban areas or in other locations which are, or can be, well serviced by public transport, or can be reached by walking or cycling. Further, paragraph 4.7.8 of

- PPW confirms that "Development in the countryside should be located within and adjoining those settlements where it can be best be accommodated in terms of infrastructure, access and habitat and landscape conservation".
- 2.8 The proposed site is not located within or adjoining a settlement, with the nearest settlements being Llangan which is at least 600m away and Fferm Goch which is 950m away. The site is accessed via a narrow, poorly maintained, rural lane with no footpath or verge, not offering safe access to the village or school. These settlements do not provide the necessary infrastructure to create a sustainable development and public transport facilities are very limited.
- 2.9 Furthermore, the proposed allocation therefore does not comply with paragraph 3.22 of the Designing Gypsy and Traveller Sites (May 2015) guidance document produced by the Welsh Government which confirms that sites should be "Ideally located within reasonable distance of from education settings, health services and shops".
- 2.10 Paragraph 26 of Circular 30/2007 states that Gypsy and Travellers sites:
- "Should respect the scale of and not be so large as to dominate the nearest settled community serving them. They should also avoid placing an undue burden on the local infrastructure".*
- 2.11 Clearly the proposed development will dominate the settlement of Llangan. The settlement currently consists of 88 residents according to the Sustainable Settlements Appraisal Background Paper (February 2016 Update) 2016 produced in response to Action Point 4 of Hearing Session 1 (contained with **Appendix 3**). The infrastructure to the settlement is typical of a rural hamlet and we would question whether the current infrastructure of the Gypsy Traveller site is sufficient to meet the identified need and whether adequate funds are available to secure any necessary improvements. Therefore, the Council has not demonstrated that the site is realistically going to be delivered within the Plan period and the proposed allocation is therefore considered to fail Test of Soundness 3.
- 2.12 The Sustainable Settlements Appraisal Background Paper (February 2016 Update) was produced to correct the inaccuracies contained within the 2007 and 2013 Studies and sets out how the Council has developed the settlement hierarchy in the Vale of Glamorgan. Within the Background Paper, Llangan is identified under the settlement category of 'Hamlets and Rural Areas'. Llangan scores poorly in the Initial Sustainability Rankings (48th out of 57 settlements). Paragraph 6.9 of the updated Background Paper confirms

that 'Hamlets and Rural Areas' have a limited role and function and such settlements require protection from over-development through planning controls to safeguard these sensitive rural settlements and the rural character of the Vale. Paragraph 6.10 states that:

*"Given their location and limited role and function it is reasonable to conclude that there is likely to be a high reliance on the private car to access basic amenities. Therefore, these areas are considered to be unsuitable and unsustainable locations for further additional development".*

- 2.13 This is confirmed in Chapter 5 of the LDP, where Hamlets and Rural Areas are not mentioned in terms of accommodating new development. Clearly, the provision of a Gypsy and Traveller site constitutes 'development' and the proposed allocation near Llangan is not in keeping the settlement strategy set out in the LDP. Furthermore, the proposed site does not meet the objectives of Policy MD 1 – 'Location of New Development' of the LDP.
- 2.14 The Sustainable Settlements Appraisal Background Paper (February 2016 Update – see Appendix 3) identifies 'Acceptable Walking Distances' in Table 1 based on the Guidelines for Providing Journeys on Foot, The Institute of Highways and Transportation (2000) and Sustainable Settlements: A guide for Planners, Designers and Developers and Shaping Neighbourhoods. In this regard, it is noted that the Council state that at paragraph 11 of the LDP Hearing Session 16: Actions Point 2,3,4 & 5 VoG Council Response that 'Whilst the Llangan site is in a rural location, it is nevertheless close to the village of Llangan and the minor rural settlement of Fferm Goch'. However, it is not considered appropriate to use the settlement of Fferm Goch to confirm the sustainability of the site because Fferm Goch scores zero for bus and rail facilities and is located 950m away beyond the ideal walking distances for a primary school, local shop, public house, post office and community centre as set out in the Background Paper.
- 2.15 In relation to Llangan, Appendix 3 of the Background Paper confirms that Llangan scores zero for public transport facilities. If a Gypsy and Traveller site was allocated at Llangan, the occupants of the site would be denied sustainable access to a wide range of facilities and services. Accordingly, the proposed allocation of Land at Llangan and the supporting text within paragraph 11 of the Council's Response to Action Points 2, 3, 4 & 5 is considered to contradict the findings of the Background Paper.
- 2.16 Paragraph 11 of the Council's Response to Action Points 2, 3, 4 & 5 makes reference to the site being located in close proximity to Fferm Goch, which is identified has a 'Minor Rural Settlement'. However, as set out above, we do not consider that it is appropriate

to use Fferm Goch to justify the site and we note that there are only 4 industrial units in Fferm Goch. Despite this very limited provision of employment opportunities, the settlement scores the same on employment as Barry, Penarth, Llanwit Major and Cowbridge which clearly demonstrates the weaknesses in how the indicator has been assessed.. Overall the assessment of Fferm Goch is considered to be artificially high due to the employment indicator and the presence of a primary school with the other facilities and services available being very limited in scope.

- 2.17 The Sustainability Appraisal produced by the Council in support of the proposed allocation of Land at Llangan and is attached to the Council's Response to the Inspector's Action Points is considered to contain some errors and relies far too heavily on the site's proximity to Fferm Goch given the evidence set out above and ignores the lack of any sustainable transport links and the site falls within the open countryside. In this regard, no bus services operate from Fferm Goch. The only similar facility is run by the Council, which is referred to within Box 3 of the Sustainability Appraisal which confirms that a rural greenlinks bus service can be accessed from Fferm Goch, although no services have operated from Llangan or Fferm Goch for a number of years. This point is confirmed by the Traveline Cymru webpage. Appendix 4 contains an updated Sustainability Appraisal which confirms that the site is not sustainable or suitable for development.
- 2.18 As confirmed within the 2012 and 2014 Representations, the assertion that the development of a Gypsy and Traveller site at Llangan does not constitute sustainable development is also supported by a number of planning applications and Appeal decisions (2002/00109/FUL and (2011/00710/FUL) which are detailed in the 2012 Representation (see paragraphs 3.7 – 3.12 of Appendix 1). In summary, planning application ref. 2002/00109/FUL for change of use to a gypsy caravan site for personal use was refused on the grounds that the proposal comprised unjustified development in the countryside which would detract from the rural character of the area, highway safety and minerals policy.
- 2.19 More recently, planning application ref. 2011/00710/FUL for the provision of 1 gypsy pitch, an area of hardstanding and a utility / day room was refused on grounds of sustainability and countryside location. We note that the Officer's Report stated that "It is considered that the proposal represents an unacceptable, unsustainable and unjustified form of development on this countryside location that would result in the loss of good quality agricultural land and detract from the unspoilt, undeveloped nature of the surrounding rural landscape". The Officer's Report therefore confirms many of our client's concerns over the proposed allocation of the site for a Gypsy & Traveller site such that the proposed allocation is considered to be 'Unsound'.



2.20 In conclusion, Llangan is not a sustainable location for a Gypsy and Traveller site and the Representations promoting sites in Llangan fail to recognise that Llangan is not a sustainable location for new development. It is considered that the Sustainability Appraisal produced by the Council to support the proposed allocation grossly overestimates the site's sustainability credentials in terms of the scoring provided. Therefore, the settlement does not meet planning policy requirements in terms of finding appropriate locations for Gypsy and Traveller sites and therefore fails Test of Soundness 1.

### Legal Background

2.21 In December 1994, South Glamorgan County Council granted planning permission for the change of use of the site to provide a single family travellers site (LPA ref. 3681, see Appendix 5 for Committee Report). However, on 27<sup>th</sup> November 1997, the High Court quashed the planning permission at the site and eviction proceedings were commenced against the occupiers of the site. Eviction proceedings were adjourned pending the outcome of an appeal. This application was refused by the Court of Appeal on 16<sup>th</sup> February 1998. Planning application ref. 3681 was subsequently refused at Planning Committee on 25<sup>th</sup> March 1998 for the following reason:

*"In order to preserve the countryside the Local Planning Authority considers that no additional development shall take place other than is justified for purposes of agriculture, forestry, appropriate recreational activities, mineral extraction or public utilities. No such justification exists in this case. Accordingly, the development is considered contrary to policies EV3, H10 and H16 of the South Glamorgan Structure Plan Proposals for Alteration No. 1 and policies of ENV4, HOUS4 and HOUS14 of the Vale of Glamorgan Local Plan Deposit Draft 1995 (as amended)".*

2.22 The Council then began legal proceedings against the occupiers of the site to repossess the site and a hearing was due to take place on 15<sup>th</sup> September 1998. However, the occupiers' legal representatives applied for leave to bring further Judicial Review proceedings challenging the reasonableness of the Council's decision to evict the occupiers in the absence of a suitable site to which they could relocate.

- 2.23 A report was presented to the Vale of Glamorgan Council meeting on 28<sup>th</sup> October 1998 which summarises the above history (see **Appendix 6**) and confirms that in May 1996, a legal undertaking was given by the Council to local residents that the Council would use all lawful endeavours to remove the occupiers from the Llangan site. Crucially, paragraph 3.1 of **Appendix 6** confirms that the Council should continue to review sites as they become available and upon any such site being suitable for the occupiers should require them to take up the site and vacate the Llangan site.
- 2.24 Our client has sought a legal opinion on this matter and has concluded that the above undertaking was subject to any end date and therefore is still considered to be in force. Accordingly, the proposed allocation of Land at Llangan for a Gypsy & Traveller site is considered to breach the requirements of the aforementioned undertaking in that it cannot be argued that the Council is making "*all lawful endeavours*" to remove the occupiers of the site. The proposed allocation at Llangan should therefore be deleted on the grounds that it fails Tests of Soundness 2 and 3 in that the rationale behind plan policies cannot be demonstrated; 'real' alternatives have not been properly considered; it is not logical, reasonable and balanced; and is not deliverable.

#### Access

- 2.25 In terms of vehicular access, paragraph 21 of Circular 30/2007 identifies that sites should be identified having regard to highways considerations. Paragraph 3.22 of the Designing Gypsy and Traveller Sites (May 2015) also confirms that sites should be located with access to public roads and footpaths leading to the site. However, little regard has been paid to highway considerations. The current access on to the highway is substandard and no footpaths are available to ensure safe movement by pedestrians to either Llangan or Fferm Goch.
- 2.26 MAC217 confirms that the Council's Highways Department has advised that suitable safe access is required at the site. However, South Wales Fire & Rescue Service has confirmed that the existing road width of 2.5m would be inadequate to accommodate fire appliances entering the site (see **Appendix 7**). Any road widening works would require third-party land (which currently shows as either unregistered or within private ownership according to the Land Registry) in order to achieve the minimum road width of 3.7m required by South Wales Fire & Rescue Service (see **Appendix 7**), which we do not consider to be deliverable.
- 2.27 Land at Llangan is therefore considered to be an inappropriate location for a Gypsy & Traveller site allocation and fails Tests of Soundness 1 and 3 in that it fails to comply

with both national and emerging local planning policy (Policy MD18 – Gypsy & Traveller Accommodation) and cannot be delivered.

### Special Landscape Area

- 2.28 With regards to habitat and landscape conservation, the proposed allocation sits within a Special Landscape Area ("SLA") and whilst this does not prevent development it is necessary to demonstrate that any proposed development will not impact negatively on the SLA. However, the assessment of the site within the Gypsy and Travellers Site Assessment, Background Paper incorrectly identifies that the site is not within a Special Landscape Area. In this regard, no assessment has been undertaken to confirm that the proposed development can be accommodated at the site without causing detrimental harm to the SLA.

### Conservation Area

- 2.29 The Llangan Conservation Area Appraisal and Management Plan (March 2009) confirms that a 'Significant View' stretches from Mount Pleasant Farm to the east across Oakfield beyond which lies the proposed Gypsy & Traveller site at Llangan. The proposed allocation of this site is therefore considered to impact upon the setting of the Llangan Conservation Area which is not recognised in the accompanying Sustainability Appraisal produced by the Council in response to the Inspector's Action Points. The proposed allocation at Llangan is therefore considered 'Unsound' in that it fails to comply with national planning policy (paragraph 4.4.3 of PPW).

### Rural Exception Sites (Policy MD 11 of the LDP)

- 2.30 Paragraph 11 of the Council's Response to Action Points 2, 3, 4 & 5 of Hearing Session 16 confirms that the site is large enough and is "capable of expansion such that it could accommodate more pitches in due course should the need arise, and subject to review and monitoring of the Plan". The Council seeks to justify this allocation and potential future expansion of the site within 2016 Gypsy & Traveller Accommodation Assessment which is appended to the Council's Response to Action Points 2, 3, 4 & 5 of Hearing Session 16. The document refers to the ability of Local Planning Authorities to adopt rural exception policies for affordable housing.
- 2.31 The Council's Draft Affordable Housing Supplementary Planning Guidance (2015) document confirms that rural exceptions development should be of an appropriate scale on sites outside of the built up area. Paragraph 7.2 continues to state that "Consequently,

within the smaller rural communities, where it would not normally be appropriate to develop housing because of limited availability of facilities and services, there may be circumstances where the provision of housing to meet a local need outweighs these factors". It is not considered that the proposed allocation at Llangan is of an appropriate scale compared to the size of the settlement (i.e. approximately 88 residents) and it is not considered that the need for Gypsy & Traveller sites within the Vale of Glamorgan outweighs the contradiction highlighted above.

2.32 Furthermore, we note that the Vale of Glamorgan Borough Council submitted an objection to planning application ref. 3681 for the change of use of the site to provide a single family travellers site (submitted to South Glamorgan County Council on 18<sup>th</sup> November 1994, see **Appendix 5**), on the basis that the proposed development would *"intrude into the rural landscape and damage the amenity of the countryside"*.

2.33 The proposed allocation at Llangan would not meet the requirements of Policy MD 11 of the LDP which confirms that affordable housing will be permitted where it has a "distinct physical or visual relationship with an existing settlement". It is not considered that the site, which is divorced from the defined settlement boundary of Llangan, has a physical or visual relationship with the settlement. Furthermore, the Policy continues to state that rural exceptions sites should be of an appropriate scale and should have reasonable access to the availability and proximity of local community services and facilities. It is considered that the proposed allocation at Llangan also fails both of these criteria for the reasons outlined above. It is considered that the proposed allocation is inconsistent with the Council's emerging rural exceptions policy such that it fails Test of Soundness 2.

#### **Policy MD 18 of the LDP – Gypsy & Traveller Accommodation**

2.34 Policy MD 18 (Gypsy and Traveller Accommodation) of the LDP confirms that "PROPOSALS FOR ADDITIONAL GYPSY AND TRAVELLER ACCOMMODATION WILL BE PERMITTED PROVIDING THAT:

- 1. IT IS DEMONSTRATED THAT THE ACCOMMODATION REQUIREMENTS OF THE APPLICANT CANNOT BE MET ON THE SITE ALLOCATED BY POLICY MG 5;*
- 2. THE SITE IS WELL LOCATED FOR SCHOOLS, MEDICAL FACILITIES, SHOPS AND OTHER LOCAL SERVICES AND COMMUNITY FACILITIES;*

3. *THE SIZE OF THE SITE AND THE NUMBER OF PITCHES ARE APPROPRIATE TO ITS LOCATION AND ACCOMMODATION NEEDS OF THE APPLICANT;*
4. *ADEQUATE ON SITE SERVICES FOR WATER SUPPLY, DRAINAGE, SEWAGE, POWER AND WASTE DISPOSAL ARE AVAILABLE OR CAN BE PROVIDED WITHOUT CAUSING ANY UNACCEPTABLE ENVIRONMENTAL IMPACT; AND*
5. *THE EXISTING HIGHWAY NETWORK IS ADEQUATE TO SERVE THE SITE AND A SATISFACTORY MEANS OF ACCESS CAN BE PROVIDED, INCLUDING PROVISION FOR PARKING, TURNING, SERVICING AND EMERGENCY VEHICLES.*

2.35 It is not considered that the proposed allocation of Land at Llangan for a Gypsy & Traveller site would accord with the criteria set out within Policy MD 18 given that the site is not sustainably located, the allocation is not appropriate to the size of the settlement and the existing highway network is not adequate to serve the development. We would also question whether sufficient capacity exists in terms of the existing utilities infrastructure to accommodate the proposed allocation of 2 pitches plus any future expansion.

#### Vale of Glamorgan LDP Objectives & Gypsy and Traveller Accommodation Policy

2.36 The LDP sets out a Vision and 10 key strategic Objectives to deliver the Vision which set out the context of the LDP strategy. MAC50 and the proposed allocation at Llangan is assessed against each of these Objectives to demonstrate that the proposed policy and associated allocation does not flow logically from the Strategy. The assessment of the proposed allocation at Llangan is set out below:

*Objective 1: To sustain and further the development of sustainable communities within the Vale of Glamorgan, providing opportunities for living, learning, working and socialising for all.*

2.37 The Gypsy and Travellers community within the Vale of Glamorgan has the same rights as other sections of the community. In this regard they require and should be provided with opportunities for living accommodation which provides adequate access to services, facilities and jobs. This is clearly not the case in terms of the proposed site near Llangan, with the village providing very limited services which is compounded by the fact that there are not frequent local bus services. Furthermore, there are no pedestrian facilities from the site to the village centre.

2.38 The proposed allocation near Llangan is not consistent with paragraph 4.5 of the LDP which identifies that the:

2.39 "The LDP will seek to ensure that the role and function of the towns and villages identified in the sustainable settlement hierarchy is maintained and enhanced by ensuring that new development is of a scale appropriate to its location, supports the local economy and sustains and wherever possible improves local services and facilities."

2.40 With regards to role and function of the settlement, the Sustainable Settlements Appraisal Background Paper (February 2016 Update) identifies that 'Hamlets and Rural Areas' are not appropriate settlements for further development, therefore the proposed Gypsy and Travellers site is not of an appropriate scale for the settlement. As set out above, Llangan is a settlement of only approximately 88 residents. The proposed site would have a significant impact on the setting and character of Llangan.

2.41 Therefore it is considered that MAC50 does not meet this Strategic Objective of the LDP.

*Objective 2: To ensure that development within the Vale of Glamorgan makes a positive contribution towards reducing the impact of and mitigating the adverse effects of climate change.*

2.42 A key thrust of this objective is locating development to minimise the need to travel. This is clearly not achieved by allocating land near Llangan under Policy MG 5 for a Gypsy and Travellers site due to the lack of local facilities, services and public transport provision. The nearest bus stop is over 600m away from the site along an unlit road without any footpath provision.

2.43 Therefore, it is considered that MAC50 does not meet this Strategic Objective of the LDP.

*Objective 3: To reduce the need for Vale of Glamorgan residents to travel to meet their daily needs and enabling them greater access to sustainable forms of transport.*

2.44 The LDP identifies that one of the main contributors to climate change is propensity to travel by private car and the need to seek to increase the use of sustainable transport. It is identified that this can be achieved through concentrating new development within the South East Zone and the settlements identified within the sustainable settlement hierarchy which are, or can be, well served by public transport or by walking or cycling.

- 2.45 Llangan does not constitute such a settlement, with the nearest main service centre being located over 5km away. The unsustainability of Llangan is confirmed by the analysis of the settlement with in the Sustainable Settlements Appraisal Review Background Paper (February 2016 Update) and its identification as a 'Hamlet and Rural Area' settlement and the Llangan Travellers Site Assessment (March 2012). The site is also not accessible by public transport and the site cannot be safely accessed by foot or bicycle.
- 2.46 It is also considered that the Council cannot rely on Fferm Goch to demonstrate the sustainability of the site. This is not appropriate because Fferm Goch is located 950m from the site which is beyond the ideal walking distance for a primary school, local shop, public house, post office and community centre as set out in the Sustainable Settlements Appraisal (February 2016 Update – see Appendix 3).
- 2.47 Therefore, it is considered that MAC50 does not meet this Strategic Objective of the LDP.

*Objective 4: To protect and enhance the Vale of Glamorgan's historic, built, and natural environment.*

- 2.48 As confirmed above, the proposed site is located within a Special Landscape Area and whilst the Policy MG 21 'Special Landscape Areas' does not rule out development in such areas, it does identify that new development that detracts from the special qualities for which the Special Landscape Area have been designated will not be permitted. It is identified that all development proposals will need to be supported by a Landscape Impact Assessment consistent with the guidance set out in the Council's Design in the Landscape SPG. The Council has not undertaken, even, an initial landscape assessment of the site to demonstrate that the proposed allocation accords with this policy requirement and therefore they have also not demonstrated the deliverability of the proposed allocation which is required by Soundness Test 3.
- 2.49 The site is also located adjacent to a Conservation Area and within the Conservation Management Plan for the area there is specific requirement to protect the view from the edge of the Conservation Area over the proposed site. It is also identified that 'it is important that new development on or adjacent to the Conservation Area either preserves or enhances the quality of the area'. It is considered that the proposed site would not achieve this.
- 2.50 Therefore it is considered that MAC50 does not meet this Strategic Objective of the LDP.

*Objective 5: To maintain, enhance and promote community facilities and services in the Vale of Glamorgan.*

- 2.51 Paragraph 4.9 of the LDP identifies that appropriately and conveniently located community facilities are an important component of sustainable communities, reducing the need of people to travel and improving the quality of life.
- 2.52 The proposed allocation near Llangan is not appropriately or conveniently located in close proximity to community facilities, therefore it will not lead to the reduced need to travel by car or improve the Gypsy and Traveller's quality of life. In this regard, Circular 30/2007 advises that issues of site sustainability are important for the health and well-being of travellers, and not only in terms of transport mode, pedestrian access and safety and distances from services but for a range of issues including the wider benefits of ease of access to GP and their health services; children attending school etc. The proposed allocation does not achieve this.
- 2.53 Therefore, it is considered that MAC50 does not meet this Strategic Objective of the LDP.

*Objective 6: To reinforce the vitality, viability and attractiveness of the Vale of Glamorgan's district, local and neighbourhood shopping centres.*

- 2.54 N/A

*Objective 7: To provide the opportunity for people in the Vale of Glamorgan to meet their housing needs.*

- 2.55 Paragraph 4.12 of the LDP states that:

"One of the greatest demands for the development of land arises from the provision of new housing to meet the future needs of the population. The LDP will provide a range and choice of housing, including affordable housing, in sustainable locations that support the needs of the local community and enhance the role and function of the settlements identified within the sustainable settlement hierarchy, creating integrated, diverse and sustainable communities".

- 2.56 The provision of Gypsy and Travellers accommodation is included in new housing which is required to meet future needs in accordance with PPW and WG Circular 30/2007. Despite this, the Vale of Glamorgan LPA has chosen to locate the only Gypsy and



Travellers site that they have identified in an unsustainable location which is confirmed by their own analysis of the settlement. The proposed allocation also does not meet the needs of the Gypsy and Travellers community because the site is not located in close proximity to a range of important services and facilities.

2.57 Therefore, it is considered that MAC50 does not meet this Strategic Objective of the LDP.

*Objective 8: To foster the development of a diverse and sustainable local economy that meets the needs of the Vale of Glamorgan and that of the wider South East Wales Region.*

2.58 N/A

*Objective 9: To create an attractive tourism destination with a positive image for the Vale of Glamorgan, encouraging sustainable development and quality facilities to enrich the experience for visitors and residents.*

2.59 N/A

*Objective 10: To ensure that development within the Vale of Glamorgan uses land effectively and efficiently and to promote the sustainable use and management of natural resources.*

2.60 The proposed allocation is located on greenfield land in the open countryside which clearly does not make the most effective and efficient use of land in the Vale of Glamorgan. In this regard, the proposed allocation does not accord with the spatial framework, development management policies, as well as policies for managing growth provided in the LDP.

2.61 Therefore, it is considered that MAC50 does not meet this Strategic Objective of the LDP.

2.62 In light of the above, it is not considered that MAC50 and the proposed allocation of Land at Llangan for a Gypsy & Traveller site accords with the Objectives of the LDP or the Council's own emerging policy which controls the provision of new Gypsy & Traveller sites, such that it fails Test of Soundness 2 in that it is not logical, reasonable or balanced and it is not coherent and consistent.

## Summary & Proposed Amendment to Policy MG 5

2.63 Llangan is therefore not considered to be a sustainable or suitable location for a Gypsy and Traveller site for the following reasons:

- The limited local facilities available;
- The limited provision of public transport;
- Does not constitute making "*all lawful endeavours*" to remove the current occupiers of the site in accordance with the legal undertaking at the site and therefore is undeliverable;
- Vehicular access to the site is considered inadequate in terms of road widths and visibility;
- The settlement does not promote sustainable access to employment, shopping, education, health, community, leisure and sports facilities;
- The proposed development would impact upon the setting of Llangan Conservation Area;
- The settlement does not maximise opportunities for community development and social welfare due to its size;
- The settlement does not foster social inclusion due to the isolated location of the settlement; and
- The settlement does not contribute to improvements in health due to the isolation from services and facilities.

2.64 Both the previous de-allocation of the site by the Council and the site's planning history confirm that the proposed allocation via MAC50 is not 'Sound' and the Council should identify an alternative site to meet the identified need.

2.65 In light of the above, the Vale of Glamorgan Council should seek an alternative site to meet the identified need for Gypsy & Traveller pitches within the Authority. Whilst the 2013 Gypsy & Traveller Site Assessment confirms that "several of the 36 sites investigated could physically accommodate the need of 18 Gypsy and Traveller pitches...these sites are constrained by ownership or management issues, have alternative or preferable uses or had been developed to provide community facilities", the Llangan site is considered inappropriate and unsustainable. It is therefore considered that in order to make the Plan 'Sound', the Council should seek to allocate an alternative site for the provision of the identified Gypsy & Traveller pitches.

2.66 Appendix 9 of the 2012 Representation (which is also appended to this Report at Appendix 8) assesses alternative Gypsy & Traveller sites and concludes that Land at

Hayes Road, Sully and Land West and South of South Road, Sully both comprise more suitable locations for a new Gypsy & Traveller site than Land at Llangan. Given that the Inspector has advised that Land at Hayes Road, Sully should be deleted as a proposed allocation due to flooding constraints, our client proposes that greater efforts should be made by the Council to deliver Land West and South of South Road, Sully as an alternative Gypsy & Traveller Site.

### 3 CONCLUSION

3.1 Based on the above, the proposed allocation of Land at Llangan for the provision of a Gypsy and Traveller site is not considered to be 'Sound' in that it clearly fails Tests of Soundness 1, 2 and 3 set out within the Welsh Government's Local Development Plan Manual (2nd Edition, August 2015). It is therefore considered that in order to make the Plan 'Sound', the Council should seek to allocate an alternative site for the provision of the identified Gypsy & Traveller pitches.

3.2 Llangan is not considered to be a sustainable location for a Gypsy and Traveller site and therefore does not comply with planning policy requirements, for the reasons set out in Section 2.0 and the accompanying Representations at **Appendix 1** and **Appendix 2**. Paragraph 4.4.3 of PPW identifies a set of criteria that planning policies and proposals should meet as set out in paragraph 2.4 above. The proposed allocation of Land at Llangan fails these criteria for the following reasons:

- The limited local facilities available;
- The limited provision of public transport;
- Does not constitute making "*all lawful endeavours*" to remove the current occupiers of the site in accordance with the legal undertaking at the site and therefore is undeliverable;
- The settlement of Llangan is not large enough to provide ancillary facilities required to support a sustainable development in accordance with Designing Gypsy and Travellers Sites Good Practice Guide;
- Vehicular access to the site is considered inadequate in terms of road widths and visibility;
- The settlement does not promote sustainable access to employment, shopping, education, health, community, leisure and sports facilities;
- The proposed development would impact upon the setting of Llangan Conservation Area;
- The settlement does not maximise opportunities for community development and social welfare due to its size;
- The settlement does not foster social inclusion due to the isolated location of the settlement; and
- The settlement does not contribute to improvements in health due to the isolation from services and facilities.

3.3 The Council's assessment of the site relies heavily on Fferm Goch but as set out in paragraph 2.15, it is not appropriate to use Fferm Goch to justify the suitability and sustainability of the site.

3.4 In conclusion, Policy MG 5 in its current form is considered to be 'Unsound' and therefore the proposed allocation of Land at Llangan should be deleted and replaced by an alternative site. Assessments of alternative sites are contained within **Appendix 7** of this Report and identifies a number of appropriate sites which we consider to be more suitable than Land at Llangan.

Appendix 1 Representation produced by Barton Willmore on behalf of Llangan Action (March 2012)

# Vale of Glamorgan Deposit Local Development Plan

Representation on behalf  
of Llangan Action

**MARCH 2012**

# Vale of Glamorgan Deposit Local Development Plan

## Representation on behalf of Llangan Action

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Ref: 20899/A5/ZA/gp  
Date: March 2012

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## 1.0 Introduction

- 1.1 This Representation sets out objections to Policy MG 9 Gypsy and Traveller Site of the Vale of Glamorgan Deposit Local Development Plan. The policy states that:

'LAND IS ALLOCATED AT LLANGAN FOR THE PROVISION OF A GYPSY AND TRAVELLER SITE'.

- 1.2 The supporting paragraph 7.41 to 7.43 state that:

*'Sections 224 and 225 of the Housing Act 2004 require local authorities to assess the accommodation needs of Gypsy and Travellers within their area and that where there is an identified need sufficient site(s) should be allocated within the Council's LDP to address that need.'*

*In 2007 in partnership with Cardiff Council the Vale of Glamorgan Council commissioned Fordham Research to undertake a Local Housing Market Assessment to include a Gypsy and Traveller Accommodation Assessment (G&TAA) with the aim of quantifying the accommodation and housing related support needs of Gypsies and Travellers in terms of residential and transit sites as well as bricks and mortar accommodation.*

*The Study, which included direct consultation with the Gypsy and Traveller community, identified a need for the Council to provide 6 authorised pitches and 15 transit pitches for the Plan period.*

*The current Gypsy and Traveller site at Llangan is in the ownership of the Council and is considered to be suitable to accommodate the identified needs of both permanent and transit Gypsies and Travellers'.*

- 1.3 It is considered that the proposed allocation does not meet the test of Soundness as set out in the Local Development Plan Manual, June 2006. Therefore, in order to make the Vale of Glamorgan Local Development Plan 'sound' in regards to Policy M9, an alternative sustainable site should be identified to provide Gypsy and Traveller accommodation over the LDP period in the Vale of Glamorgan.

- 1.4 The rest of this Representation sets out why the Policy is considered not to be 'sound' under the three main headings of 'Soundness', namely:

- Procedural
- Consistency
- Coherence and Effectiveness

- 1.5 In addition, drawing on the sites assessed in the Gypsy and Travellers Site Assessment, Background Paper, November 2011 alternative sites are identified with a Sustainability Assessment being completed on each site.

## 2.0 Procedural Tests

- 2.1 This section of the report sets out how Policy MG9 Gypsy and Travellers site does not meet the Procedural Tests set out in the Local Development Plan Manual (June 2006).

### **The Plan has been prepared in accordance with the Delivery Agreement including the Community Involvement Scheme (CIS).**

- 2.2 Under paragraph 7.4.1 of the Delivery Agreement it is identified that the Council will as part of developing the LDP evidence base, the Council will engage with stakeholders to identify strategic locations and candidate sites for development. It is also stated that;

*'The Council will provide stakeholders with assessment criteria to facilitate the identification of sites. A Sites Register will be compiled by the Council and all proposed sites will be assessed to ascertain if they can contribute to the Development Strategy for the Plan and meet the requirements of the Sustainability Appraisal'.*

- 2.3 However, having reviewed the Candidate Site Register and the three addendums, it is clear that the site near Llangan was not submitted by the Council to be assessed through the candidate site assessment process for consideration. Therefore the site has not been subject to Candidate Site assessment like other proposed allocations in the LDP and this is not consistent with the requirements of the Delivery Agreement. It is also considered that if the site was assessed against the Candidate Site Assessment the site would have been ruled out at stage 1, not even progressing to stages 2 and 3.
- 2.4 Section 7.5 of the Delivery Agreement refers to the Pre-Deposit Consultation and identifies that the LPA will consult upon the Preferred Strategy and strategic locations for new development and accompanying SA Report.
- 2.5 However, having reviewed the Preferred Strategy, accompanying SA Report and associated evidence base it is clear that the Preferred Strategy made no reference to the potential need to identify a Gypsy and Travellers site in the Vale of Glamorgan with this being subject to the findings of an on-going study. Only one reference to the on-going study was made and no strategic policy was drafted to indicate that the Vale of Glamorgan LPA would cater for the identified needs of Gypsies and Travellers over the LDP period as required by legislation. On this basis the only opportunity that the local community have had to comment on the need for and provision of a Gypsy and Travellers site is at the current advanced stage of the LDP. This is also true for the Gypsy and Travellers community as well. This is not consistent with the Community Involvement Statement which identifies the need for the community to be involved from an early stage.
- 2.6 Paragraph 8.3.2 of the Delivery Agreement including CIS, Revised June 2011 states that:

'The Council will ensure that participation in the preparation of the LDP is:

- Open – provide real choices and ask how communities want to contribute.

- Inclusive – give all sections of the community a chance to express their views.
- Impartial – not leading people to give a preferred response.
- Informative – supported by clear, honest, and accessible information.
- Involving – engage those involved to relate to their lives.
- Understandable – use clear language.
- Appropriate – tailored to suit the participants.
- Strategic – take place in the wider context of consultation.
- Joined up – combined with other issues or other plans if appropriate.
- Resourced – that it is rigorous and reaches all interested parties.
- Professional – must be rigorous and robust to stand up to challenge.
- Timely – early enough to inform decisions, at a time when people can participate, with enough time to respond.
- Listened to – results must provide the Council with real information on which to base decisions.
- Reported – feed back results and how they have affected decisions’.

2.7 The approach that the Council has taken to identifying a Gypsy and Travellers site near Llangan in terms of participation is not compliant with the Delivery Agreement. The involvement of the Gypsy and Travellers community has been very limited and is not considered to be inclusive. In this regard, only one group is identified to represent them, the UK Association of Gypsy Women (UKAGW). It is unclear how this group is representative of the whole Gypsy and Travellers community in the Vale of Glamorgan.

2.8 Whilst they were consulted as part of the Cardiff and Vale of Glamorgan Survey and Assessment of Gypsy and Traveller Accommodation study, they have not been consulted upon particular sites. In this regard, the existing Gypsy Family at the Llangan site have confirmed that they have not been consulted by the Vale of Glamorgan LPA on the proposed allocation and do not agree with the proposed site.

2.9 The proposed allocation is not supported by clear and accessible information. There is no information available to support the proposed allocation, with the allocation being inconsistent with the findings of the Cardiff and Vale of Glamorgan Survey and Assessment of Gypsy and Traveller Accommodation study. In this regard, the study was not available at the Preferred Strategy stage and no reference was made to the potential need for a site to be allocated in the Deposit Plan. Therefore the provision of information has not been in a timely fashion. Due to the findings of the study being ignored, the Gypsy and Travellers community have not been listened to and the wider community have not had an early opportunity to comment on the proposals.

2.10 Paragraph 9.2.21 of PPW states that:

*'Local authorities are required to assess the accommodation needs of Gypsy families. It is therefore important that local planning authorities have policies for the provision of Gypsy sites in their development plans. In drawing up policies local planning authorities should consult providers of **social housing, representatives of Gypsies and Travellers and landowners in areas likely***

*to be appropriate for Gypsy sites, in accordance with their Community Involvement Scheme.*

2.11 There is no evidence available to demonstrate that the Council has consulted with the providers of social housing, representatives of Gypsies and Travellers and landowners in areas to identify potentially suitable sites which meet the identified requirements of Gypsies and Travellers in the area. In this regard, when assessing submitted candidate sites, there is not evidence that they were assessed for their suitability for a Gypsy and Travellers site.

2.12 Welsh Government Circular 30/2007, "Planning for Gypsy and Traveller Caravan Sites" identifies that LPAs should work with the Gypsy and Traveller community encouraging them to put forward candidate sites and paragraph 19 states that:

*'It is expected that at an early stage in the preparation of LDPs, local planning authorities will discuss Gypsies and Travellers' accommodation needs directly with the Gypsies and Travellers themselves.'*

2.13 As stated above there is no evidence of the Vale of Glamorgan LPA discussing the suitability of sites with the Gypsies and Travellers including the proposed site near Llangan.

2.15 The Good Practice Guide Designing Gypsy Traveller Sites in Wales, June 2009 identifies in paragraph 9.2.1 who should be consulted in refurbishing and developing new Gypsy and Traveller sites, including:

- The Gypsy and Traveller community and representative groups;
- Local residents and businesses;
- Education, health, social services departments and transport authorities;
- Relevant local agencies such as police or fire services;
- Neighbouring authorities within the expected catchment area;
- Planners;
- The Fire Officer;
- The Policy Architect;
- Site managers and maintenance officers; and
- Local Health Board

2.16 The Council has not consulted with local businesses or residents on the proposed allocation. The first indication that the site was being considered was in the Gypsy and Traveller Site Assessment Background Paper, November 2011, which was only made public when the Deposit LDP was published. Even within the background paper there is no evidence of the education, health, social services and the highways departments being consulted. In this regard the local school has confirmed that they have not been consulted upon the proposed allocation near Llangan. In addition, the emergency services have also confirmed they have not been consulted upon with regards to proposed allocation.

2.17 Based on the above, Policy MG9 is not considered to pass the test of soundness P1.

### 3.0 Consistency Tests

3.1 This section sets out the Policy MG 9 does not pass the tests of consistency.

#### **Test C2: It has regard to national policy**

3.2 Planning Policy Wales, February 2011, 4<sup>th</sup> Edition (PPW) sets out the land use planning policy context for Wales at a national level.

#### *Sustainable Development*

3.3 Paragraph 4.1.6 of PPW identifies that the planning system has a fundamental role in delivering sustainable development in Wales. It is stated that:

*'In particular the planning system, through both development plans and the development control process, must provide for homes, infrastructure, investment and jobs in a way which is consistent with sustainability principles and the urgent need to tackle climate change'.*

3.4 Paragraph 4.4.2 identifies that planning policies and proposals should:

- *'Promote resource-efficient and climate change resilient settlement patterns that minimise land-take (and especially extensions to the area of impermeable surfaces) and urban sprawl, especially through preference for the re-use of suitable previously developed land and buildings, wherever possible avoiding development on greenfield sites;*
- *Locate developments so as to minimise the demand for travel, especially by private car;*
- *Support the need to tackle the causes of climate change by moving towards a low carbon economy;*
- *Minimise the risks posed by, or to, development on, or adjacent to, unstable or contaminated land and land liable to flooding;*
- *Play an appropriate role to facilitate sustainable building standards;*
- *Play an appropriate role in securing the provision of infrastructure to form the physical basis for sustainable communities;*
- *Contribute to the protection and improvement of the environment, so as to improve the quality of life, and protect local and global ecosystems;*
- *Help to ensure the conservation of the historic environment and cultural heritage*
- *Maximise the use of renewable resources;*
- *Encourage opportunities to reduce waste and all forms of pollution and promote good environmental management and best environmental practice;*
- *Ensure that all local communities - both urban and rural - have sufficient good quality housing for their needs, including affordable housing for local needs and for special needs where appropriate, in safe neighbourhoods;*

- *Promote access to employment, shopping, education, health, community, leisure and sports facilities and open and green space, maximising opportunities for community development and social welfare;*
- *Foster improvements to transport facilities and services which maintain or improve accessibility to services and facilities, secure employment, economic and environmental objectives, and improve safety and amenity. In general, developments likely to support the achievement of an integrated transport system should be encouraged;*
- *Foster social inclusion by ensuring that full advantage is taken of the opportunities to secure a more accessible environment for everyone that the development of land and buildings provides. This includes helping to ensure that development is accessible by means other than the private car;*
- *Promote quality, lasting, environmentally-sound and flexible employment opportunities;*
- *Support initiative and innovation and avoid placing unnecessary burdens on enterprises;*
- *Respect and encourage diversity in the local economy;*
- *Promote a greener economy and social enterprises; and*
- *Contribute to the protection and, where possible, the improvement of people's health and well-being as a core component of sustainable development and responding to climate change'.*

3.5 The proposed allocation of a Gypsy and Travellers site near Llangan, clearly does not constitute sustainable development because the proposed site:

- Is greenfield land in accordance with the definition of brownfield land set out in Figure 4.1 of PPW;
- Will not reduce the need to travel due to the limited local service provision in close proximity to the site;
- Holds very limited access to public transport facilities;
- Is not large enough to provide ancillary facilities required to support a sustainable development as set out in paragraph 3.29 in accordance with Designing Gypsy and Travellers Sites Good Practice Guide;
- Is located within a Special Landscape Area and in close proximity to a Conservation Area;
- Does not meet the identified needs of Gypsies and Travellers, in the Vale of Glamorgan (See Chapter 5 for further detail);
- Does not promote sustainable access to employment, shopping, education, health, community, leisure and sports facilities;
- Does not maximise opportunities for community development and social welfare;
- Does not foster social inclusion due to the isolated location of the site; and
- Does not contribute to improvements in health due to the isolation from services and facilities.

3.6 The assertion that the site does not constitute sustainable development is also supported by a number of planning applications and appeal decisions.



3.7 In this regard, it is unclear why the Council consider a site near Llangan to be a suitable, sustainable location given its previous stance on an application for the change of use to a gypsy caravan site for personal use of applicant and family adjacent to the settlement limits of Llangan (2002/00109/FUL). The Council refused the application on the grounds that the proposal involved unjustified development in the countryside which would detract from the rural character of the area, highway safety and minerals policy. A copy of the Planning Committee report is contained in Appendix 1.

3.8 This is further supported by a recent refusal of an application for the provision of 1 gypsy pitch together with the formation of additional hard standing and utility/day room ancillary to that use (2011/00710/FUL) where the application was refused on the grounds of sustainability. The officer's report stated that:

*'It is considered that the proposal represents an unacceptable, unsustainable and unjustified form of development on this countryside location that would result in the loss of good quality agricultural land and detract from the unspoilt, undeveloped nature of the surrounding rural landscape'.*

3.9 In this regard the proposed site is located in the open countryside to the north west of the village of Bonvilston and it is identified that the nearest services are over 1.5 km away which creates an unacceptable reliance on public transport to access services. The full committee report is attached in Appendix 2 for ease of reference.

3.10 The Council's stance in relation to the above applications is supported by an Appeal decision (APP/N6845/A/11/2151750/WF) which relates to an application for Gypsy and Traveller accommodation on part of a field outside the village of Maiden Wells, Pembrokeshire. A copy of the Appeal decision is attached in Appendix 3. In paragraph 28 of the appeal decision the Inspector states that:

*'Much has been made of the advice in the Circular that gypsy caravan sites are acceptable in principle in rural settings. However, it is clearly not intended that that should be regardless of the planning merits of any particular site. In this case, I consider that factors in favour of granting planning permission to be clearly outweighed by the harm to the rural character and appearance of the area and the unsustainable nature of the development on balance, the proposal would be contrary to the aims of national and development plan policy'.*

3.11 In addition to the above, there is also an Affidavit which is signed by the Robert Quick (Chief Planning Officer of the Vale of Glamorgan) confirming that the Council strongly opposed a planning application on the site near Llangan (the proposed allocation site) for a Gypsy and Travellers site. The Affidavit in paragraph 4 states that:

*'The former Vale of Glamorgan Borough Council had strongly objected to the planning application the subject of this application herein, on grounds that the proposal would intrude into the rural landscape and damage the amenity of the countryside; it considered the proposal to be contrary to the current Structure Plan and the draft Local Plan policies'.*

3.12 A copy of the Affidavit is contained in Appendix 4.

3.13 Paragraph 4.6.2 of PPW identifies that:

*'Development plans need to provide a framework to stimulate, guide and manage change towards sustainability. They should secure a sustainable settlement pattern which meets the needs of the economy, the environment and health while respecting local diversity and protecting the character and cultural identity of communities.'*

3.14 Paragraph 4.6.7 of PPW also identifies that with regard to rural settlements development should be focused in settlements which have relatively good accessibility by non-car modes when compared to the rural area as a whole.

3.15 The Background Paper – Sustainable Settlements Appraisal Review, November 2011 sets out how the Council has developed the settlement hierarchy in the Vale of Glamorgan. Within the Background Paper, Llangan is identified under the settlement category of 'Hamlets and Rural Areas'. Paragraph 6.9 of the Sustainable Settlements Appraisal Review Background Paper confirms that such settlements require protection from over-development through planning controls to safeguard these sensitive rural settlements and the rural character of the Vale. Paragraph 6.10 states that:

*'Given their location and limited role and function it is reasonable to conclude that there is likely to be a high reliance on the private car to access basic amenities. Therefore, these areas are considered to be **unsuitable and unsustainable locations for further additional development.**'*

3.16 This is then confirmed in Chapter 5 of the Deposit LDP, where Hamlets and Rural Areas are not mentioned in terms of accommodating new development. Clearly, the provision of a Gypsy and Travellers site does constitute development and the proposed allocation near Llangan is not in keeping with the settlement strategy set out in the Deposit LDP.

3.17 Llangan only scores 4 points, 2 of which relate to employment opportunities being located within 2km of the settlement. However, the level of provision of employment is very limited with the settlement of Fferm Goch only being home to 4 industrial units, with the occupiers of the units having confirmed that they have not employed any new staff in the last 9 years. Therefore Llangan's score is considered to be artificially high.

3.18 Further, whilst in the Background Paper the Vale of Glamorgan LPA identifies 'Acceptable Walking Distances' in Table 1 based on the Guidelines for Providing Journeys on Foot, The Institute of Highways and Transportation (2000) and Sustainable Settlements: A guide for Planners, Designers and Developers and Shaping Neighbourhoods, they then chose to ignore this information in allocating a Gypsy and Travellers Site under Policy MG 9 in the Deposit LDP. In this regard both Llangan and Fferm Goch score zero for public transport facilities. In allocating the Gypsy and Travellers Site near Llangan, the occupants of the site are being denied sustainable access to a wide range of facilities and services, including:

- Day-to-day shops and services
- Any Food and drinks outlets
- Medical facilities within 1km of the site
- A Library within 800m
- A Community Hall within 1km
- Regular Bus services
- Accessible Rail services
- Leisure and Recreation facilities
- A Main Settlement within 5km of the site

3.19 In the Gypsy and Travellers Site Assessment, Background Paper, November 2011 reference is made to the site being located in close proximity to Fferm Goch, which is identified as a Minor Settlement in the settlement hierarchy. However, as identified above, there are only 4 industrial units in Fferm Goch with the occupiers of the units having confirmed that they have not employed any new staff in the last 9 years. Despite this very limited provision of employment opportunities, the settlement scores the same on employment as Barry, Penarth, Llanwit Major and Cowbridge which clearly demonstrates the weaknesses in how the indicator has been assessed. Furthermore, the settlement only has a population of 98, which is the lowest of any settlement classified as a Minor Settlement and does not accord with paragraph 6.11 of the Background Paper that identifies that Hamlets and Rural Areas generally have a population of less than 100. The settlement is also considered to have a limited range of facilities compared to the other Minor Settlements, but scores highly due to the presence of a primary school. Overall the assessment of Fferm Goch is considered to be artificially high due to the employment indicator and the presence of a primary school with the other facilities and services available being very limited in scope. Based on the above, the Sustainable Settlement Analysis Background Paper confirms that the proposed allocation near Llangan is not sustainable.

#### *Rural Sustainable Development*

- 3.20 Paragraph 4.6.8 of PPW identifies that development in the countryside should be located within and adjoining those settlements where it can best be accommodated in terms of infrastructure, access and habitat and landscape conservation.
- 3.21 The proposed site is not located within or adjoining a settlement, with the nearest settlements being Llangan which is at least 150m away and Fferm Goch which is at 1 km away. The site is accessed via a narrow poorly maintained rural lane with no footpath or verge, not offering safe access to the village or school. Furthermore, as demonstrated above, these settlements do not provide the necessary infrastructure to create a sustainable development and public transport facilities are very limited.
- 3.22 With regards to habitat and landscape conservation, the proposed allocation sits within a Special Landscape Area (SLA) and whilst this does not prevent development it is necessary to demonstrate that any proposed development will

not impact negatively on the SLA. However, the assessment of the site within the Gypsy and Travellers Site Assessment, Background Paper incorrectly identifies that the site is not within a Special Landscape Area. In this regard, no assessment has been undertaken to confirm that the proposed development can be accommodated at the site without causing detrimental harm to the SLA. In addition, the assessment makes no reference to the site's proximity to the Conservation Area of Llangan.

### *Housing*

3.23 Chapter 9 of PPW deals with housing and paragraph 9.1.1 states that the objectives are to provide:

- *Homes that are in good condition, in safe neighbourhoods and sustainable communities; and*
- *Greater choice for people over the type of housing and the location they live in, recognising the needs for all, including those in need of affordable or special needs housing in both urban and rural areas.*

3.24 Paragraph 9.2.21 of PPW identifies that Local authorities are required to assess the accommodation needs of Gypsy families. The Vale of Glamorgan has carried out an assessment of the needs for Gypsies and Travellers. The Fordham Research study identifies that there is a strong feeling in the Gypsy and Travellers community that small sites on the edge of existing large communities are required to help facilitate access to health, education and welfare facilities. The Study also highlighted that isolated, rural sites restrict access to health, education and welfare facilities which need to be avoided.

3.25 In this regard, the Vale of Glamorgan has chosen to ignore the needs of the Gypsy and Travellers community by locating the site in an isolated location away from existing large communities. Furthermore, the study identified the need for 6 permanent and 15 transit pitches but the site at Llangan is not big enough to accommodate this number of pitches as set out in paragraph 3.29.

### *Rural Exception Sites*

3.26 Paragraph 9.2.22 of PPW identifies that housing in rural areas must embody sustainability principles, benefiting the rural economy and local communities while maintaining and enhancing the environment. Paragraph 9.2.23 of PPW identifies that rural exception sites must meet all of the criteria against which a housing development would be judged and such sites should be within or adjoining existing settlements.

3.27 Paragraph 9.3.6 of PPW advises that new development in the countryside away from existing settlements require special justification. For example, they are essential to enable farm or forestry workers to live at or close to their place of work.

3.28 Paragraph 29 of Circular 30/2007 identifies that Rural exception site policies for Gypsies and Travellers should operate in the same way as rural exception sites policies for housing as set out in PPW and Technical Advice Note 2. Furthermore, it is stated that;

*'In applying the Gypsy Traveller rural exception site policy, local planning authorities should consider in particular the needs of households who are either current residents or have an exiting family or employment connection.'*

- 3.29 The proposed allocation near Llangan for a Gypsy and Travellers site clearly does not meet the criteria to be considered a 'rural exception sites', with the site being located in the open countryside and it not being a suitable site for open market housing.

### **WG Circular 30/2009 – Planning for Gypsy and Traveller Caravan**

- 3.30 WG Circular 30/2009 – Planning for Gypsy and Traveller Caravan Sites (Circular 30/2009) paragraph 17 identifies that:

*'Where there is an assessment of unmet need for Gypsy and Traveller accommodation in the area, local planning authorities should allocate sufficient sites in LDPs to ensure that the identified pitch requirements for residential and transit use can be met. Local planning authorities will need to demonstrate that sites are suitable, and that there is a realistic likelihood that the specific sites allocated in LDPs will be made available for that purpose.'*

- 3.31 The proposed allocation near Llangan is not considered to be large enough to meet the requirement identified for the Vale of Glamorgan. The Designing Gypsy and Travellers Sites Good Practice Guide identifies that a pitch should be a minimum of 500 sq m plus infrastructure and facilities. The current proposed allocation is only 7,400 sq m which equates to only 14 pitches when a clear need has been established for 21 pitches.

- 3.32 Furthermore, the current site access does not meet current standards required for emergency vehicles, with the access being 2.5 m rather than 3.7 m. This issue is not flagged up in the assessment of the site contained within the Gypsy and Travellers Site Assessment Background Paper.

- 3.33 Paragraph 19 of Circular 30/2009 sets out issues in terms of suitable sites and states that:

*'Issues of site sustainability are important for the health and well being of Gypsy and Travellers not only in respect of environmental issues but also for the maintenance and support of family and social networks. It should not be considered only in terms of transport mode, pedestrian access, safety and distances from services. Such consideration may include:*

- *opportunities for growth within family units;*
- *the promotion of peaceful and integrated co-existence between the site and the local community;*
- *the wider benefits of easier access to GP and other health services;*
- *access to utilities including waste recovery and disposal services;*
- *access for emergency vehicles;*
- *children attending school on a regular basis;*

- *also other educational issues such as space e.g. for touring or static play bus, homework club, teaching base for older children and adults;*
  - *suitable safe play areas;*
  - *contribute to a network of transit stops at intervals that reduce the need for long-distance travelling;*
  - *possible environmental damage caused by unauthorised encampment;*
  - *not locating sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans and;*
  - *regard for areas designated as being of international or national importance for biodiversity and landscape.'*
- 3.34 Furthermore, paragraph 20 of Circular 30/2009 identifies that in deciding where to provide for Gypsy and Traveller sites, local planning authorities should first consider locations in or near existing settlements with access to local services e.g. shops, doctors, schools, employment, leisure and recreation opportunities, churches and other religious establishments.
- 3.35 The Vale of Glamorgan has clearly not followed this approach designating a site that is located in the rural countryside of the Vale, with the site not even adjoining the boundary of a Minor Village. The Llangan Travellers Site Accessibility Assessment (March 2012) confirms the site is not accessible by means other than car. The full report is contained in Appendix 4. Other sites which are located within and adjoining settlements are available but they have been incorrectly discounted by the Vale of Glamorgan. Further detail on the sites and their suitability is set out in Chapter 4.
- 3.36 Paragraph 21 of Circular 30/2009 identifies that sites should be identified having regard to highways considerations. However, little regard has been paid to highway considerations. The current access on to the highway is substandard and no footpaths are available to ensure safe movement by pedestrians.
- 3.37 Paragraph 23 of Circular 30/2009 identifies a number of ways in which local planning authorities can identify specific sites and make land available:
- *'Local authorities have discretion to dispose of land for less than best consideration where it will help to secure the promotion or improvement of the economic, social or environmental well-being of the area, as set out in National Assembly for Wales Circular 41/03, "Local Government Act 1972: General Disposal Consent (Wales) 2003, Disposal of land in Wales by Authorities for less than Best Consideration".*
  - *Authorities should also consider making full use of any registers of unused and under-used land owned by public bodies as an aid to identifying suitable locations. Vacant land or under-used local authority land may be appropriate.*
  - *Authorities should also consider whether it might be appropriate to exercise their compulsory purchase powers to acquire an appropriate site.*
  - *Co-operation between neighbouring authorities can provide more flexibility in identifying sites.'*
- 3.38 It is considered that the Vale of Glamorgan LPA has not fully explored how it can help to deliver a Gypsy and Travellers site in the Vale of Glamorgan. In the

assessment of sites, they have automatically discounted sites which have higher value land use allocations/consents without considering using their power under Circular 41/03 and there is no evidence to demonstrate that they have consulted other public sector bodies about surplus assets or available sites including Social Registered Landlords.

3.39 Paragraph 26 of Circular 30/2009 states that Gypsy and Travellers sites:

*'Should respect the scale of and not be so large as to dominate the nearest settled community serving them. They should also avoid placing an undue burden on the local infrastructure'.*

3.40 Clearly the proposed development will dominate the settlement of Llangan. The settlement currently consists of 98 residents in 35 dwellings. The infrastructure to the settlement is typical of a rural hamlet and the current infrastructure of the Gypsy Traveller site will require significant investment to be up-graded to the standard required to provide adequate utilities. No studies have been undertaken by the Council to demonstrate that the level of investment required is feasible. Therefore the Council has not demonstrated that the site is realistically going to be delivered within the plan period.

3.41 Based on the above, Policy MG 9 is not considered to be consistent with national policy and therefore fails Soundness Test C2. Further detail on this is set out in Section 4.

### **'Travelling to a Better Future' Gypsy and Traveller Framework for Action and Delivery Plan**

3.42 The aim of 'Travelling to a Better Future' is to realise our commitment to the Gypsy and Traveller community; to ensure equality of opportunity for Gypsies and Travellers in Wales and to think about new ways in which we can enable Gypsy and Traveller communities to access resources not always available to them by ensuring our services are flexible enough to respond to their needs.

3.43 The Framework then sets out a series of objectives to achieve the above, with Objective 5 being related to development plans. The objective states that:

*'The Welsh Government will work with Local Authorities to deliver new sites in line with needs identified in local development plans.'*

3.44 It is also stated that:

*'A LDP needs to be a "sound" document: meaning that it shows good judgement and can be trusted. To achieve a "sound" plan a LPA will gather economic, social and environmental information which provides the factual base for the plan. The results of the Gypsy and Traveller Accommodation Needs Assessment, carried out under the Housing Act 2004, are expected to provide key evidence to inform the preparation by individual LPAs of policies for caravan sites for Gypsies and Travellers in their LDP'.*

3.45 As set out in greater detail in Section 4, that whilst the Vale of Glamorgan LPA has produced an Assessment of the needs of Gypsies and Travellers within the area, they then chose to ignore the findings of the study when allocating the site near Llangan.

### **Consistency Test C3 - Wales Spatial Plan, Update 2008**

3.46 Again the Wales Spatial Plan, Update 2008, promotes sustainable development and states that:

*'Sustainable development is about improving wellbeing and quality of life by integrating social, economic and environmental objectives in the context of more efficient use of natural resources. The Wales Spatial Plan aims to deliver sustainable development through its Area Strategies in the context of the Welsh Assembly Government's statutory Sustainable Development Scheme. The Scheme is currently being revised to reflect the Assembly Government's One Wales agenda'.*

3.47 The WSP identifies 5 key themes which are:

- Building sustainable communities
- Achieving sustainable accessibility
- Promoting a sustainable economy
- Valuing our environment
- Respecting distinctiveness

3.48 In terms of "Building Sustainable Communities" the WSP emphasises the need to focus development to settlements including the creation of jobs and delivering regeneration.

3.49 In "Promoting a Sustainable Economy" the WSP seeks to develop key settlements with vibrant economies, deliver new employment sites at sustainable locations, improve skills within Wales and provide appropriate infrastructure for employment development.

3.50 Within "Valuing Our Environment" the emphasis is to deal with climate change and protecting and enhancing the environment.

3.51 "Achieving Sustainable Accessibility" seeks to locate housing, employment and key services in close proximity to each other and areas accessible by modes of travel other than the private car.

3.52 Finally, "Respecting Distinctiveness" seeks to create flourishing communities, deliver high quality environment, buildings and spaces with a sense of identity and promote the Welsh Language.

3.53 The WSP divides Wales into a number of areas, with the Vale of Glamorgan being located within the South East Wales region – 'Sustainable Capital Region'. The WSP sets out a vision for the area and it notes that 'the pattern of urban settlements, set within outstanding natural scenery, is much of what makes South East Wales attractive' and argues that 'the success of the area relies on Cardiff developing its capital functions, together with strong and distinctive roles of other towns and cities'. The Spatial Plan also acknowledges development pressures within the City Coastal Zone and states that "the



pressure to provide more housing and employment should be managed so as to fit in compatibly with conservation of the landscape, environment and community strength of this area.'

- 3.54 Again the key theme of the Wales Spatial Plan is achieving sustainable development through focusing new development in areas which have good access to key services and facilities. For the reasons set out in paragraph 3.2 – 3.43. Policy MG9 is not consistent with the objectives of the Wales Spatial Plan. Therefore it fails Soundness test Consistency C3 because the policy does not have due regard to the Wales Spatial Plan.

#### **Consistency – C4 – Vale of Glamorgan Community Strategy**

- 3.55 The Community Strategy 'Planning and Working Together' provides a vision for how the Vale of Glamorgan will look in the future and how that vision can be achieved. The Vision states that:

*'Our vision for the Vale is a place:*

*that is safe, clean and attractive, where individuals and communities have sustainable opportunities to improve their health, learning and skills, prosperity and well being, and where there is a strong sense of community in which local groups and individuals have the capacity and incentive to make an effective contribution to the future sustainability of the area.'*

- 3.56 The Community Strategy contains 10 priority outcomes as follows:

- People of all ages are actively engaged in life in the Vale and have the capacity and confidence to identify their own needs as individuals and within communities.
- The diverse needs of local people are met through the provision of customer focused, accessible services and information.
- Vale of Glamorgan residents and organisations respect the local environment and work together to meet the challenge of climate change.
- Older people are valued and empowered to remain independent, healthy and active. They have equality of opportunity and receive high quality services to meet their diverse needs.
- Children and Young people in the Vale of Glamorgan are well informed and supported to access a broad range of quality services that enable them to take full advantage of the life opportunities available in their local communities and beyond.
- People of all ages are able to access coordinated learning opportunities and have the necessary skills to reach their full potential, helping to remove barriers to employment. The underlying causes of deprivation are tackled and the regeneration of the Vale of Glamorgan continues, opportunities for individuals and businesses are developed and the quality of the built and natural environment is protected and enhanced.
- The Vale of Glamorgan maximises the potential of its position within the region working with its neighbours for the benefit of local people and businesses, attracting visitors, residents and investment.

- Residents and visitors are safe and feel safe and the Vale of Glamorgan is recognised as a low crime area.
  - Health inequalities are reduced and residents are able to access the necessary services, information and advice to improve their wellbeing and quality of life.
- 3.57 Due to the unsustainable location of the proposed Gypsy and Travellers site, the allocation does not meet the objectives of the Community Strategy with the site not promoting inclusion or accessibility to services and facilities including health and education facilities.
- 3.58 In conclusion, Policy MG 9 therefore fails Soundness Test C4 – It does not have regard to the relevant Community Strategy.

## 4.0 Coherence and Effectiveness

- 4.1 This section sets out how Policy MG 9 does not meet the Soundness Test of Coherence and Effectiveness.

**Test CE1 – The plan sets out a coherent strategy from which its policies and allocations logically flow and where cross boundary issues are relevant, is not conflict with the development plans prepared by neighbouring authorities.**

- 4.2 The LDP sets out a Vision and 10 key strategic objectives to deliver the Vision which set out the context of the LDP strategy. Policy MG 9 is assessed against each of the objectives to demonstrate that the proposed policy and associated allocation does not flow logically from the Strategy and the proposed allocation is actually at odds with the Strategy. This is further supported when the proposed allocation is assessed against Policy MD 12 Gypsy and Traveller Accommodation of the Deposit Plan. This analysis is also set out below.

**Objective 1: To sustain and further the development of sustainable communities within the Vale of Glamorgan, providing opportunities for living, learning, working and socialising for all.**

- 4.3 The Gypsy and Travellers community within the Vale of Glamorgan has the same rights as other sections of the community. In this regard they require and should be provided with opportunities for living accommodation which provides adequate access to services, facilities and jobs. This is clearly not the case in terms of the proposed site near Llangan, with the village providing very limited services which is compounded by the fact that there are not frequent local bus services.
- 4.4 The proposed allocation near Llangan is not consistent with paragraph 4.5 of the LDP which identifies that the:

*'The LDP will seek to ensure that the role and function of the towns and villages identified in the sustainable settlement hierarchy is maintained and enhanced by ensuring that new development is of a **scale appropriate to its location**, supports the local economy and sustains and wherever possible improves local services and facilities'.*

- 4.5 In regards to role and function of the settlement, the Sustainable Settlements Review Appraisal November 2011 Background Paper identifies that 'Hamlets and Rural Areas' are not appropriate settlements for further development, therefore the proposed Gypsy and Travellers site is not of an appropriate scale for the settlement. As set out above, Llangan is a settlement of only approximately 98 residents living in 35 dwellings. The proposed site would have a significant impact on the setting and character of Llangan. In addition, Circular 09/2007 identifies that through the provision of Gypsy and Travellers sites unnecessary burden should not be placed upon existing infrastructure. Due to the scale of development proposed and the existing scale of Llangan this will inevitably happen as a result of the proposed development and it will not facilitate good

relations between the existing community and the Gypsy and Travellers community.

- 4.6 Therefore it is considered that Policy MG9 does not meet this Strategic Objective of the LDP.

**Objective 2: To ensure that development within the Vale of Glamorgan makes a positive contribution towards reducing the impact of and mitigating the adverse effects of climate change.**

- 4.7 A key thrust of this objective is locating development to minimise the need to travel. This is clearly not achieved by allocating land near Llangan under Policy MG 9 for a Gypsy and Travellers site due to the lack of local facilities, services and public transport provision. The nearest bus stop is over 800m away from the site along an unlit road without any footpath provision.

- 4.8 Therefore, it is considered that Policy MG 9 does not meet this Strategic Objective of the LDP.

**Objective 3: To reduce the need for Vale of Glamorgan residents to travel to meet their daily needs and enabling them greater access to sustainable forms of transport.**

- 4.9 The LDP identifies that one of the main contributors to climate change is people's propensity to travel by private car and the need to seek to increase the use of sustainable transport. It is identified that this can be achieved through concentrating new development within the South East Zone and the settlements identified within the sustainable settlement hierarchy which are, or can be, well served by public transport or by walking or cycling.

- 4.10 Llangan does not constitute such a settlement, with the nearest main service centre being located over 5km away. The un-sustainability of Llangan is confirmed by the analysis of the settlement within the Sustainable Settlements Appraisal Review Background Paper and its identification as a 'Hamlet and Rural Area' settlement and the Llangan Travellers Site Assessment (March 2012) which is contained in Appendix 5. This identifies that the site is not accessible by public transport and the site cannot be safely accessed by foot or bicycle.

- 4.11 Therefore, it is considered that Policy MG 9 does not meet this Strategic Objective of the LDP.

**Objective 4: To protect and enhance the Vale of Glamorgan's historic, built, and natural environment.**

- 4.12 The proposed site is located within a Special Landscape Area and whilst the Policy MG 21 'Special Landscape Areas' does not rule out development in such areas, it does identify that new development that detracts from the special qualities for which the Special Landscape Area have been designated will not be permitted. It is identified that all development proposals will need to be supported by a Landscape Impact Assessment consistent with the guidance set

out in the Council's design in the Landscape SPG. The Council has not undertaken, even, an initial landscape assessment of the site to demonstrate that the proposed allocation accords with this policy requirement and therefore they have also not demonstrated the deliverability of the proposed allocation which is required by Soundness Test CE2. This is discussed further in Chapter 5.

- 4.13 The site is also located adjacent to a Conservation Area and within the Conservation Management Plan for the area there is specific requirement to protect the view from the edge of the Conservation Area over the proposed site. It is also identified that 'it is important that new development on or adjacent to the Conservation Area either preserves or enhances the quality of the area'. It is considered that the proposed site would not achieve this.
- 4.14 A copy of the Conservation Area Appraisal and Management Plan is attached in Appendix 6 for ease of reference.
- 4.15 Therefore it is considered that Policy MG 9 does not meet this Strategic Objective of the LDP.

**Objective 5: To maintain, enhance and promote community facilities and services in the Vale of Glamorgan.**

- 4.16 Paragraph 4.9 of the LDP identifies that appropriately and conveniently located community facilities are an important component of sustainable communities, reducing the need of people to travel and improving the quality of life.
- 4.17 The proposed allocation near Llangan is not appropriately or conveniently located in close proximity to community facilities, therefore it will not lead to the reduced need to travel by car or improve the Gypsy and Traveller's quality of life. In this regard Circular 30/2007 advises that issues of site sustainability are important for the health and well being of travellers, and not only in terms of transport mode, pedestrian access and safety and distances from distances from services but for a range of issues including the wider benefits of ease of access to GP and their health services; children attending school etc. The proposed allocation does not achieve this.
- 4.18 Therefore, it is considered that Policy MG 9 does not meet this Strategic Objective of the LDP.

**Objective 6: To reinforce the vitality, viability and attractiveness of the Vale of Glamorgan's district, local and neighbourhood shopping centres.**

- 4.19 N/A

**Objective 7: To provide the opportunity for people in the Vale of Glamorgan to meet their housing needs.**

- 4.20 Paragraph 4.12 of the LDP states that:

*'One of the greatest demands for the development of land arises from the provision of new housing to meet the future needs of the population. The LDP will provide a range and choice of housing, including affordable housing, in sustainable locations that support the needs of the local community and enhance the role and function of the settlements identified within the sustainable settlement hierarchy, creating integrated, diverse and sustainable communities'.*

4.21 The provision of Gypsy and Travellers accommodation is included in new housing which is required to meet future needs in accordance with PPW and WG Circular 30/2007. Despite this, the Vale of Glamorgan LPA has chosen to locate the only Gypsy and Travellers site that they have identified in an unsustainable location which is confirmed by their own analysis of the settlement. The proposed allocation also does not meet the needs of the Gypsy and Travellers community because the site is too small to accommodate the identified need and it is not located in close proximity to a range of important services and facilities. It also does not meet the Gypsy and Travellers preference for sites as identified in the Fordham Report.

4.22 Therefore, it is considered that Policy MG 9 does not meet this Strategic Objective of the LDP.

**Objective 8: To foster the development of a diverse and sustainable local economy that meets the needs of the Vale of Glamorgan and that of the wider South East Wales Region.**

4.23 N/A

**Objective 9: To create an attractive tourism destination with a positive image for the Vale of Glamorgan, encouraging sustainable development and quality facilities to enrich the experience for visitors and residents.**

4.24 N/A

**Objective 10: To ensure that development within the Vale of Glamorgan uses land effectively and efficiently and to promote the sustainable use and management of natural resources.**

4.25 The proposed allocation is located on greenfield land in the open countryside which clearly does not make the most effective and efficient use of land in the Vale of Glamorgan. In this regard the proposed allocation does not accord with the spatial framework, development management policies, as well as policies for managing growth provided in the Deposit LDP.

4.26 Therefore, it is considered that Policy MG 9 does not meet this Strategic Objective of the LDP.

#### **Policy MG 12 – Gypsy and Traveller Accommodation**

4.27 Policy MD 12 of the Deposit LDP states that:

*'Proposals for additional gypsy and traveller accommodation will be permitted providing that:*

- 1. It is demonstrated that the accommodation requirements of the applicant cannot be met on the site allocated by Policy MG 9;*
- 2. The site is well located for schools, medical facilities, shops and other local services and community facilities;*
- 3. The size of the site and the number of pitches are appropriate to its location and accommodation needs of the applicant;*
- 4. Adequate on site services for water supply, drainage, sewage, power and waste disposal are available or can be provided without causing any unacceptable environmental impact; and*
- 5. The existing highway network is adequate to serve the site and a satisfactory means of access can be provided, including provision for parking, turning, servicing and emergency vehicles.'*

4.28 Setting aside point 1 above, when the proposed allocation near Llangan is assessed against the remaining criteria, the site would not be viewed favourably if an application was submitted for the site.

4.29 As set out in Chapter 3, the site is not located well to schools, medical facilities, shops and other local services and community facilities, with the unsuitability of such sites being demonstrated by the refusal of Planning Applications (2002/00109/FULL and 2011/00710/FULL). The development would not be of an appropriate scale given the lack of facilities and services, the site's location within the open countryside, a Special Landscape Area and its proximity to a Conservation Area. No evidence has been produced by the Council to demonstrate that the site can be adequately serviced given the isolated, rural location of the site. Whilst services may exist, the additional capacity required to service the whole site would be significantly greater and no information is available that this capacity can be provided in the first instance and then whether this can be achieved in a manner that does not cause unacceptable environmental harm given the sensitive location of the site. In relation to point 5, the South Wales Fire Service whilst not being consulted by the Vale of Glamorgan LPA on the proposed allocation, have been consulted by the Llangan Action Group and it has been confirmed that the access is not adequate to meet the required specification. A copy of the correspondents is contained in Appendix 7.

4.30 Therefore in conclusion Policy MG 9 is considered to fail the Coherence and Effectiveness Test CE1.

**CE2: The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust and credible evidence base**

4.31 Policy MG 9 is not considered to be a realistic or appropriate policy having considered the alternatives available. Furthermore, the policy is not founded on a robust and credible evidence base.

- 4.32 A number of piece of evidence have been produced including the Cardiff and Vale of Glamorgan Survey and Assessment of Gypsy and Traveller Accommodation, August 2008 and the Gypsy and Traveller Site Assessment, Background Paper (November 2011). The Sustainable Settlements Appraisal Review, Background Paper, November 2011 is also an important part of the evidence base upon which the Policy should be based but as set out in paragraphs 3.14 – 3.17 the findings of this study have be ignored when choosing the site near Llangan.
- 4.33 The Cardiff and Vale of Glamorgan Survey and Assessment of Gypsy and Traveller Accommodation, August 2008 identifies the need for 6 permanent pitches and 15 transit pitches within the Vale of Glamorgan. The report also highlighted the needs of the Travelling Community themselves. Key points are highlighted below:
- The location of unauthorised encampments is often some distance away from the local settlement to avoid evictions. This leads to problems when the women need to access local services whilst the men are at work with the vehicles;
  - No specific locations for a site are not mentioned. It was noted however that sites should be on the outskirts of towns to enable access by foot to local services such as shops, the launderette and health centres;
  - Gypsies and Travellers interviewed tended to favour smaller sites and private single family sites;
  - Access to health services was limited for those living on sites, with 46% of participants reporting access was an issue: this was mainly due to the sites poor location in terms of transport routes and a combination of literacy issues and a lack of cultural awareness;
  - While the focus of the survey was on accommodation requirements, the questionnaire also collected information on access to services, including health and education. Research has found that poor accommodation can prevent access to services; and
  - Participants living on local authority sites reported that the lack of local public transport provision in the area affected their ability to send their children to school, access health services and work opportunities, and limited their ability to attend training and education courses.
- 4.34 Whilst, the study clearly identifies the need for 6 permanent and 15 transit pitches, the Vale of Glamorgan LPA have allocated a site that is not of sufficient size to accommodate this requirement as set out in paragraph 3.30. In addition, in choosing the site near Llangan, the Council have clearly ignored the site requirements identified in the study. Therefore in this regard, whilst a credible evidence is available, the Vale of Glamorgan LPA has chosen to ignore the evidence base and allocate a site which is not consistent with the findings of the study.
- 4.35 The Gypsy and Traveller Site Assessment, Background Paper (November 2011) contains analysis on the assessment of potential Gypsy and Traveller sites. However, the assessment undertaken of sites seems to be inconsistent with the



general comments and assessments applied to ruling out other sites, also applying to the proposed allocation near Llangan. Despite this the site was not ruled out on these grounds. Examples are set out below which include:

- Land West of Port Road/ Pencoedtre Lane (ID 2) – site is located close to a number of sensitive uses
- Hayes Road Civic Amenities Site, Sully (ID 10) – site is outside any settlement boundary
- Land west and south of South Road, Sully (ID 11) – the site is outside the settlement boundary
- Woodland at South Road, Sully (ID 12) – outside settlement boundary
- Land south west of Llanblethian (ID 15) – Loss of good quality agricultural land, access issues and the isolation/ non sustainable location preclude any further consideration of this site for alternative use
- Land at Wick Road, Llanwit Major (ID18) – outside of settlement boundary
- Land north of Welsh St Donats, - rural location
- Land east of Duffryn House (ID30) – rural location. Limited access from country lanes.
- Land north east of Hensol – rural location
- BJ Skips, Penarth Road (ID45) – while the site is reasonably well located to services and facilities offered by both Cardiff and Penarth, the range and level of constraints that have been identified e.g. site layout and access, possible flooding, close proximity to the site to hazards and nature conservation designations
- Land at Port Road, Nurston (ID 46) – Nurston is a small hamlet and the impact of a Gypsy and Travellers site on such a small settlement could be substantial.
- Land at Aberthin Lane, Aberthin (ID47) – The site is elevated above the village of Aberthin and development for the proposed use would be highly visible and have a detrimental impact up in the Special Landscape Area as well as impacting on Aberthin Conservation Area
- Land at Port East Road, Barry (ID50) – the development of the site would have a detrimental impact on the visual qualities of the SLA.

4.36 It is unclear why these reasons have also not ruled out the proposed allocation near Llangan. In addition, the reasons for disregarding a number of the sites relate to so called 'contractual issues', whilst others have been dismissed due to be in private ownership, including:

- Land west and south of South Road, Sully (ID 11);
- Rectory Farm, Llanmihangel (ID 19);
- Former Boys Village, West Abertham (ID25); and
- Land east of Wenvoe (ID 31).

4.37 In this regard just because a site is in private ownership, it should not rule out its ability to be delivered for a Gypsy and Travellers site. There is no available evidence to demonstrate that the Council has used all of its powers to bring forward a Gypsy and Travellers site in the Vale of Glamorgan in line with paragraph 23 of Circular 30/2007. In this context they have disregarded sites

because they have higher land value whilst the Council have the discretion to dispose of land for less than best value in line with Circular 41.03.

- 4.37 Furthermore, the assessment of the site near Llangan is also incorrect. The site falling within a Special Landscape Area as identified on the Deposit LDP proposals map. Furthermore, in the overall assessment no reference is made to the site being located in close proximity to the Conservation Area of Llangan. It is also not clear why the Countryside department was not consulted upon the site which clearly falls within the open countryside. A copy of an updated site assessment is contained in Appendix 8. In light of this we have also updated the Sustainability Appraisal of the site, this is also contained in Appendix 8.
- 4.38 The inconsistencies in the assessment as set out in the Gypsy and Travellers Background Paper, November 2011 demonstrate that Policy MG 9 is not founded on a robust and credible evidence base. The evidence actually demonstrates that the site is not realistic and appropriate having considered alternatives with no information being provided to demonstrate the deliverability of the allocation within the LDP period, as set out in paragraph 3.39.
- 4.39 Furthermore, the Policy is not realistic or appropriate having considered the alternatives. There are a number of suitable alternative sites as set out below:
- A Land west of Port Road/ Pencoedre Lane (ID 2)
  - B Land at Barry Waterfront (Multiple Areas) (ID 3)
  - C Atlantic Trading Estate (ID 9)
  - D Hayes Road Civic Amenities Site, Sully (ID 10)
  - E Land west and south of South Road, Sully (ID 11)
  - F Spider Camp, Hayes Lane, Barry (2597/CS2) (ID 49)
  - G Land at Hayes Wood, Barry (2396/CS3) (ID 51)
- 4.40 We have also completed a Sustainability Appraisal of each proposed site which have been sourced from the Background Paper. Picking on two of the possibly suitable sites, the table below summarise the Sustainability Appraisal undertaken on the sites which demonstrates that the other sites score much higher than the proposed allocation near Llangan. In terms of the proposed allocation of Llangan, the revised Sustainability Appraisal confirms that the site achieves an overall negative outcome on 10 of the objectives, whilst the impact on 4 of the other objectives is neutral. This clearly demonstrates that the proposed allocation at Llangan does not fulfil the objectives of the deposit LDP. However, the table also clearly demonstrates that the other sites summarised in the table score much higher. In terms of Hayes Road Civic Amenities Site, it is identified that the site produces 8 overall positive outcomes, with only one negative outcomes. In regards to the Land West and South of West Road, it is identified that the sites achieves 7 overall positives and only 2 produces to negative scores. This analysis clearly demonstrates that other sites are available which are not only sustainable but meet the identified needs of Gypsies and Travellers within the Vale of Glamorgan.

<b>Sustainability Objective Aim</b>	<b>Hayes Road Civic Amenities Site</b>	<b>Land West and South of South Road</b>	<b>Llangan</b>
1 To provide the opportunity for people to meet their housing needs	+	+	-
2 To maintain, promote and enhance the range of local facilities	+	+	-
3 To maintain and improve access for all.	+	+	-
4 Reduce the causes of deprivation	+	+	-
5 To maintain, protect and enhance community spirit	+/-	+/-	+/-
6 To minimise the causes and manage the effects of climate change	+	+	-
7 To minimise waste.	0	0	-
8 To use land effectively and efficiently	+	-	-
9 To protect and enhance the built and natural environment.	0	-	--
10 To provide a high quality environment within all new developments	+	+	0
11 To protect, enhance and promote the quality and character of the Vale of Glamorgan's culture and heritage	0	0	-
12 To reduce the need to travel and enable the use of more sustainable modes of transport.	+	+	-
13 To provide for a diverse range of local job opportunities	-	0	0
14 To maintain and enhance the vitality and viability of the Vale of Glamorgan's town, district and local centres	0	0	0
15 To promote appropriate tourism.	0	0	0

4.41 The full Sustainability Assessments are contained in Appendix 9.

4.41 Therefore based on the above, Policy MG 9 is considered to fail Coherence and Effectiveness Test CE 2.

## 5.0 CONCLUSION

5.1 Based on the above, the proposed Policy MG 9 and the associated allocation near Llangan is not 'Sound'. The Policy clearly fails the following tests of soundness:

- P1
- C2
- C3
- C4
- CE1
- CE2

5.2 As set out in Chapter 2, Policy MG 9 has not been produced in accordance with the Delivery Agreement and Community Involvement Statement, with the evidence base not be frontloaded by the Local Plan Authority which has not allowed the process to be fair, transparent of inclusive.

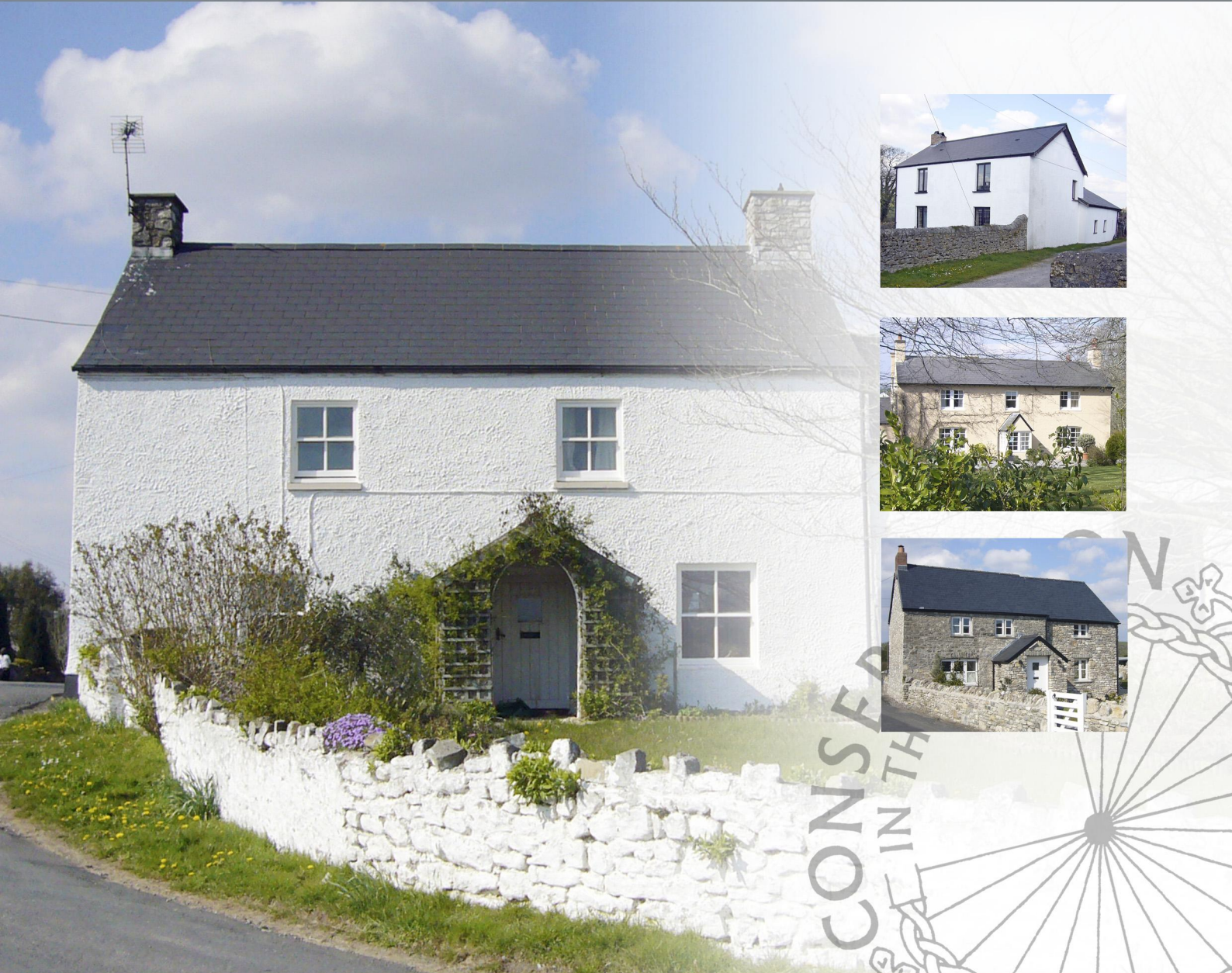
5.3 A central theme of planning policy is achieving sustainable development and sustainable communities. The proposed allocation does not accord in any way with the principles of sustainable development as set out in national and local policy documents. The proposed allocation will clearly not contribute to delivering the following objectives of the Local Development Plan:

- Objective 1: To sustain and further the development of sustainable communities within the Vale of Glamorgan, providing opportunities for living, learning, working and socialising for all.
- Objective 2: To ensure that development within the Vale of Glamorgan makes a positive contribution towards reducing the impact of and mitigating the adverse effects of climate change
- Objective 3: To reduce the need for Vale of Glamorgan residents to travel to meet their daily needs and enabling them greater access to sustainable forms of transport.
- Objective 4: To protect and enhance the Vale of Glamorgan's historic, built, and natural environment.
- Objective 5: To maintain, enhance and promote community facilities and services in the Vale of Glamorgan.
- Objective 7: To provide the opportunity for people in the Vale of Glamorgan to meet their housing needs.
- Objective 10: To ensure that development within the Vale of Glamorgan uses land effectively and efficiently and to promote the sustainable use and management of natural resources.

- 5.4 In addition, no credible evidence base is provided to demonstrate that the allocation can realistically be delivered in the plan period. No information is submitted to demonstrate:
- How the site can be appropriately developed within a Special Landscape Area;
  - How the site can be adequately accessed; and
  - How the site can be appropriately serviced.
- 5.5 In allocating the site, the Vale of Glamorgan LPA has relied on the fact that the site currently accommodates one Gypsy family illegally but this cannot be used as the evidence to demonstrate the deliverability of the rest of the site. No strategy is provided for demonstrating how the pitches will actually be delivered at the Site. The Council has clearly not used all of its powers in this area to bring forward a suitable site for Gypsies and Travellers in the Vale of Glamorgan but have relied upon the proposed site being in Council ownership.
- 5.6 Paragraph 4.4.2 of PPW identifies a set of criteria that planning policies and proposals should meet as set out in paragraph 3.4. The proposed allocation does not meet these criteria as set out below:
- Is greenfield land in accordance with the definition of brownfield land set out in Figure 4.1 of PPW;
  - Will not reduce the need to travel due to the limited local service provision in close proximity to the site;
  - Holds very limited access to public transport facilities;
  - Is not large enough to provide ancillary facilities required to support a sustainable development;
  - Is located within a Special Landscape Area and in close proximity to a Conservation Area;
  - Does not meet the identified needs of Gypsies and Travellers, in the Vale of Glamorgan (See Chapter 5 for further detail);
  - Does not promote sustainable access to employment, shopping, education, health, community, leisure and sports facilities;
  - Does not maximise opportunities for community development and social welfare;
  - Does not foster social inclusion due to the isolated location of the site; and
  - Does not contribute to improvements in health due to the isolation from services and facilities.
- 5.7 In conclusion Policy MG 9 is not considered to be 'sound' and should be amended by replacing the current proposed site with a sustainable alternative that meets the identified needs of Gypsies and Travellers in the Vale of Glamorgan. Possible alternatives are contained in Appendix 9.

## Appendix 2

# CONSERVATION AREA LLANGAN



## APPRAISAL AND MANAGEMENT PLAN

DIRECTORATE OF ENVIRONMENTAL AND  
ECONOMIC REGENERATION





# Llangan

## Conservation Area Appraisal and Management Plan

March 2009

This document is the adopted Llangan Conservation Area Appraisal and Management Plan, and is a publicly agreed statement on the character and appearance of the Conservation Area and of a publicly agreed set of policies and actions intended to preserve and enhance the special qualities of the Conservation Area.

Following a period of public consultation from 1<sup>st</sup> September 2008 to 10<sup>th</sup> October 2008, this document was submitted on 25<sup>th</sup> March 2009 to the Vale of Glamorgan Council's Cabinet with a recommendation that the document is adopted as Supplementary Planning Guidance to the Vale of Glamorgan Adopted Unitary Development Plan (1996 – 2011). The Appraisal/Management Plan will also inform the preparation of the emergent Local Development Plan

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VALE of GLAMORGAN



BRO MORGANNWG

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## Introduction

The Llangan Conservation Area was designated in August 1973 by the former Glamorgan County Council in recognition of the special architectural and historic interest of the village.

Having designated the Conservation Area, the local authority has a statutory duty to ensure that the character of the area is preserved or enhanced. It is therefore necessary to define and analyse those qualities that contribute to, or detract from, the special interest of the area, and to assess how they combine to justify the area's special designation as a Conservation Area.

The Llangan Conservation Area Appraisal and Management Plan builds upon policy set out by the Welsh Assembly in Planning Policy Wales and Circular 61/96, and local policy including the Council's adopted Supplementary Planning Guidance '*Conservation Areas in the Rural Vale*' (1999). This document provides a further, firm basis on which applications for development within, and close to the Llangan Conservation Area can be assessed.

The document is divided into two parts, Part 1 (The Conservation Area Appraisal) and Part 2 (The Conservation Area Management Plan).

The Conservation Area Appraisal records and analyses the various features that give the Llangan Conservation Area its special architectural and historic interest. These features are noted, described, and marked on the Conservation Area Appraisal Map along with written commentary on how they contribute to the special interest of the Conservation Area. There is a presumption that all of these features should be "preserved or enhanced", as required by the legislation.

The Conservation Area Management Plan is based upon the negative factors and summary of issues identified in Part 1 and sets out proposals and policies which can enhance the character and appearance of the Llangan Conservation Area. The recommendations include proposals for enhancement and policies for the avoidance of harmful change.

The Management Plan is written in the awareness that in managing the Vale's conservation areas the Council's resources are limited and therefore need to be prioritised. Financial constraints on the Council mean that proposals for which it is responsible may take longer than is desirable to implement. However, the Council will continue to encourage improvements to the Conservation Area in co-operation with property owners, groups and local businesses.

The document is intended for use by planning officers, developers and landowners to ensure that the special character is not eroded, but rather preserved and enhanced through development activity. While the descriptions go into some detail, a reader should not assume that the omission of any building, feature or space from this appraisal means that it is not of interest; if in doubt, please contact the Vale of Glamorgan Council - contact details can be found at the end of this document.

The survey work for this appraisal was undertaken during April and May 2008. To be concise and readable, the appraisal does not record all features of interest.

## The Effects of Designation

This Appraisal/Management Plan has been prepared in compliance with Section 69(2) of the Planning (Listed Buildings and Conservation) Areas Act, 1990. The consequences of designation are summarised as follows:

- the Council has a general duty to ensure the preservation and enhancement of the Llangan Conservation Area in the determination of planning applications;
- six weeks notice needs to be given to the Council before works are carried out to certain trees not subject to tree preservation orders (those over 7.5cm in diameter measured 1.5 metres above the ground);
- conservation area consent is needed for the demolition of any unlisted building in the conservation area (subject to certain exemptions in terms of size some very minor buildings may be excluded from this provision);
- the details as to the limits regarding the works (such as extensions) which may be carried out without the benefit of planning permission are stricter;
- extra publicity is given to planning applications.

In practice, the Council's principal involvement in the management of the conservation area is through its duty to advise on, consider and respond to planning applications for new development. These are normally subject to closer scrutiny from a design perspective and may as a result often require a greater level of explanatory information and presentation. Dependent upon size of a proposal, an application may also be referred to the Council's Conservation Area Advisory Group, an independent forum which makes recommendations to the Council's Planning Committee regarding a number of issues regarding the management of conservation areas in the Vale of Glamorgan.

The Council also makes an important contribution to the appearance of the conservation area in the management of the public estate (e.g. parks, open spaces and its own buildings) and in fulfilling its statutory obligations as highway authority (e.g. in the maintenance of highways, verges, ditches, drains, hedges and in the provision of street furniture, signs and lighting).

## Process of the Appraisal

Involving the community (and thereby raising public awareness) has been an integral part of the Appraisal process. This has been beneficial in two respects. Firstly, it has allowed the local community to provide important commentary on both the existing situation and its aspirations for the Conservation Area. In addition, it has raised awareness of the Conservation Area status of the village, and the implications for those living within its boundaries.

The Conservation and Design Team met initially with local Councillors on 29 May 2008 to outline the objectives of the review and to outline the main issues that are affecting the Conservation Area. Following this meeting a leaflet summarising the purpose of the Conservation Area Appraisal and Management Plan was prepared and a short questionnaire was distributed to all properties. The consultation period lasted 3 weeks. The results of the questionnaire were considered in the preparation of a draft Appraisal.

Following a consultation period of six weeks from 1<sup>st</sup> September 2008 to 10<sup>th</sup> October 2008, which included a surgery held at Cowbridge Community College on 10<sup>th</sup> September 2008 any further comments were considered and amendments, where necessary, made to the document which was then presented to, and approved by, the Vale of Glamorgan Council's Cabinet of 25 March 2009.

## Planning Policy Framework

### National Advice

Conservation Areas are designated under the provisions of Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990. A Conservation Area is defined as “*an area of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance*”. It is the quality and interest of an *area*, rather than that of individual buildings, which is the prime consideration in identifying a Conservation Area.

Section 72 of the same Act specifies that, in making a decision on an application for development in a Conservation Area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

This document should be read in conjunction with national planning policy guidance, particularly Planning Policy Wales, which is augmented by Circular 61/96 – ‘Planning and the Historic Environment: Historic Buildings and Conservation Areas’ and Circular 1/98 – ‘Planning and the Historic Environment: Directions by the Secretary of State for Wales’. These documents provide advice on the designation of Conservation Areas, and the importance of assessing the special interest of each one in an appropriate manner.

### Development Plan

The Vale of Glamorgan’s Unitary Development Plan (UDP) was adopted in April 2005. The Plan sets out the Council’s aspirations for protecting and enhancing the historic environment and states how applications affecting Conservation Areas will be assessed. The policies relating directly to the management of Conservation Areas are:

- ENV 17 (Protection of Built and Historic Environment)
- ENV 20 (Development in Conservation Areas)
- ENV 21 (Demolition in Conservation Areas)
- ENV 22 (Advertisements in Conservation Areas)
- ENV 23 (Shopfront Design in Conservation Areas)

Additionally, Policy ENV 24 (Conservation and Enhancement of Open Space) and Policy ENV 27 (Design of New Developments) are important in the assessment of planning applications relating to Conservation Areas.

These policies will be strengthened by this Appraisal, which will offer greater detail regarding those elements that give the area its distinctiveness.

It should be noted that the designation of a Conservation Area is not intended to prevent change. It is, however, important that new development in or adjacent to the Conservation Area either preserves or enhances the quality of the area. For this reason, strict controls exist over applications for new development.

In addition to Conservation Area specific policies, the following UDP policies apply:

- ENV 1 (Development in the Countryside)
- ENV 2 (Agricultural Land)
- ENV 4 (Special Landscape Areas)
- ENV 11 (Protection of Landscape Features)
- ENV 12 (Woodland Management)
- HOUS 3 (Dwellings in the Countryside)
- HOUS 5 (Agricultural or Forestry Dwellings)
- HOUS 7 (Replacement and Extension of Dwellings in the Countryside).

These policies, and in particular ENV1 and HOUS3, restrict new housing development in the countryside to those that are justified in the interests of agriculture and forestry only.

Given the policy background and the character of Llangan it is unlikely that an intensification of development in the village would be appropriate.

### **Local Development Plan**

The Vale of Glamorgan Council has started work on producing its Local Development Plan (LDP), which will set out how land within the Vale is used between 2011 and 2026. This includes the historic built environment and Conservation Areas. Up-to-date information on the progress of the Council's LDP can be found at [www.valeofglamorgan.gov.uk](http://www.valeofglamorgan.gov.uk).



## Summary of Special Interest

Although not exhaustive, the defining characteristics of the Conservation Area that reinforce the designation can be summarised as follows:

- Small Border Vale village in a rural hilltop setting;
- Historic settlement comprising medieval church, rectory, farmsteads and vernacular cottages;
- The architectural and historic interest of the area's pre-1900 buildings and structures, five of which are listed including medieval church and two 16<sup>th</sup> century houses;
- Typical historic pairing of medieval church and rectory set in a grove of fine sycamore and beech trees;
- Walled churchyard containing two medieval crosses of great rarity: Celtic Cross (c.10<sup>th</sup> century) and Churchyard Cross (c.15<sup>th</sup> century);
- Open green wedge of agricultural land between the environs of the Church and the early core of the village around the road junction;
- Mature trees and hedgerows, especially the grove of trees around the churchyard and rectory grounds;
- Extensive views to St. Mary Hill, the Ewenny Valley and southwards to an old lead mining chimney;
- Two significant 'greens': one beside the southern road junction with an open southerly aspect, the other at the entrance to the churchyard;
- Grass verges;
- Prevalence of stone boundary walls;
- Tranquil atmosphere;
- Bio-diversity and wildlife.



*Most historic buildings face south with gables end on to the road.*



*Roadside stone walls and grass verges help to retain a rural character.*



*Former farm buildings, for example this granary, have been converted to residential use.*



*The stone wall between Church Farm and the Church.*



*Llangan is located on rising land that continues to rise until it reaches St. Mary Hill.*



*Looking southwards the view is marred by pylons. A 19<sup>th</sup> century lead mine chimney can be seen to the right of centre.*



*Hedgerows provide rural boundaries along the approach to the village.*



*Small green beside the entrance to St. Canna's churchyard.*

## Location and Setting

### Location and Context

Llangan is a small village located about 5 kilometres north-west of Cowbridge and 25 kilometres from Cardiff. The village has a rural setting alongside a minor road between Penllyn and Treoes and the main thoroughfare carries a small volume of local traffic. The conservation area covers only the northernmost, most historic, part of the village; the south-eastern linear extension of the village and the cul-de-sac of Twchwyn Garth date from the second half of the 20<sup>th</sup> century and are not included.

### General Character and Plan Form

Historically, the built form of the conservation area was linear and comprised farm buildings and cottages sited on either side of the thoroughfare without a consistent relationship to the road. Generally speaking, the area's older properties face south and therefore have gables end-on to the road – Y Bwthyn and Ty Mawr have their gable walls directly abutting the road whilst other properties e.g. converted farm buildings such as The Byre and The Granary are set back as befits their former agricultural use.

In common with many Glamorgan villages the church is located a short distance away from the main area of development, set apart in a spacious churchyard bounded by a stone wall and sheltered by trees. An open space between two distinct parts of the conservation area, one around St. Canna's Church the other around Church Farm, is one of its defining features. The green fields on either side of the short length of road between Church Farm and St. Canna's Church bring the surrounding countryside right into the village and emphasise the area's rural location.

In the latter part of the 20<sup>th</sup> century, new dwellings have been inserted into the dispersed historic form of the village, notably the three modern houses in a backland location on the east side of the road together with The Croft and Maesybryn which are detached dwellings in large plots on the west side.

### **Landscape Setting**

Llangan is situated on a high limestone plateau in an area traditionally known as the Border Vale. The area is a tract of transitional country lying between the lower plateau of the Vale of Glamorgan and the high plateau of the uplands to the north. The land falls steeply westward to the Ewenny Valley and some distance to the east lies the broad valley of the River Thaw. Nant Canna, a tributary of the River Ewenny, runs along a shallow valley between Llangan and St. Mary Hill north of the conservation area. The wider landscape, though now predominantly arable, is pockmarked with remains of quarrying and mining activity.

## Historic Development and Archaeology

The locality seems to have been populated during the Bronze Age and a Roman burial ground has been found near Llangan school. The Romans may have been attracted by the presence of lead ore, which was mined locally until the end of the 19<sup>th</sup> century.



*Extract from  
George  
Yates' Map  
of 1799*

The Church at Llangan is dedicated to Canna, traditionally the mother of St. Crallo, who founded a religious community at Llangrallo (Coychurch), and wife of Sadwrn, the brother of St. Illtyd. Canna, (born c. AD 510) also founded a church at Llanganna and she seems to be further commemorated in the place names of Pontcanna and Canton in Cardiff.

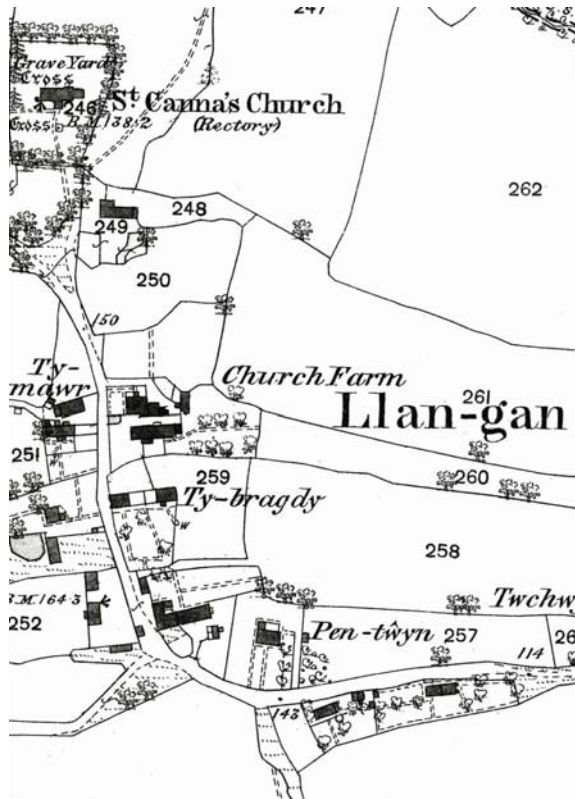
St. Canna's Church is probably 12<sup>th</sup> century in origin and although it may contain work from the 14<sup>th</sup> century (rood stair and chancel arch) and 16<sup>th</sup> Century (porch) it was externally almost completely rebuilt in 1856.

Within St. Canna's churchyard there are two extraordinary stone crosses. The 'Celtic Cross' is a disc-headed cross slab from the late 9<sup>th</sup> or early 10<sup>th</sup> century depicting the Crucifixion, now sheltering under a slated canopy. The 'Churchyard Cross' is wholly medieval and appears to be complete, unaltered and not rebuilt. This makes it an exceptional rarity.

The conservation area contains at least two dwellings of 16<sup>th</sup> century origin, The Old Rectory and Mount Pleasant Farmhouse, both of which have been altered and enlarged. The church at Llangan is associated with the Reverend David Jones, a late 18<sup>th</sup> century evangelical Methodist preacher who regularly preached to congregations of 4,000 and became known as 'the angel of Llangan'.



Historically, the community's economy has revolved around agriculture and the conservation area contains two old farmsteads, Church Farm and Mount Pleasant Farm. A lead mining site close to Gelliaraul Farm, to the south of the conservation area, was worked intermittently during the 18<sup>th</sup> and 19<sup>th</sup> centuries but does not appear to have left any lasting legacy in the village itself. Inquest documents record miners killed by accidents at Tewgoed during the 18<sup>th</sup> century. The only surviving structure from the Llangan lead mine which was active from 1855-1879 is a tall chimney dating from c.1855 which can be viewed across the fields south of Mount Pleasant Farmhouse.



Ordnance survey  
Map c.1880

Until the second half of the 20<sup>th</sup> century the built form of the settlement comprised church, rectory and two farmsteads with associated farm buildings and cottages. The small hamlet began to grow in size from the 1960s onwards as spaces close to the road were infilled, former farm buildings were converted and extended and a linear eastern extension to the village was added alongside the eastern approach. However the village remains small in size and does not have a shop, public house or community facility other than the Church.

## Spatial Analysis



*An unusually wide verge beside the southern road junction enhances the village's hilltop location.*



*The absence of kerbs and pavements contributes to the rural character of the conservation area.*



*An open field, through which runs a public footpath, is vital to the rural setting of the churchyard.*



*Haphazard layout and unmetalled side roads are a reminder of the agricultural origins of the village.*

Development is dispersed in a haphazard pattern beside the road. The pre-1950 low density of the southern part of the area has been much increased by late 20<sup>th</sup> century infill but this part of the conservation area still retains a spacious atmosphere as a result of relatively large gardens, the set-back of some buildings, occasional views of the wider landscape and comparatively wide rural roads which experience little traffic.

Although spoiled by electricity pylons, southward views from the road junction south of Mount Pleasant Farm attest the rural setting of the conservation area. Similarly there are expansive views northward from the churchyard and the lane to Treoes.

The northern part of the conservation area containing church and rectory is much less dense than the southern part. It is characterised by the two large buildings at the centre of large plots screened by trees and immediately abutting open countryside. Both northern and southern areas contain a small 'green', the former at the entrance to the churchyard where there is a young tree in a patch of mown grass, the latter is a rough triangle of unkerbed roadside verge that forms a good setting for Mount Pleasant Farm and contributes to the rural atmosphere of the village.

## Character Analysis

### Activity and Prevailing Uses

Historically, the village originated as a small medieval agricultural community, later linked to mining activity at Gelliaraul to the south of the conservation area. With the exception of the Church and minor farming activity, the conservation area is now predominantly residential. The shift from agricultural to residential uses is exemplified by former farm buildings which have extended and converted to residential uses (i.e. today's The Granary and The Byre) and modern backland infill (i.e. Rookery Nook, Oakfield) which occupies the site of former small fields. The village is on a bus route and is visited by the mobile library.

### Buildings in the Conservation Area

Most of the older buildings reflect the village's agricultural origins, having been built as cottages and farm buildings. The most significant of these are listed and described below. From the southern end of the conservation area there is a view across open fields to a lone chimney north of Gelliaraul Farm that is the only surviving structure from the mid 19<sup>th</sup> century Llangan lead mine (outside the conservation area).

Both The Old Rectory and Mount Pleasant Farmhouse have 16<sup>th</sup> century origins as dwellings, now altered and enlarged. The original, and typical, close relationship between church and rectory, including a gateway between the two, is retained although the Church was almost completely rebuilt in the 1850s. The Celtic cross and the churchyard cross in the churchyard are items of great rarity.

Local limestone dominates as a building material. Slate roofs set at varying pitches and orientation highlight the informal building groups on either side of the road.



*Celtic Cross*



*Medieval Churchyard Cross*



*Church of St. Canna.*



*Telephone Call Box.*

## Scheduled Monuments

### **Celtic Cross, Church of St. Canna**

The cross, which depicts the Crucifixion, probably dates from the 9<sup>th</sup> or 10<sup>th</sup> century. It is approximately 1.3 metres in height and is set in a stone and concrete base within an open shelter just west of St. Canna's Church.

### **Medieval Churchyard Cross at Church of St. Canna**

The limestone cross consists of a polygonal shaft with carved tabernacle head. The crosshead carries carvings of the Crucifixion on the west face and a Pieta on the east face; two figures of saints on the other sides. The cross is also listed grade I for its fine design and the great rarity of its exceptionally complete state.

## Listed Buildings

### **Church of St. Canna – Grade II**

The church is probably 12<sup>th</sup> century in origin and plan but was extensively remodelled in 1856. The only surviving structural feature is the doorway to the roodloft staircase. The church is built of local limestone with probably Bath stone dressings and Welsh slate roof.

### **Telephone Call-box Opposite Mount Pleasant Farm – Grade II**

K6 type square red kiosk of cast-iron construction to the standard design of Giles Gilbert Scott. It has a domed roof with 4 lunettes containing embossed crowns. Listed grade II and included as a telephone call-box in a heritage location.





*Mount Pleasant Farmhouse.*



*The Old Rectory.*



*Ty Mawr (South of Church)*



*Stone walls are a distinctive feature of the conservation area.*

### **Mount Pleasant Farmhouse with Attached Barn – Grade II**

This is a late 16<sup>th</sup> century two cell house which was heightened in c. 1800 to two full storeys. The attached barn appears to be a mixed purpose building with a threshing floor, cowhouse, stable and hayloft over.

### **The Old Rectory – Grade II**

The house appears to originate from the mid 16<sup>th</sup> century, presumably a rectory from the first. It is listed as a 16<sup>th</sup> century house which has, remarkably, survived almost intact within a much larger 17<sup>th</sup> century and later house. The front elevation retains its c.1900 appearance. Little is now visible of the house's ancient origins when viewed externally.

### **Locally Listed County Treasures**

The County Treasures survey contains a unified list of historic built assets found within the Vale of Glamorgan. It contains listed buildings, scheduled monuments, as well as entries identified as being of 'local importance'.

In addition to the above scheduled monuments and listed buildings Ty Mawr (south of Church of St. Canna) is recorded as a County Treasure. It is a direct entry cottage with lateral chimneys, probably the oldest and least modified in the village.

### **Ty Mawr (South of Church)**

Sub Regional cottage direct entry with lateral chimneys. Probably oldest and least modified in village. Note - there are two houses named "Ty Mawr" in the village.

### **Positive Buildings - The Contribution of Key Unlisted Buildings**

A number of key unlisted buildings have been identified as 'positive buildings' and these are marked on the appraisal map. Positive buildings are those which make a positive contribution to the special architectural or historic interest of the conservation area. Criteria for selection is given in Appendix 1.

### **Local Details**

The rural character of the area is reinforced by grass verges and an absence of pavements. The grass verge opposite The Old Rectory is unusually wide and, like the two 'greens', adds to the spaciousness of the conservation area.



*Small features such as this Victorian letter box add to local distinctiveness and should be preserved*



*The use of red brick suggests that this building was constructed in the 19<sup>th</sup> century.*



*The bell-cote of St. Canna's Church. Of the two bells, one is probably medieval, the other is dated 1861.*



*The church is surrounded by a band of trees*

Stone boundary walls are a particular feature of the area – the one on the eastern side of the road between Church Farm and the entrance to the churchyard has an aged quality arising from colourful lichen. West of The Old Rectory is a rectangular garden partly enclosed by a well-constructed stone wall.

The red telephone kiosk, which is grade II listed, and the adjacent VR wall mounted red postbox contribute to the area's local distinctiveness.

### **General Condition**

General building condition within the area is good and several historic buildings have been, or are in the process of, refurbishment. However, there are significant cracks in the stone walling of the Church and in at least one location, trees have caused the boundary stone wall to topple.

### **Green Spaces and Bio-Diversity**

The green wedge between the northern part of the village, containing church and rectory, and the residential southern part is a prime characteristic of the conservation area. The wedge comprises open fields on either side of the road from where there a good northward views towards St. Mary Hill. Trees and boundary hedges add to the green aspect of this wedge.

Trees are a particular feature of the northern part of the conservation area particularly those within, and leading up to, the churchyard and those in the grounds of The Old Rectory. These mature beech and sycamore trees provide a fine setting for the historic buildings and a robust northern edge to the conservation area.

Trees are a feature of private gardens in the southern part of the conservation area but are not as prominent or as plentiful as around the Church. Private residences have well tended accompanying gardens, some of which front the highway, which adds to the rural ambience of the village.





*The churchyard wall is in need of repair.*



*Cracks in the church's masonry are a cause for concern.*



*This oil tank might be concealed by a screen.*



*Some gravestones are in need of attention.*

## Negative Factors

There are a number of elements which detract from the special character of the area, and which offer potential for beneficial change. They are:

- Major vertical cracks in the stonework of St. Canna's Church indicate a need for remedial action;
- Some tombstones in the churchyard area in need of repair;
- The green oil tank east of the church would benefit from some form of screening;
- Electricity pylons and power lines spoil southward views;
- The churchyard's boundary wall is in need of attention in places;
- Major alteration and extension to some historic buildings has resulted in a significant loss of historic character.

## Summary of Issues

The following issues have been listed with regard to the 'negative factors' listed above and include the views of the local community as part of the preliminary public consultation exercise. They provide the basis for the Management Plan. These issues will be subject to regular review by the Council and new ones may be added in the future:

- Protection of significant views into and out of the Conservation Area;
- Condition of the Church;
- The care and management of unkerbed grass verges, hedges and wooded banks;
- The protection and repair of stone boundary walls adjoining the highway;
- The retention and enhancement of the wayside brook;
- Building maintenance and repair;
- Design of new development;
- The care and management of important trees and tree groups;
- Boundary review;
- Monitoring and review.

## Management Plan

### Introduction

The Management Plan sets out proposals and policies which can enhance the character and appearance of the Conservation Area in the light of the issues identified in the preceding Appraisal.

For further details about the purpose and status of the Management Plan, please see the introduction to this document.

### Boundary Review

As part of the character appraisal process, a thorough survey and review of the existing boundaries of the Llangan Conservation Area was undertaken. It was found that some of the conservation area boundary in the north and south of the area does not follow obvious field boundaries or hedgerows and are therefore not easily identifiable on the ground.

#### **Recommendation:**

*Two amendments to the boundary of the Llangan Conservation Area are proposed.*

- (1) At the south of the area, the boundary should be redrawn to follow the existing hedgerows and fences beside the road and extended grass verge;*
- (2) At the north of the area, the boundary should be redrawn more tightly towards the village settlement thereby omitting a large field.*

*The proposed changes are shown on the accompanying appraisal map.*

### Landscape Setting

The landscape setting of the Conservation Area is very important and is notable for its rural, almost hilltop, location. For this reason the boundary has been drawn widely around the historic built environment and includes fields and open spaces that are vital to the area's rural landscape setting.

#### **Recommendation:**

*Development which impacts in a detrimental way upon the immediate setting of the Conservation Area will be resisted. The Council will resist applications for change on the edges of the Conservation Area which would have a detrimental effect on the area's setting.*

## Views

There are many short and long views into, out of and through the Conservation Area which make a positive contribution to its special character. The most important views are identified on the Appraisal Map in the character appraisal.

**Recommendation:**

*The Council will seek to ensure that all development respects the important views within, into and from the Conservation Area, as identified in the appraisal. The Council will seek to ensure that these views remain protected from inappropriate forms of development.*

## Protection of Important Open Spaces

Open areas and spaces between buildings and groups of buildings play an aesthetic part in forming the character of the village, in particular the green by the church entrance and beside the southern road junction. They can improve access into the surrounding countryside, frame vistas, enable distant views or are simply part of the historic development of the rural place.

**Recommendation:**

*The development of open areas that contribute to the character of the Conservation Area will be opposed.*

## Management of Grass Verges

The appraisal has identified that unkerbed grass verges are a significant element in the rural ambience of the Conservation Area.

**Recommendation:**

*The Council will ensure that any highway works bring a positive improvement to the Conservation Area and that grass verges are protected. Where highway improvements are required, they should respect the character of the Conservation Area.*

### Protection and Repair of Stone Walls

Traditionally, most boundaries in the Conservation Area are defined by limestone rubble walls. There is a small loss of these walls where routine maintenance and rebuilding of fallen sections has been neglected. Stone boundary walls, hedges and railings which enhance the character of the Conservation Area should be retained.

**Recommendation:**

*The Council will seek to resist proposals to remove or significantly alter traditional boundary walls or for new boundary treatments which fail to respect the form and materials of traditional boundary treatments in the area. The Council will seek to secure the maintenance and repair of traditional stone walls.*

### Building Maintenance and Repair

Building condition in the conservation area is generally good but there are serious cracks in the masonry walling of St. Canna's Church and these are in need of immediate attention.

**Recommendation:**

*The Council will seek to monitor the condition of all historic buildings in the Conservation Area and will report findings and advise action, as necessary. Where the condition of a building gives cause for concern, appropriate steps will be sought to secure the future of the building, including the use of statutory powers.*

### Management of Trees

Trees make a vital contribution to the rural ambience of the Conservation Area and the setting of many of its historic buildings especially around church and rectory. The appraisal identifies a number of significant trees and groups of trees on verges or within areas of public open space and within private gardens. Because of the very large number of trees, and the difficulty of obtaining access onto private land, a full tree survey was not carried out at the time of the appraisal survey and the Appraisal map therefore only includes an indication of the most significant groups of trees.

**Recommendation:**

*The Council will seek to consider the use of Tree Preservation Orders in appropriate circumstances where a tree has significant amenity value and is considered to be potentially under threat. The felling of trees or development of woodland that contributes to the character of the Conservation Area will be opposed.*

### **Loss of Architectural Detail and Minor Alterations to Historic Buildings**

Many of the unlisted buildings in the Llangan Conservation Area have been adversely affected by the replacement of original timber sash windows with uPVC or aluminium, the loss of original timber front doors, removal of render and painting of formerly exposed stonework. Most of these minor alterations are not currently subject of planning control. The incremental loss of original building materials and architectural detail is cumulatively eroding one of the characteristic features of the Conservation Area.

#### **Recommendations:**

*The Council will encourage restoration of architectural detail/reversal of unsympathetic alterations especially timber windows, chimney stacks and original roof covering.*

*The Council will consider the future introduction of an 'Article 4' Direction in respect of buildings identified as 'County Treasures' and 'positive' buildings in the Appraisal.*

### **Control of New Development**

Some modern developments do not harmonise with the historic character and appearance of the Conservation Area. This applies to small extensions and garages as well as larger development schemes.

#### **Recommendations:**

*Development proposals will be judged for their effect on the area's character and appearance as identified in the Llangan Conservation Area Appraisal together with relevant Development Plan policies and any other material considerations.*

*The Council will continue to ensure that all new development accords with policies in the Unitary Development Plan and any other policies which supersede this in the emerging Local Development Plan (LDP).*



## Positive Buildings

'Positive' buildings have been identified as part of the appraisal process and these are marked on the Appraisal Map. Generally, these are individual or groups of buildings that retain all or a high proportion of their original architectural detailing and which add interest and vitality to the appearance of the Conservation Area. The criteria for selection of positive buildings are identified in Appendix 1 of this document.

### **Recommendation:**

*In accordance with Government guidance contained within Circular 61/96, the Council will adopt a general presumption against the demolition of 'positive' buildings with proposals to demolish such buildings assessed against the same broad criteria as proposals to demolish listed buildings. Any application for the demolition of a positive building will therefore need to be justified as to why the building should not be retained.*

## Conservation Area Guidance

Consultation with the local community suggests that there is a need for additional design guidance and leaflets about conservation areas that build upon existing supplementary planning guidance and advisory leaflets.

### **Recommendation:**

*The Council will consider preparing advisory guidance and 'best practice' notes that would assist in retaining the area's prevalent historic character and appearance and promote awareness of the value and importance of the conservation area, e.g. written advice regarding (a) alterations to historic buildings, (b) development within conservation areas, (c) the use of traditional building materials, (d) appropriate boundary treatment in rural villages and (e) care and maintenance of trees and woodland.*

## Buildings and Land in Poor Condition

### **Recommendation:**

Where sites or buildings are in a poor condition and the appearance of the property or land are detrimental to the surrounding area or neighbourhood, consideration will be given to the serving of a Section 215 Notice. This notice requires proper maintenance of the property or land in question, and specifies what steps are required to remedy the problem within a specific time period.

## Monitoring and Review

**Recommendation:**

*This document should be reviewed every five years from the date of its formal adoption. A review should include the following:*

- *A survey of the Conservation Area including a full dated photographic survey to aid possible enforcement action;*
- *An assessment of whether the various recommendations detailed in this document have been acted upon, and how successful this has been;*
- *The identification of any new issues which need to be addressed, requiring further actions or enhancements;*
- *The production of a short report detailing the findings of the survey and any necessary action;*
- *Publicity and advertising.*

## References and Useful Information

### Local Generic Guidance

Advice for owners of properties in Conservation Areas can be found in the leaflet *A Guide to Living and Working in Conservation Areas*, which is available on line on the Council website at [www.valeofglamorgan.gov.uk](http://www.valeofglamorgan.gov.uk)

Additional information, including design guidance and guidance on repairs and alteration is contained within the adopted supplementary planning guidance document – Conservation Areas in the Rural Vale.

### Bibliography

1. J Newman, Glamorgan (Pevsner 'The Buildings of Wales'), Yale University, 1995
2. Statutory List of Buildings of Special Historic or Architectural Interest
3. Vale of Glamorgan Council, Conservation Areas in the Rural Vale, 1999
4. Vale of Glamorgan Council, County Treasures, 2007
5. R.Denning, Llangan, 1967

### Contact Details

For further advice and information please contact the Conservation and Design Team at:

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## Appendix 1

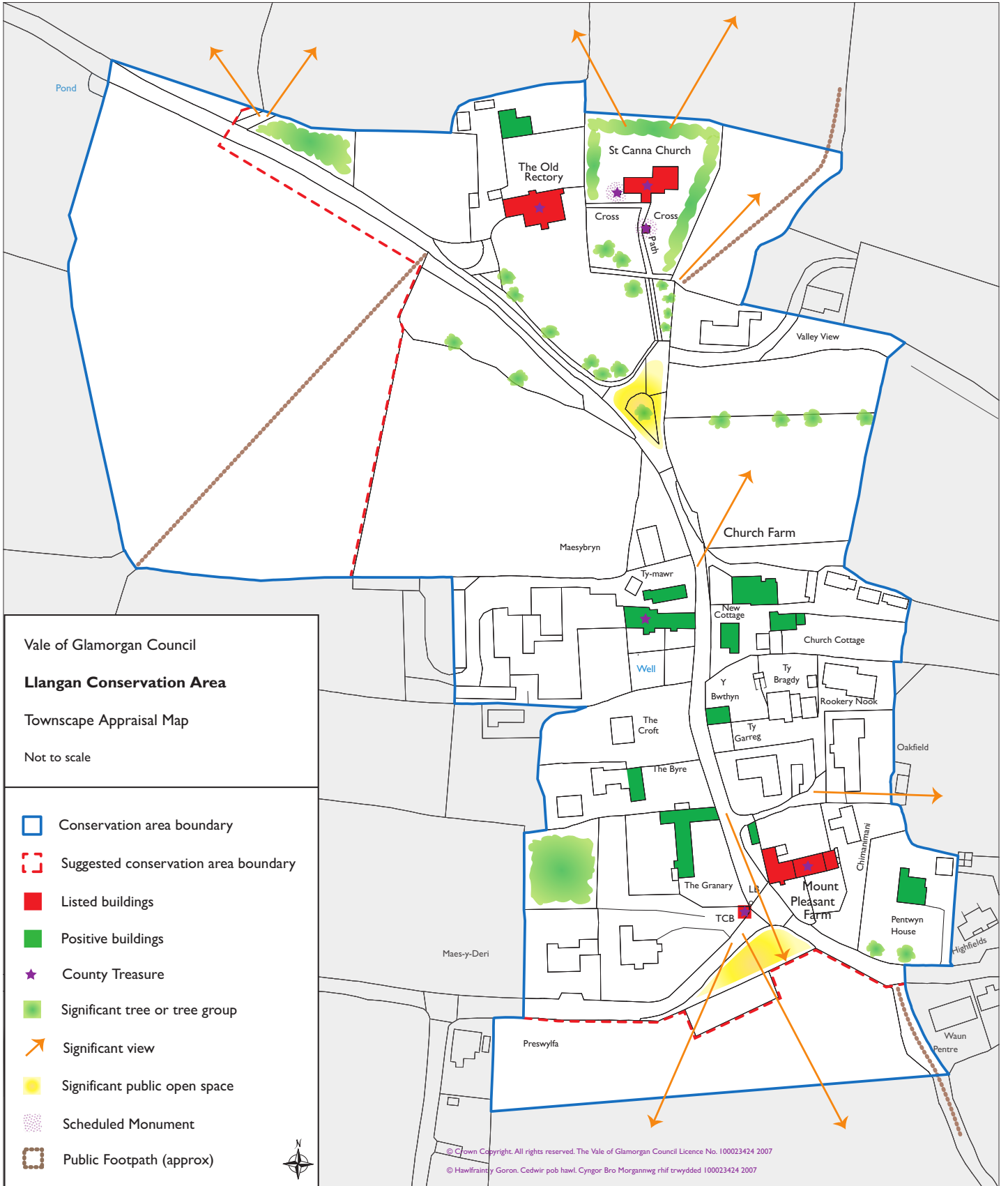
### **Criteria for the Selection of 'Positive Buildings'.**

For the purposes of this conservation area appraisal, a positive building is an unlisted building that makes a positive contribution to the special architectural or historic interest of the conservation area.

The criteria for assessing the contribution made by unlisted buildings to the special architectural or historic interest of a conservation area are given below.

Any one of these characteristics could provide the basis for considering that a building makes a positive contribution to the special architectural or historic interest of a conservation area and is therefore identified as a 'positive building':

- Is the building the work of a particular architect of regional or local note?
- Has it qualities of age, style, materials or any other characteristics which reflect those of at least a substantial number of the buildings in the conservation area?
- Does it relate by age, materials or in any other historically significant way to adjacent listed buildings, and contribute positively to their setting?
- Does it individually, or as part of a group, serve as a reminder of the gradual development of the settlement in which it stands, or of an earlier phase of growth?
- Does it have significant historic association with established features such as the road layout, burgage plots, a town park or a landscape feature?
- Does the building have landmark quality, or contribute to the quality of recognisable spaces, including exteriors or open spaces with a complex of public buildings?
- Does it reflect the traditional functional character of, or former uses within, the area?
- Has it significant historic associations with local people or past events?
- Does its use contribute to the character or appearance of the conservation area?
- If a structure associated with a designed landscape within the conservation area, such as a significant wall, terracing or a minor garden building, is it of identifiable importance to the historic design?



Pond

The Old Rectory

St Canna Church

Cross

Cross

Path

Valley View

Maesybryn

Church Farm

Ty-mawr

New Cottage

Church Cottage

Well

Y Bwthyn

Ty Bragdy

Rookery Nook

The Croft

Ty Garreg

Oakfield

The Byre

The Granary

LB

Mount Pleasant Farm

Chlmantrani

Pentwyn House

Highfields

Maes-y-Deri

Preswyfa

TCB

Waun Pentre



## Appendix 3

SA Assessment: Llangan Gypsy and Traveller Allocation			
SITE ASSESSMENT STAGE 3: SUSTAINABILITY APPRAISAL			
Assessment Criteria			Effect
Development at the site will have a positive impact on sustainability			++
Development at the site will have a some positive impact on sustainability			+
Development at the site will have a negligible or neutral impact on sustainability. A recorded neutral effect does not necessarily mean there will be no effect at the site level, but shows that at this strategic level there is no identifiable effects.			0
Development at the site would have both positive and negative impact on sustainability			+/-
Development at the site will have a slight negative impact on the sustainability.			-
Development at the site will have a very negative impact on sustainability			--
The impact of an issue cannot be predicted at this stage			?
Sustainability Objective	Appraisal guidance notes:	Assessment Criteria	Effect
1. To provide the opportunity for people to meet their housing needs	The site has the potential to deliver a mix of housing tenures including affordable housing (achievable on larger sites through 106 agreements).	The provision of a Gypsy and Traveller site would support the objectives of the Council's Housing Strategy 20015 – 2020 and meet the need identified within the Vale of Glamorgan Gypsy and Traveller Accommodation Assessment May 2016.	+
	Whole or part of the site has been promoted for affordable housing.		
2. To maintain, promote and enhance the range of local facilities	The site is located in an area of housing need as identified in the Housing Market Assessment Study	The site is not being investigated for these uses.	0
	The site is promoted for community, leisure and recreational facilities.		
	The proposal would not lead to a loss of a community facility.		
	The site has the potential to provide community facilities.	The proposal to develop the site for the use proposed would not lead to the loss of existing community facilities and development of the site would not provide additional community facilities.	

I would like to make the following observations to the SSA.

**Section 1** - Appraisal Notes “the site is located in an area of housing need”. I have clearly set out in my earlier evidence (comments from the G&T community themselves) that the site is not located in an area or need and would have a negative impact on sustainability. The comments provided by the council could be applied to any site, no matter where it is and do not address the specific appraisal guidance notes. The site is clearly not in an area of need.

Score --

**Section 2** – The council have not sought the views of the local community nor the family currently residing at the site. The wider land is often used for dog walking on the containment of horses by the current family. On this basis, its loss would have a detrimental impact on community use. Furthermore, Llangan Community Council has recently developed its 1<sup>st</sup> community allotment scheme in Treos and is currently investigating the demand for 2<sup>nd</sup> to serve Llangan. This site is being considered. Therefore, there is the potential loss for community facilities.

Score -

<p><b>3. To maintain and improve access for all</b></p>	<p>Existing services and facilities are easily accessible from the site by walking, cycling or public transport.</p>	<p>The site is located close to the minor rural settlement of Fferm Goch and is approximately 600 metres from the village of Llangan. The service centre settlement of Cowbridge is approximately 7.5 kilometres away from the site. The nearest regular bus services are available 2.6km on the A48 which run approximately every half hour to Cardiff / Bridgend. While the existing village services and facilities within Fferm Goch are within 950m walking/cycling distance from the site there would remain a need to travel to Cowbridge (and other service centres) for the full range of services and facilities that would be required on a regular basis.</p> <p>The nearest bus stops are located in Llangan (approximately 600m) and Fferm Goch (approximately 950m) where the rural greenlinks bus service can be accessed from. However, regular bus services can be accessed from the A48 bus stop located 2.6km south of the site.</p>	<p>+/-</p>
<p><b>4. Reduce the causes of deprivation</b></p>	<p>The development would lead to improved access to employment, housing, health, education facilities or enhancement of the built environment for wards ranked in the lower Indices of Multiple Deprivation.</p>	<p>Development of the site would not contribute toward reducing the causes of deprivation; however the provision of a permanent Gypsy and Traveller site could assist in enabling future residents of the site to access those services and facilities that contribute towards the measurement of multiple deprivation.</p>	<p>0</p>

**Section 3** – It is inconceivable that the council can score the site as +/- . There is reference to the Greenlinks bus service which no longer runs and has its in own right concluded that the route is unviable; there are no post boxes; shops; surgeries; public footpaths; play areas and all connection to any service at all needs to be by car. At this point I would once again refer the Inspector to the comments of the travelling community themselves voiced through the Fordam report.

Score - -

**Section 4** – The location of the site affords no access to employment; health; housing; education. The council have scored 0 on a wider statement that ANY site would improve access to these facilities, which in its own right is not site specific. The SSA is a site specific assessment and must be judged against other sites which we will demonstrate later in this report are much more sustainable.

Score - -



<b>5. To maintain, protect and enhance community spirit</b>	The site would not lead to a coalescence of settlements. The site would not result in a loss in recreational land or a community facility.	Development of the site would not lead to coalescence and would not result in loss of recreational land or any community facilities.	<b>0</b>
<b>6. To minimise the causes and manage the effects of climate change</b>	The site would not increase the need to travel and or increase travel distances  The site is not located within an area prone to flood risk or would will have a negative effect on the quality of water resources  The site is capable of incorporating renewable energy sources or energy conservation measures	The site is located close to the minor rural settlement of Fferm Goch and is approximately 600 metres from the village of Llangan. The service centre settlement of Cowbridge is approximately 7.5 kilometres away from the site. Limited local bus services operate in the vicinity. While the existing village services and facilities within Fferm Goch are accessible from the site by walking/cycling there would remain a need to travel to Cowbridge (and other service centres) for the full range of services and facilities that would be required on a regular basis and it is likely given the infrequency of the available bus services that these journeys would be made by private car.  There is minor and intermediate surface water flooding located to a northern section of the site.	<b>+/-</b>
<b>7. To minimise waste</b>	The site will have a positive impact on waste minimisation (e.g. a proposal for new waste management facility).	The development would generate additional domestic waste and does not promote waste management facilities.	<b>-</b>
<b>8. To use land effectively and efficiently</b>	The site is a brownfield site and / or involves the beneficial re-use of existing buildings.  The site is capable of accommodating high density development	Predominantly the site is greenfield land with a small portion being classed as brownfield land. The site is classified as Grade 3b and 4, not the best or most versatile agricultural land. Currently there is an unauthorised, tolerated Gypsy and traveller pitch on part of the site.  The accommodation requirements e.g. layout, site provisions etc. for Gypsy and Travellers are set out in Welsh Government guidance.	<b>+</b>

**Section 5** – The site would clearly lead to a coalescence of settlements. The allocation of the whole site which sits on the edge of Llangan but moves the boundary closer to Fferm Goch. As stated earlier the site would result in a loss of community land.

Score –

**Section 6** – The council recognise that all journeys will need to be made by car (once it acknowledges that there is no bus service). It also recognises that the site is susceptible to surface flooding. The score must therefore be negative and not neutral.

Score –

**Section 7** – Agreed

Score –

**Section 8** – The council has not reverted to the guidance notes. The significant area is agricultural within an SLA and its development would lead to the loss of this land.

Score –

<b>9. To protect and enhance the built environment and natural environment</b>	<p>The proposal would have a neutral or positive effect on a conservation area, or buildings or gardens designated as having historic interest.</p> <p>The proposal will have a neutral or positive effect on biodiversity, landscape or nature conservation designation.</p>	<p>Development as proposed would not affect a conservation area or building or garden of historic interest.</p> <p>The site is not affected by an ecological or landscape designation.</p>	<b>0</b>
<b>10. To provide a high quality environment within all new developments</b>	The development has the potential to support high quality public realm.	Existing design guidance produced by the Welsh Government for Gypsy and Traveller sites will inform site development and ensure that best practise guidelines are followed.	<b>0</b>
<b>11. To protect, enhance and promote the quality and character of the Vale of Glamorgan's culture and heritage</b>	The site is not located within a nationally or internationally designated ecological site, an Area of Archaeological or Historical Importance (e.g. Ancient monument, listed buildings, conservation area).	Development as proposed would not affect a national or international site of ecological, archaeological or historic importance.	<b>0</b>
<b>12. To reduce the need to travel and enable the use of more sustainable modes of transport</b>	<p>The site is well served by public transport and accessible by walking and cycling.</p> <p>Services and facilities are easily accessible by a range of transport modes including walking and cycling.</p>	The site is located close to the minor rural settlement of Fferm Goch and is approximately 600 metres from the village of Llangan. The service centre settlement of Cowbridge is approximately 7.5 kilometres away from the site. Limited local bus services operate in the vicinity. While the existing village services and facilities within Fferm Goch are accessible from the site by walking/cycling there would remain a need to travel to Cowbridge (and other service centres) for the full range of services and facilities that would be required on a regular basis and it is likely given the infrequency of the available bus services that these journeys would be made by private car.	<b>+/-</b>

**Section 9** – As set out later in this report, the development will have a negative impact on a conservation area.

Score - -

**Section 10** – The wider development of the site would not accord with National Planning Policy (G&T Design Guidance) as set out in this objection.

Score - -

**Section 11** – The site would affect the Conservation Area of Llangan.

Score - -

**Section 12** – The site is well served by public transport. There isn't any so how can the council score this as +/- ? A range of services are accessible by walking ? The site is not accessible by public footpath and only along several miles of unlit, narrow lanes and the nearest service is circa 5 miles away.

Score - -

<b>13. To provide for a diverse and wide range of local job opportunities</b>	<p>The proposal is for new employment development</p> <p>The site would not result in a loss of employment land that has been identified as having a continued economic role.</p>	The development of a Gypsy and Traveller site would not provide employment opportunities. A permanent site is however likely to prove beneficial for future residents allowing improved access to the local employment market and/or a permanent base from which to develop self-employment initiatives and opportunities.	<b>0</b>
<b>14. To maintain and enhance the viability of the Vale's town, district and local centres</b>	The site is located either within a centre, edge of centre or an out of town location.	The development proposed will not impact upon the viability of the Vale's town, district or local centres.	<b>0</b>
<b>15. To promote appropriate tourism</b>	The proposal is either for a new or enhanced tourism facility or would not result in a loss of a tourism facility.	The proposal would not contribute to the promotion or development of tourism within the Vale of Glamorgan.	<b>0</b>

**Section 13** – The council recognise that the specific allocation would not provide employment opportunities but rely on a wider statement that would apply to any site. As the SSA is site specific it must apply the relevant assessment.

Score - -

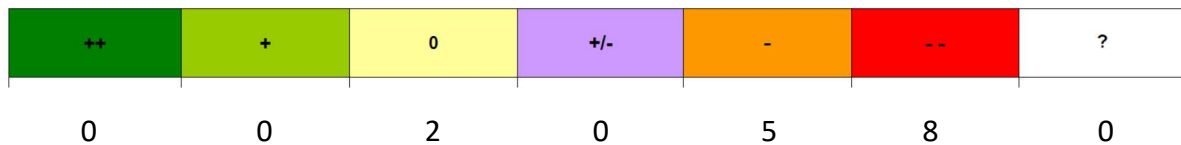
**Section 14** – The site is not located on the edge of a centre and will therefore have no positive impact.

Score 0

**Section 15** – Agreed

Score 0

Summary:



The Council itself acknowledges that the site is on the boundary of Llangan, albeit it does not form an “infill “of the existing settlement.

The councils Sustainability Settlement Review scored Llangan 4 and defined Llangan as a Hamlet. In this regard the Council state:

*“As noted above, these settlements are generally small hamlets comprised of historic sporadic development of isolated individual houses or farm houses and barn conversions. Although these hamlets have a limited role and function many are important to the rural character of the Vale of Glamorgan and as such require protection from over-development through planning controls to safeguard these sensitive rural settlements and the rural character of the Vale”*

*“In order to conclude what is deemed suitable for future development in the way of sustainability, it is considered that many of the Vale of Glamorgan’s rural settlements cannot realistically fulfil this role principally because they do not have the range of services and facilities necessary to meet this requirement. Furthermore, many of them are isolated and do not have access to public transport services or access to basic community services or employment opportunities. Given their location and limited role and function it is reasonable to conclude that there is likely to be a high reliance on the private car to access basic amenities. Therefore, these areas are considered to be unsuitable and unsustainable locations for further additional development”*

I would like to point out once again to the Inspector that the proposed site is circa 250m from the edge of Llangan which was assessed by the Council as having the following facilities:

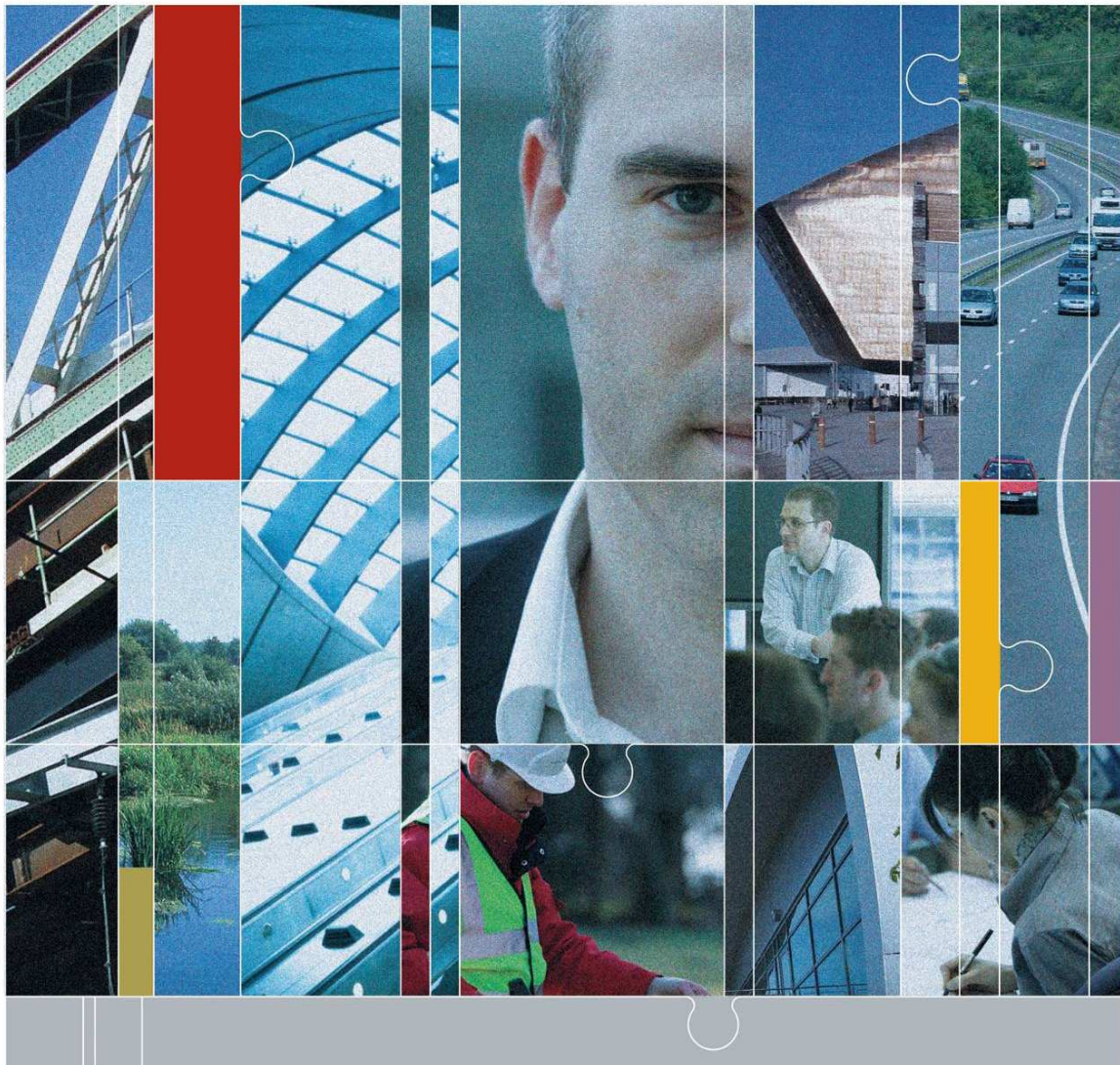
Ranking	Settlement	Secondary School / Further Education College	Primary School	'Day-to-day' shops and services	Post Box	Places of Worship	Food and Drink outlets	Medical	Library	Community Hall	Bus Services	Rail Services	Leisure and Recreation	Employment	Proximity to Main settlement	Score	Population (Best Available Estimate)
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51	Llangan	0	0	0	1	1	0	0	0	0	0	0	0	2	0	4	98
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It is worth pointing out that the employment score of 2 is as of a consequence of 5 small industrial units located in Fferm Goch and should have not apply to Llangan as Fferm Goch is an independent settlement. Furthermore, the score of 2 is the same as Barry, which is a major employment centre. Clearly, no subjectivity or context has been applied to the scoring matrix. Notwithstanding this, Llangan scored one of the lowest scores in the overall assessment.

## Appendix 4





## Llangan Travellers Site Accessibility Assessment

March 2012

**CAPITA SYMONDS**

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## Quality Management

<b>Job No</b>	GC1267-01	<b>Doc No.</b>	GC1267
<b>Title</b>	Llangan Travellers Site Accessibility Assessment, March 2012		
<b>Location</b>	P:\GC001200 - 001299\GC001267 - Planning Objection\1 - Documents		
<b>Document Ref</b>	GC001267-01		
<b>File reference</b>	GC001267		
<b>Date</b>	22/03/12		
<b>Prepared by</b>	Brian Baker	Signature (for file)	
<b>Checked by</b>	Dean Mears	Signature (for file)	
<b>Authorised by</b>	Wayne palmer	Signature (for file)	

## Llangan Travellers Site Accessibility Assessment, March 2012

### 1. Introduction

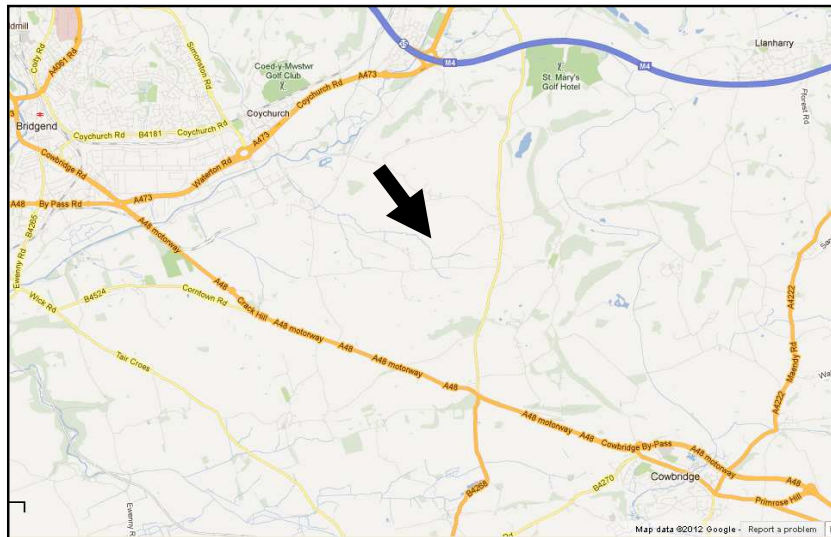
- 1.2 Mr. Richard Mann has commissioned Capita Symonds to undertake a preliminary assessment based on National Highway Policy and Design Guidance for Highways of the proposed Llangan Travellers site in the Vale of Glamorgan.
- 1.1 The Vale of Glamorgan county Borough Council have submitted proposals within their LDP consultation document to create a new development within a green field area, to the west of Llangan Village. Llangan is situated approximately 1300 metres north of the A48 trunk road and its junction at Pentre Meyrick and 5km west of the nearest major town of Cowbridge.

### 2. Location

- 2.1 Llangan is a Hamlet of approximately 35 properties, and is subject to “conservation status”. The village is accessed from the main highway network via unclassified “rural roads” of various standards. It is understood that the village is residential only, that is to say there are no shops or other services in the village. There is a primary school (Llangan Primary School), but this is located approximately 1km from the village itself and 900 metres from the proposed development site. The proposed site location is shown in **Photograph 1**.



**Photograph 1. Site Location**



The site is also approximately 675 metres south west of the hamlet of Fferm Goch.

- 2.2 The development is to take the form of a “travellers” site, of approximately 21 “pitches”, 6 being permanent residential pitches and 15 transit pitches. The area to be developed is understood to be presently occupied illegally by on “traveller family”. The Vale of Glamorgan Deposit Local Plan 2011 – 2026 denotes the Land to the East of Llangan as Site Reference MG 9.
- 2.3 No details of the layout of the proposed site have been seen, it is assumed that the site can safely accommodate the planned number of pitches. There is guidance on site layouts, density, minimum requirements and so forth available, in particular the Welsh Government’s Good Practice Guide in Designing Gypsy Traveller Sites in Wales dated July 2009. This study has not considered possible internal layouts nor viability of accommodating 21 pitches, however when comparing aerial photographs of Cardiff’s Rover Way site and this location the Cardiff site appears to be approximately 30% larger in plan. This could infer the Llangan site may be too small to accommodate 21 pitches without additional land take from the adjoining fields. There would obviously be concerns if the site layout was substandard, minimum spacing of accommodation, minimum road widths etc are essential both for residents comforts and safety.

- 2.4 It is a concern that the size of the proposed site is greater than that recommended in the Welsh Governments 2009 guide, where no more than 12 pitches is preferred and more than 20 should be avoided unless there is a clear need for larger sites.

### 3. Assessment

- 3.1 Capita Symonds have been asked to comment on the suitability of the location with regard to highway access, this report is not intended to cover any aspect of the consultation process currently being undertaken but is intended as purely an advice note for the suitability of highway standards. The contents of this report are based on a limited brief, and are preliminary and offered for guidance only and are not a comprehensive study of the proposal.
- 3.2 The site is a small area of rural grassland (field) bordered by mature hedges, and crossed by a watercourse, part of the site is currently occupied by residential caravan buildings, is hard surfaced and the entrance is via a locked field gate. There is uncertainty over which services are available at the site at the present time.
- 3.3 The site itself is accessed via a narrow poorly maintained rural lane (see **Photograph 2**) of approximately 2.5m metres width, with neither footway nor verge, and semi mature vegetation encroaches onto the lane from both sides. The lane links Llangan with the nearby hamlet of Fferm Goch, and the distance from the main road to the site access point is approximately 110 metres. The 1km long lane itself is of poor horizontal alignment, with poor forward visibility and unsuitable for regular vehicular traffic. If the site is developed the lane itself would need major upgrading, which would certainly change its appearance within this rural environment.

**Photograph 2. Site Access Lane**



- 3.4 The lane itself links to the main, unclassified road, highway access road serving Llangan via a standard T junction. Visibility to and from the junction is reasonable for its current use. This unclassified road to Llangan at this point is of reasonable “rural standard”. However, to the east, in the direction of the village school and main highway network the road narrows to approximately 3 metres width, with high hedge banks to both sides, such that for approximately 250 metres there is no scope for two way traffic.
- 3.5 The village school is approximately 1km from the village and 900metres from the proposed site. It is noted that the route does not offer any facilities for pedestrians, such that the only safe way for children to travel between the site and the school safely would be by vehicle. This route would also be potentially hazardous for cycle use for children, the elderly or infirm and could be potentially hazardous for all users other than by car.

**Photograph 3. Junction With Main Road**



- 3.6 Approximately 210 metres west of the T junction lay the first of the residential properties in Llangan village itself.
- 3.7 The aforementioned lane appears little used, as seen from the vegetation growth across it, it is understood it provides a route for a nearby pony club as well as access to the existing single residential site.
- 3.8 It is noted that both the site and nearby highway network are relatively flat, no steep gradients exist.
- 3.9 Generally, the site proposal is of similar size to the site that has long been established at Rover Way, in Cardiff. The 21 pitches at that location are understood to be home to approximately 80 or more people, of which a half can be school age children. The numbers can fluctuate, and it is understood that at times young families sometimes share pitches, thereby increasing the numbers on site.

- 3.10 With regard to the appropriateness of the location for a travellers site development, in relation to transportation, it is difficult to refer to standard guidelines, as few relate to “rural highways”, most highway design standards for residential development relate to urban areas. Hence, the advice contained within this report is based on best available information, acceptable highway standards for developments of similar size and transport needs of small communities. Welsh Government guidelines state sites should be situated in close proximity to transport links. The Llangan site would not appear to meet that criteria, being situated away from the main transport infrastructure, sites should also have ready access to schools, doctors and shops, against which requirements Llangan again appears to fail.
- 3.11 With regards to the existing lane, it is generally considered that where there is direct access to dwellings, the previous standard for developments, Design Bulletin 32, offers guidance where it states that a desirable minimum carriageway width of 5.5metres is appropriate, together with 2.0 metre wide footways on both sides. This will allow two way traffic at all times, and safe movement of pedestrians. However, as there is no direct access off the lane (apart from into the proposed development) it may be possible to incorporate a reduced carriageway width of 4.1 metres. This will enable two way traffic at low speeds, and cater for the emergency services (fire appliances).
- 3.12 Thus the lane itself should be widened to this minimum standard, which will require the removal of the existing hedge line on one or both sides of the lane and probable acquisition of land from the adjoining fields. This will of course change the environmental character of the area substantially, but is considered essential to cater for increased vehicle and pedestrian traffic.



- 3.13 It is relevant that TAN 18 additionally indicates that any extra traffic generated by a proposed development may produce the need for transport improvements in the vicinity, and beyond. TAN 18 states that where improvements are necessary, local planning authorities may grant planning permission subject to a condition requiring that improvements are completed prior to the commencement/occupation of the development.
- 3.14 With regards to the adjacent highway network, the main unclassified road leading northwards from Pentre Meyrick to Ruthin is of reasonable standard. Approximately 1.8km north of the A48, Llangan is accessed by turning left, and then via a single track rural road for approximately 250metres. This road then widens to approximately 4.5metres, enabling two way traffic to operate. As stated previously, no footway or verge exists for much of this section.
- 3.15 Should the development proceed, the likely increase in traffic would lead to potential traffic issues on this section of highway and, as such, it would seem appropriate to widen the carriageway to 5.5metres and to include footway verges. This will necessitate the acquisition of adjacent farm land, and the removal of the existing hedge bank on one or both sides.
- 3.16 The wider impact locality should be assessed when considering developments. The proposal at Llangan is likely to have a substantial impact on the nature of the area, due to what would be considered essential and fairly significant highway improvements to accommodate the additional traffic generated by the development. Although there are likely be safety benefits to users of the highway as a result of any highway improvements, it should be noted that potential highway improvements of the potential significance to mitigate for the proposed site are likely to change the visual and ecological nature of the area.
- 3.17 No observations are made within this report with regard to the internal site layout. Issues such as density of the development, services required, internal layout, impact on the ecology (an ecology assessment would seem essential) and the environment, although outside of the brief of this report, are likely to be of significance.

3.18 It is considered that prior to developing the site the following is carried out:

- a. A traffic impact assessment.
- b. An ecological assessment
- c. Detailed appraisal of the highway network, principally between the site and the main highways (A48 and A473 at Pencoed).
- d. Identification of non-hazardous pedestrian routes to schools or consideration of alternative free transport for pupils.
- e. A full risk analysis for the proposed development is carried out.

3.19 The Welsh Governments 2009 guidance (item 3.2.5 of that document) offer detailed criteria to assist location choice, in summary these are:

1. Accessibility, sites should have good access to the public highway, safe and direct. This would need major highway improvements to the nearby road network to achieve, as it stands Llangan fails to achieve this point.
2. The site, should be level, no risk of flooding etc, Llangan appears to achieve this.
3. Local services, site should be within reasonable distance of schools, medical and community services. Again Llangan appears to fail this point.
4. Environment, location should be acceptable, e.g. not adjacent hazardous environs. Llangan may achieve this point.
5. On site services, all main services should be provided. While it is unknown what existing services are provided, it is unlikely all main services serve the current site; new links to services would therefore be required.
6. From the above it would seem that Llangan fails to achieve 3 of the 5 key points in regards location choice. In relation to this report item 1 above is key, and unless substantial spending on highway improvement is carried out then the location would not appear acceptable to accommodate the development.

## 4. Summary

- 4.1 In summary, it is considered that the location, being set back substantially from the main highway network, in a rural area, with no nearby facilities is not ideal for a development of 21 families, likely to generate substantial traffic and increased pedestrian and cycle use. There is limited access to the following facilities;
- Significant local retail, leisure and recreation facilities.
  - Local medical and significant community facilities (nearest being Cowbridge and Bridgend).
  - Regular bus and rail services.
- 4.2 It is understood that the travelling communities themselves favour sites situated on the outskirts of towns and cities, where services are more readily available. This point is noted from the Fordham 2008 report and similar views are noted in various other sources. This is obviously not the case at Llangan. There are limited local facilities and from a sustainable viewpoint the site does little to discourage car-borne transport and encourage walking and cycling.
- 4.3 It is apparent that detailed consideration and investigation should be undertaken to substantially improve the road network / transport links for the site to be developed from a transportation perspective. The current highway network is not considered appropriate for substantial additional traffic / development as it stands, while the lack of local services will necessitate all occupants of the area have to travel by motorised transport.
- 4.4 The routes between the village (and site) and main highway network (as currently exist) are considered unsafe for non-motorised users.

B C Baker, I Eng, FIHE, MIGHT

22nd March 2012



## Appendix 5



## Appendix 6

**THE VALE OF GLAMORGAN COUNCIL**

**COUNCIL : 28<sup>th</sup> OCTOBER, 1998**

**REPORT OF THE CHIEF EXECUTIVE**

**NOT FOR PUBLICATION BY VIRTUE OF PART 1 OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972, THE RELEVANT PARAGRAPH OF THE SCHEDULE BEING REFERRED TO IN BRACKETS AFTER EACH HEADING.**

**R -v- SOUTH GLAMORGAN COUNTY COUNCIL AND WILLIAM CARROLL, EX PARTE STANLEY HARDING**

(Exempt information under paragraph 12[a])

**1. Background**

- 1.1. Mr. Carroll lives at Penllyn Glebe, Llangan site with his wife and four children. One of the children is autistic and attends a special school at Bridgend, while two of his other children attend the Llangan Primary School. The Carroll family have settled into the Llangan community and Mr. and Mrs. Carroll support the Parents Teacher Association at the local Primary School. The site is owned by the Council.
- 1.2. Members will be aware that on 27<sup>th</sup> November, 1997, the High Court quashed the planning permission granted by South Glamorgan County Council on its own application for a Single Family Traveller site at Penllyn Glebe, Llangan.
- 1.3. The Development Control Sub-Committee of 8<sup>th</sup> January, 1998, received a report in relation to the legal implications of the High Court decision of the 27<sup>th</sup> November, 1997. The Development Control Sub-Committee of 8<sup>th</sup> January, 1998, Minute 1538 (c) states;

**"( c ) Results of legal proceedings (HLA) -**

- A. **Judicial Review: R -v- South Glamorgan County Council and William Carroll ex parte Harding -**

Mr. Harding, on behalf of the residents of Llangan, had obtained leave to have a Judicial Review of the decision by South Glamorgan County Council in December 1994 to grant planning permission for a Single Family Traveller site at Penllyn Glebe, Llangan. Following protracted negotiations, the need for the

CE.1

Judicial Review was obviated and, in May, 1996, the said planning permission was quashed with the consent of the above parties. Eviction proceedings were commenced against the current occupiers of the site, Mr. William Carroll and family, when, in September, 1996, following an application by Mr. Carroll's representative, the eviction proceedings were adjourned pending the outcome of a further Judicial Review into the decision to quash the planning permission. The decision to quash the planning permission was subsequently reaffirmed in the High Court, and Mr. Carroll was refused leave to appeal. Mr. Carroll could, nevertheless, seek to challenge the decision to refuse leave to appeal.

Having regard to the above and to the full content of the report, it was RECOMMENDED-

- (1) THAT the report be noted for information.
- (2) THAT the Head of Legal and Administration report the outcome of any application by Mr. Carroll for leave to appeal to a future meeting."

1.4. Mr. Carroll subsequently made an application for leave to appeal against the decision, but that application was refused by the Court of Appeal on the 16<sup>th</sup> February, 1998. At the Development Control Sub-Committee on 25<sup>th</sup> March, 1998, the planning application in relation to a Single Family Traveller site at Penllyn Glebe, Llangan was refused for the following reason:-

- day He  
same again.*
- "1. In order to preserve the countryside the Local Planning Authority considers that no additional development shall take place other than is justified for purposes of agriculture, forestry, appropriate recreational activities, mineral extraction or public utilities. No such justification exists in this case. Accordingly the development is considered contrary to policies EV3, H10 and H16 of the South Glamorgan Structure Plan Proposals for Alteration No. 1, and policies ENV4, HOUS4 and HOUS14 of the Vale of Glamorgan Local Plan Deposit Draft 1995 (as amended)."

The Council began legal proceedings against Mr. Carroll, to repossess the Penllyn Glebe, Llangan site.

The repossession hearing in the County Court was due to be heard on 15<sup>th</sup> September, 1998. Prior to the County Court hearing Mr. Carroll's legal representatives applied for leave to bring further Judicial Review proceedings challenging the reasonableness of the Council's decision to evict Mr. Carroll in the absence of a suitable site to which he could relocate.

## 2. The Issues

- 2.1. The Council, through an Officers Working Group, has considered numerous locations for Mr. Carroll and his family's caravans based on Mr. Carroll's request to be;

CE.2



3  
why

- (a) located within the Rural Vale, preferably within close proximity of Llangan,
- (b) at a location which would be solely occupied by Mr. Carroll's family, and,

why when he wants a gypsy life

- (c) to have an option to purchase the land from the Council at an unspecified future date.

Can we see work involved.

2.2. It must be noted that Mr. Carroll has refused to consider the option of living in a house and wishes to continue to live through his gypsy/traveller way of life. Previous legal proceedings and Planning Inquiries have also clearly shown that any site for Mr. Carroll's caravans must be consistent with planning policies relating to sites for housing. The Officers Working Group has come to the conclusion that there are currently no suitable locations within the ownership of the Council, and consistent with planning policy, which will meet Mr. Carroll's requirements.

2.3. During May, 1996 the Chief Executive, on behalf of the Council gave an undertaking to Stanley Harding that the Council use all lawful endeavors to remove the occupiers from the Penllyn Glebe, Llangan site.

2.4. Every effort has been made to find an alternative location for Mr. Carroll, but at present there is nothing available.

2.5. The Council is obliged to consider, on grounds of common humanity, whether evicting Mr. Carroll and his family will cause more harm to them than it will be of benefit in planning or other terms. Quite clearly eviction of the family in the absence of a suitable site to which they may relocate will cause them distress, and will disrupt the education of the children. However, the Council may allow the family to remain on the site, on a temporary basis until such time as a suitable site for their relocation becomes available.

2.6. If the Council does not proceed to evict Mr. Carroll and his family from the Penllyn Glebe, Llangan site, then Mr. Carroll's application for leave for a Judicial Review Hearing must necessarily be withdrawn, as he may not challenge a decision which has been withdrawn, and cannot therefore take effect to his prejudice.

### 3. Legal Implications

3.1. As noted in paragraph 2.3 above the Council has given Stanley Harding an Undertaking that it will use its best lawful endeavours to remove the occupiers from the Penllyn Glebe site. The Head of Legal and Administration is satisfied that the Council can demonstrate that it has used its best lawful endeavours to that effect, however the absence of suitable alternative accommodation cannot achieve that aim, and that any claim to the contrary by Mr. Harding could be resisted. The Council should continue to review sites as they become available and upon any such site being suitable for Mr. Carroll and his family should require them to take up the site and vacate the Penllyn Glebe site.

CE.3



3.2. As the site no longer has the benefit of planning permission as a Single Family Traveller Site its use in planning terms has reverted to agricultural use. Should Mr. Carroll's residential use of the site exceed four years it would be open to him to make an application for a Certificate of Lawful Development changing the use of the land from agricultural to residential. The Council's continued ownership of the land will however preclude any development thereof, and upon the site becoming vacant an application to change the use back to agricultural use may be pursued if a Certificate of Lawfulness is obtained for residential use. Enforcement against Mr. Carroll's continued occupation of the site in variance with the recent planning refusal is discretionary particularly in view of the continued ownership and control of the site by the Council. It is important however that the search for an acceptable alternative site is continued.

3.3. Should Mr. Carroll remain in occupation of the site it will be necessary to grant him a licence in respect of the occupation. The licence will limit occupation of the site to those persons currently in occupation, would be personal to Mr. Carroll and would not permit the possibility of any person succeeding to the licence and would preclude any person running a business from the site. The area covered by the licence would also be restricted to that part of the field currently occupied by the caravans.

#### **4. Financial Implications**

4.1. In the absence of a suitable alternative site for the relocation of the Carroll family the Head of Legal and Administration is of the view that the Council is unlikely to succeed in the pending Judicial Review Hearing, with costs being awarded against the Council.

#### **5. Equal Opportunities Implications**

5.1. In any consideration of matters relating to the eviction of gypsies the Council is obliged to have regard to issues of Common Humanity.

#### **6. Employment Implications**

6.1. There are no employment implications arising from this report.

#### **7. Recommendations**

7.1. It is recommended that the Council allow Mr. Carroll and his immediate family to continue to occupy the Penllyn Glebe, Llangan site under a new licence, to be determined by the Head of Legal and Administration, until a suitable alternative site within the Vale of Glamorgan is available for Mr. Carroll and his immediate family.

7.2. It is recommended that the Head of Legal and Administration is instructed to continue to make enquiries to acquire a suitable alternative site for Mr. Carroll and his family within the Vale of Glamorgan.

CE.4

7.3 It is recommended that a further report be submitted to Committee reporting on progress in finding an alternative site for Mr. Carroll.

**All appropriate Chief Officers have been consulted on this report.**

CE.5



3 November, 1998

Miss J.A. Barratt

(01446) 709405

(01446) 745566

IL/GCD

JAB/6/3/420

Messrs David and Snape,  
Solicitors.

**DX 38001 Bridgend.**

the VALE of  
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Dear Sirs,

**Re : R -v- South Glamorgan County Council and William Carroll ex parte Harding**

Further to the meeting between your client and other sand the Chief Executive and Senior Lawyer of this Council of 26<sup>th</sup> October 1998 regarding the above matter.

As you are aware the Council considered a report on the matter at its meeting of 28<sup>th</sup> October 1998. The report detailed the current position in the matter and outlined the options available to the Council in progressing the same. I regret that I cannot allow you to have sight of a copy of the report, as it is protected by virtue of Part 1 of schedule 12A of the Local Government Act 1972, as it contains the advice of Counsel to the members of the Authority.

I can however advise you that the Council has resolved that Mr Carroll and those members of his family currently occupying the site at Penllyn Glebe shall be permitted to remain in situ until such time as the Council can find an alternative site to which they may be relocated. Inquiries will continue to be made as to alternative sites for the relocation of the family, and the Councillors have instructed Officers that a report is to be taken to each meeting of the Committee advising as to the progress of the inquiries.

The Council has taken this decision with reluctance, but feels that it has no alternative. Since the refusal of planning permission for the development in March 1998 an Officer Team has been engaged in making inquiries as to the availability of suitable land onto which the family may be relocated.

The team has considered the availability of land in both the ownership of this Council, of neighbouring Council and the private sector, in the light of the needs of the family and their aspirations as to lifestyle. The land has to be within the boundary of a settlement as shown on the definitive map, since there is no agricultural or other justification for the site to be in the open countryside. It has to be sufficiently large to house the three caravans in the ownership of the family, as well as an amenity block, and must have access to the necessary services. Further, given the fact that the caravans are mobile and the lifestyle of

the family requires that they be able to move the same onto the highway, the site must have safe access onto the highway.

The Councils trawl of land in its own ownership was initially restricted to those settlements boundaries around villages in the West of the area. Of the sites identified in the Councils ownership, most were discounted as being in the open countryside, and therefore offending against the planning policy of unjustified development in the open countryside. Another site identified is currently in use as a Highways Depot for which a continuing need is foreseen. The search was therefore widened to take in any land in the Councils ownership anywhere in the Council area. Unfortunately no such land is available.

The Council has also investigated the availability of placing the family on a gypsy site in neighbouring Council areas. There is currently a site in Bridgend, which is owned by that Council and is used to accommodate homeless families. Inquires were made of that Council as to whether they would be willing to accommodate the Carroll family, however we are advised that the Council is currently attempting to sell the site, and does not wish to take any further tenants. That Council has no other land available on which the Carrolls could be accommodated. Cardiff County Council have similarly indicated that they have no vacancies at present on their Traveller Sites, and indeed have a waiting list for places should that same become available.

The Valuation and Estates Manager of the Council has had discussions with all of the local estate agents with a view to ascertaining whether suitable land currently in private ownership is available on the market, but is advised that the only suitable land is land in the open countryside, which cannot be developed without breaching planning policy as there is no agricultural justification for the development. The Valuation and Estates Manager has asked all of the local estate agents to advise him should any suitable land come onto the market, and continues to hold a watching brief in this respect.

Any eviction of the family would therefore be an eviction onto the highway, and the family would therefore be at risk of being constantly moved on by the Police, with the consequent disruption to their life and to the education of the children that would entail. As you may know the autistic child of the family is now in residential care for four nights a week, and returns only at weekends to the family home. It would therefore be necessary for the family to remain in the general area both to cater for his needs and for the children currently of school age to maintain their education.

The solicitors representing Mr Carroll have obtained Legal Aid to challenge the Councils decision to evict him from the Llangan Site claiming that the decision to move him off the site without alternative accommodation being available would do more harm to the family than would be done by permitting them to remain, and is a decision that no reasonable Council would take. The Council has taken advice and is satisfied that it is unlikely to succeed were it to contest the proposed Judicial Review, and hence has taken the view that it should permit the Carrolls to remain on the present site until such time as an alternative site becomes available.



The Council is mindful of the Undertaking given to Mr Harding by the Chief Executive, and assures your client that it continues to use its best lawful endeavours to move the family off the site, but as you will appreciate it cannot be in the best interests of the Council to become involved in litigation against advice to the effect that success is highly unlikely, and thereby expend significant sums of public money to no good purpose.

I will, of course, keep you apprised of any developments that may arise in respect of land becoming available, and do assure you that the Council continues to search out such land. Those representing Mr Carroll have been made aware that their client may remain on the site as a temporary expedient, and that, as the land remains in the ownership of the Council we reserve the right to require the family to move as soon as a suitable alternative site becomes available.

I am sure that your client will be disappointed by the decision of the Council, however I should point out that the Council has a duty to all of the other Council Tax payers of the area, and indeed to the Carrolls themselves to ensure that any action taken is in the best interests of as many of those parties as possible, and that in the circumstances the current action is considered to be the most appropriate.

Finally I should advise you that in the light of the Council's decision the pending action in Cardiff County Court has been withdrawn. This is of course without prejudice to the Council's right to reinstate proceedings should an alternative site become available.

Please do not hesitate to contact me if I can be of further assistance.

Yours sincerely,

  
Senior Lawyer.



**HUGH JAMES**  
SOLICITORS

Mr Stan Harding  
South Rise  
Llangan  
Vale of Glamorgan  
CF35 5DW

Your ref:

Our ref: EGE/SL/HAR1054/1

Please ask for: Miss Gwen Evans

Date: 16 November 2005

Direct line: 01685 352536

Email: gwen.evans@hughjames.com

Dear Mr Harding

**Re: Llangan Preservation Group**

Please find enclosed herewith a copy of my letter to Mr James Cawley on behalf of the Llangan Preservation Group.

I hope that the letter attends to all matters that you feel appropriate at this stage.

Please do not hesitate to telephone me if you have any concerns in relation to the above.

Yours sincerely

Gwen Evans  
HUGH JAMES

Enc



**FAO – Mr James Cawley**  
Vale of Glamorgan Council  
Dock Office  
Subway Road  
BARRY  
CF63 4RT

P/DC/YP/02/00884/REG3  
EGE/SL/HAR1054/1  
Miss Gwen Evans  
16 November 2005  
01685 352536  
gwen.evans@hughjames.com

Dear Mr Cawley

**Re: Occupation of Council Owned Land at Llangan**

We write on behalf of the Llangan Preservation Group with a view to providing comments on their behalf for your consideration in your report that we understand will be presented to the elected members regarding the occupation of the Council owned land at Llangan by the Carrol family.

The Carrol family have occupied this site without planning permission for a considerable period of time, with no enforcement action being undertaken by the Local Authority. Clearly this situation is wholly unacceptable.

Temporary planning permission was sought and granted however this expired in July 2003. The Local Authority have been investigating this matter to consider options including whether or not a further planning application should be submitted to consider the appropriateness of the continued use of the site by the Carrol family or to consider an appropriate alternative.

It is approaching some 12 months since Mr Rob Thomas, Head of Planning and Transportation wrote to us on the 17<sup>th</sup> of December 2003 to confirm the above. Clearly this situation is unacceptable and the Local Authority appear to have failed to comply with the obligations placed upon them in this regard.

It must be noted that Mr Carrol has presented information to the Local Authority in relation to his circumstances that need to be considered and in particular in relation to his children. It is understood that his children are now beyond the school age and therefore this need not be a consideration to the Local Authority.

Mr Carrol has further indicated that he is a traveller. It is understood however that the home erected on the site is a permanent building and that in fact Mr Carrol has never left this site we question therefore whether Mr Carrol's status can be fully described as a traveller.

We further remind the Local Authority of the undertaking provided by their Mr David Lyn Foster, the Chief Executive to the Vale of Glamorgan Council 1<sup>st</sup> of May 1996 to use its best lawful



endeavours to remove from the site Mr William Carrol and any other person who then occupies the said site. We have enclosed a copy of the said undertaking for your consideration.

Clearly the undertaking remains enforceable an issue the Local Authority needs to consider seriously in terms of the actions and decisions over the coming months.

The Llangan Preservation Group accept that there are considerations that need to be weighed in determining the issues with regards to this site however the situation with regards to the illegal occupation of a site and the Council's failure to enforce planning law, coupled by the Council's failure to honour the undertaking previously provided is considered to be both frustrating and unsatisfactory.

The Llangan Preservation Group eagerly awaits the Local Authority's decision in relation to this site and confirm once again that they will not hesitate to challenge any decision by way of judicial review in the event that the Council does not honour its obligations appropriately.

We should be grateful if you would kindly forward a copy of your report once the same is finalised in order that we may consider the same.

Yours faithfully

**HUGH JAMES**

Enc

**DAVID**  
— AND —  
**SNAPE**  
— SOLICITORS —

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HELEN JONES B.A.  
HUW J. GRIFFITHS LL.B.  
JULIA L. NORTHMORE LL.B.

OUR REF: IL/MSR

YOUR REF: JAB/JCC/6/3/420

PLEASE ASK FOR: Mr I. Llewellyn

Head of Legal & Administration  
The Vale of Glamorgan Council  
Civic Offices  
Holton Road  
Barry CF63 4RU

Sent by Facsimile & 1st Class Mail

30 August 1996

Dear Sirs,

Re: R -v- South Glamorgan County Council Ex parte Harding

Thank you for your letter of the 28th August.

Our client informs us that in a conversation with your Council he has been informed that legal proceedings for the removal of Mr Carroll - and presumably other occupants of the site in question - are imminent and that you anticipate obtaining the appropriate order in 14-21 days. Presumably you intend to use the fast-track procedure to obtain an ex parte order, but please confirm.

For the record, our client met with the Chief Executive of the Council a little more than 10 days ago. Mr Foster told our client that he was embarrassed by the Councils delay in complying with the undertaking which he gave, and assured our client that Mr Carroll would be removed from the site within 10 days, which period expired on Wednesday, 28th August last.

Mr Foster's undertaking provided that the Council would remove Mr Carroll at the earliest possible date and further provided that it might do so by all lawful means, which include, of course, his ejection from the site as a trespasser, on the termination of his Licence, without the necessity of legal proceedings.

While our client is pleased to hear that steps are now being taken, he remains troubled that the Council has been in breach of its undertaking and concerned that the action now proposed to remedy the situation will prove effective.

We look forward to hearing from you as soon as possible.

Yours faithfully  
per pro David & Snape

ALSO AT:

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This Firm is authorized by the Law Society to conduct investment business.



Date/Dyddiad: 14th August, 1996  
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For the attention of Mr. Llewellyn

Dear Sirs,

**RE: R -v- SOUTH GLAMORGAN COUNTY COUNCIL EX PARTE HARDING**

Thank you for your letter of 12th August 1996, receipt of which is hereby acknowledged.

I am aware that Mr. Carroll remains on the site at Penllyn Glebe notwithstanding the expiry of the Notice to Quit served on him by this Council.

It is not the case that no action has been taken by this Council in respect of removing Mr. Carroll from the site. As required by Welsh Office Circular 76/94 we have carried out the necessary consultations as to the likely effect of eviction on the welfare of the family. I am fully aware that Kulip Carroll attends at a school in Bridgend which particularly caters for his special needs, the purpose of consultation is to establish the effect upon him of his education being broken if for example he were to be evicted and ultimately find himself living too far from his current school to make attendance a practical proposition.

As the Carrolls are involuntary homeless the Council has a duty to find them some site on which they can reside to that end we have identified three possible sites, none of which currently has the benefit of planning permission.

The Carrolls have indicated their preference for one of the sites, and we are currently making the necessary consultations in respect of planning consent for that site. As soon as the planning status of the site is confirmed the Carroll family will be able to move to it.

I am most anxious that this Council ensures that all statutory consultations and considerations are met and carried out, since I would wish to ensure that any decision made in this matter is not vulnerable to further legal challenge, whether by the Carroll family themselves or by any third parties.

I will, of course, keep you apprised of further developments as they arise.

Yours faithfully,

**HEAD OF LEGAL & ADMINISTRATION**

Messrs. David and Snape,  
Solicitors,  
DX 38001 BRIDGEND  
kpm/working/jb



## Appendix 7

## Fordham Report – Travellers Comments

*“Participants living on Shirenewton had three main criticisms: the site was too big, the distance from local amenities along with the lack of local transport,”*

*“This created many problems for the residents, especially the poorest: ‘for a person like me on the bread line it’s very tough. I can’t afford to use the car’; **‘everything is a mile away, including the bus stop. It takes a long walk on a busy road to get to the shops and schools’**”*

*“The tables demonstrate that access to services such as local shops, health centres and education facilities from both sites is difficult by foot and by local transport systems. This difficulty was eased when participants used their cars, however the level of ease was lower for Roverway due to the difficult entry onto the main road”.*

*“Participants reported that access to local amenities, health services and education was low for both sites by foot or by public transport: ‘Everything is a mile away, including the bus stop. It takes a long walk on a busy road to get to the shops and schools’”.*

*“It was thought that smaller sites would reduce the problem of onsite conflicts: ‘they need smaller sites and not too many different families, otherwise when you have a row the whole site becomes a war zone’”*

*“This affected the ability of the households interviewed to access local services such as shops, health centres and education facilities. **It was reported that this problem mainly affected the women: men take the vehicles that the household own to work during the day, leaving the women without their own transport and often away from public transport routes’**”*

*“Participants did not specify where in Cardiff or the Vale of Glamorgan sites should be located. **It was noted that sites should be on the outskirts of towns to enable access by foot to local services such as shops, the launderette and health centres’**”*

*“While the focus of the survey was on accommodation requirements, the questionnaire also collected information on access to services, including health and education. Research has found that poor accommodation can prevent access to services and so cannot be seen in isolation.”*

***“participants living on sites felt that there were site restrictions that limited their work options. These were mainly associated with the location of the sites and lack of access to public transport rather than site regulations: ‘no buses, no local transport. Bad access’”***

***“Participants living on local authority sites reported that the lack of local public transport provision in the area affected their ability to send their children to school, access health services and work opportunities, and limited their ability to attend training and education courses”***

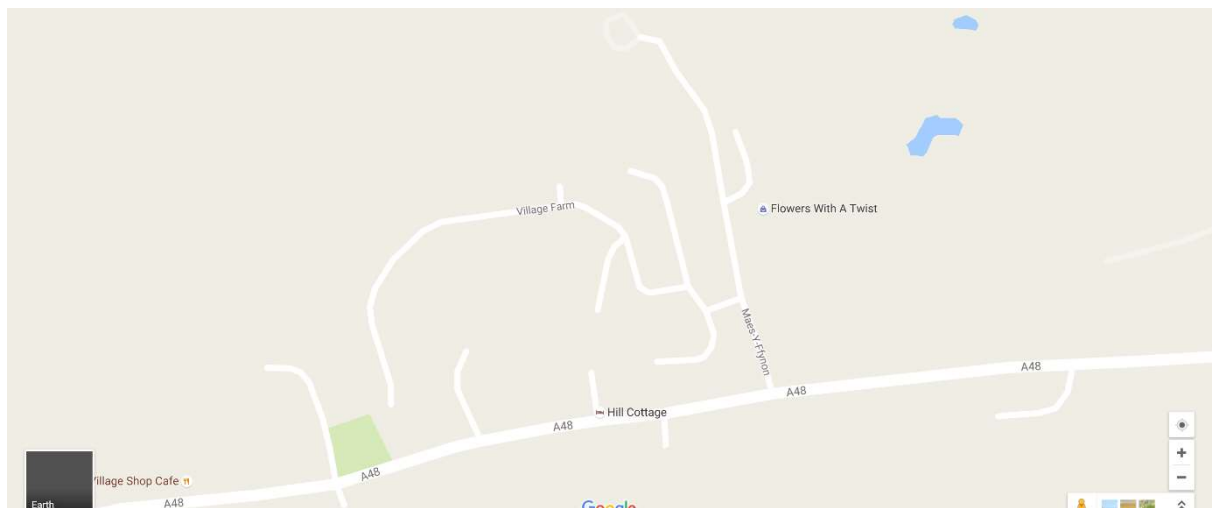
*Participants were asked about where they would like future sites to be, but were not specific about locations within the County Boroughs, **instead emphasising the importance of public transport to any new sites.** Government draft guidance on site design stresses the importance of access to services and the promotion of ‘integrated co-existence’ between the site and surrounding community.<sup>19</sup> The*

## Appendix 8

## Alternative Sites

### Bonvilston

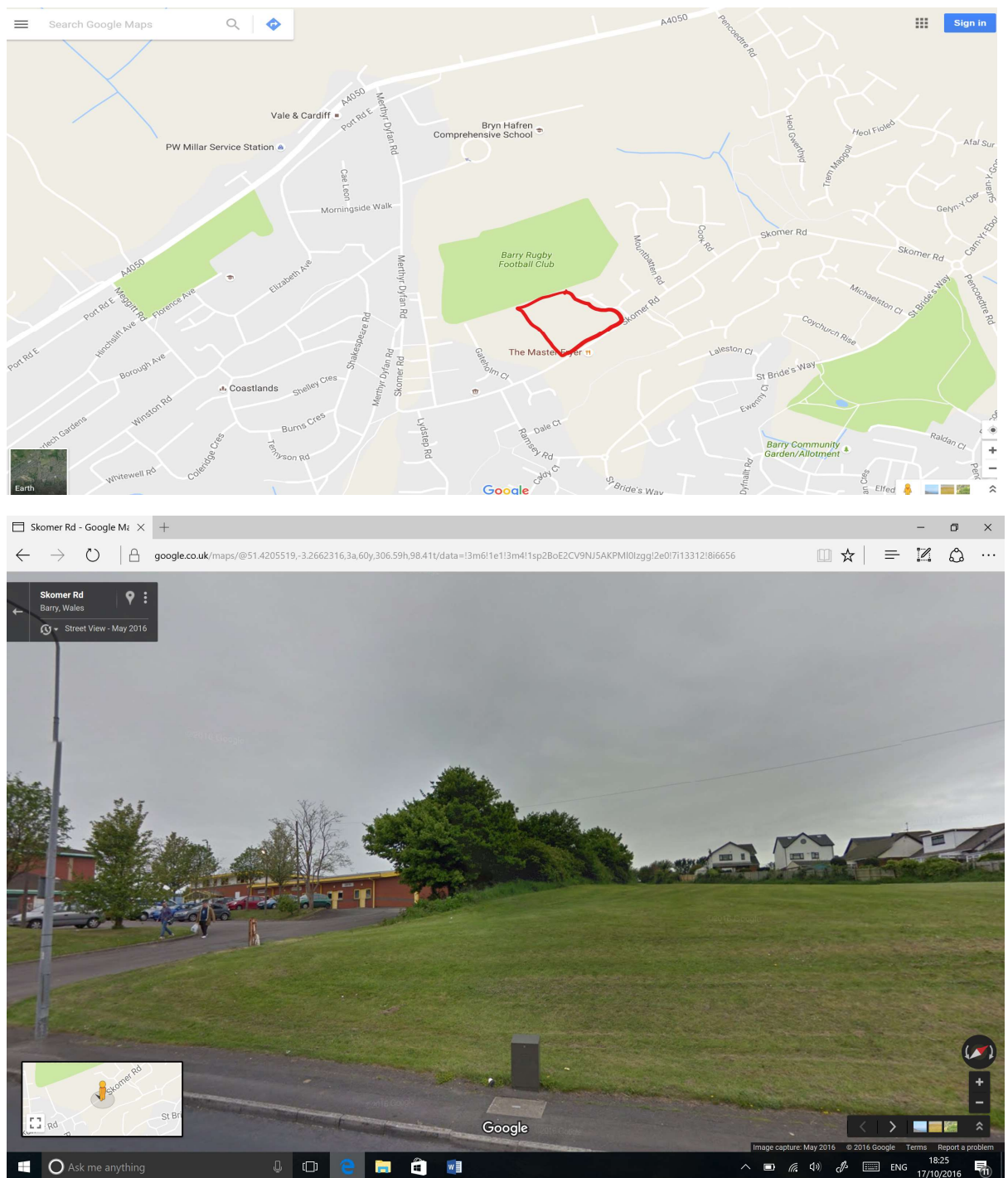
### Maes y Ffynon



Within 500m

- Shop; Bus Stop; Lit footpaths; Post box; Employment; Pub

## Skomer Road



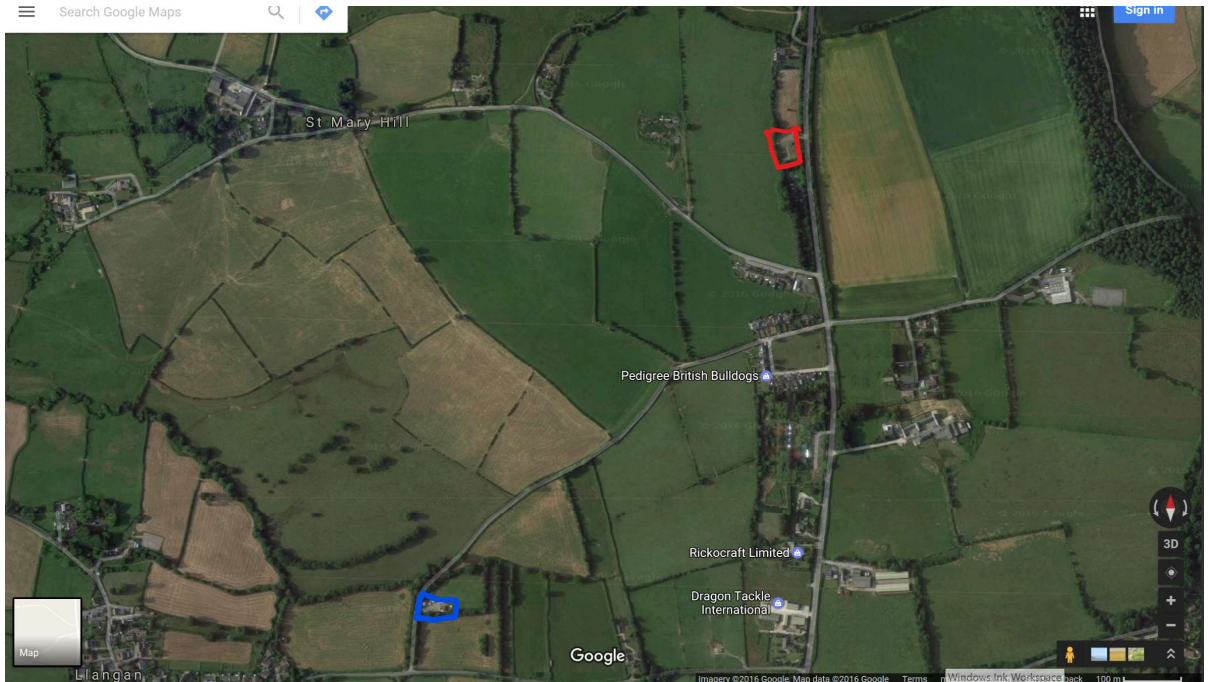
Within 500m of this site are:

- i. Bus stop; School; Leisure centre; General Stores; Doctors surgery; Roads are well lit and paved.
- ii. Site is serviced at boundary.

## Appendix 9



Alternative site for family currently residing on MG5 – RED land is owned by the family.



Proposed Site

Existing MG5



## Appendix 10



Alternative Site in Wenvoe

