

# Llangan Community Council

## Statement – Hearing 25 Gypsy and Travellers (2)

Representor ID – 5122

The following statement by Llangan Community Council covers the below question raised by the inspector for discussion at the Hearing 25 meeting on the 25<sup>th</sup> Jan 2017. The response covers amended proposals for MG5 , MG18 and the site map MAC112. Llangan Community Council would like to express its opposition to the proposed expansion of the current unauthorised site at Llangan. The council and local community support the current residents request to live peacefully within the local community, on the current site (no expansion) or their own land nearby.

Items to be discussed:

#### **4. New site at Llangan (proposed amendments to Policy MG5 via MAC50 and Proposals Map MAC112)**

- ⊗ What is the size of the site/ How many pitches are proposed?
- ⊗ What is the current status of the land?
- ⊗ Is the allocation consistent with national planning policy?
- ⊗ Are there any significant constraints/ barriers that make the site unacceptable/ undeliverable?

#### **5. Policy MD18: Gypsy and Traveller Accommodation**

Should criterion 1 refer to ‘local’ need given the definition of Gypsies and Travellers in WG Circular 30/2007?

Is the Policy consistent with the advice set out in national policy?

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

The current family occupy a small part of the proposed site, the council has made the following proposal:

***The Council has proposed that the allocation at Llangan will accommodate the need of those currently occupying the unauthorised Llangan site and one family from Wenvoe, and is also capable of expansion to accommodate more pitches in due course.***

The VOG proposal identifies the need of the current family and another family that do not live in the local area and have no connection with the current residents. The additional wording of “*and is also capable of expansion*” grants permission to develop the remaining larger part of the greenfield site without further independent review. This should be considered as “development” in open country side, from a planning point a view. From the previous LDP stage the Vale of Glamorgan Council suggested that the Llangan site is suitable for 21 pitches, highlighting the councils future intent. If the council expand the site further, then the size of the development would overshadow the hamlet of Llangan with only circa 35 houses and classed as a conservation area (see CA Appraisal report 2009).

This unsympathetic proposal with open “expansion” option, would have a negative effect on the character of Llangan hamlet, and would not respect its immediate setting and the wider surrounding countryside, due to the inclusion of the whole site (in red), not just the current family site (in blue). The future scale of the site could be very large (>21 pitches) when compared to the hamlet of Llangan.

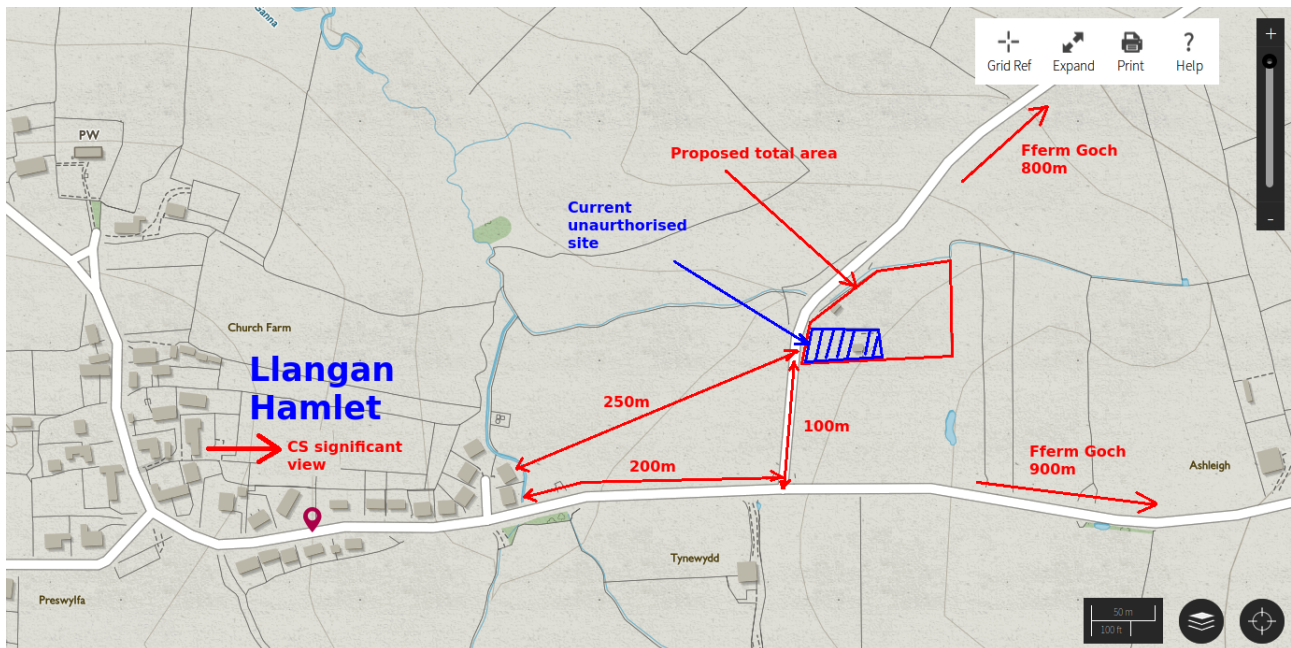


Figure 1

The VOG has previously stated that the site is 250m from Llangan (not 600m as described in the SSA). In this case the SSA for Llangan should be used, not Fferm Goch. The VOG Llangan SSA identifies Llangan as a HAMLET in the LDP and not sustainable for further development.

The expansion of the current unauthorised site would also have a significant effect on the character and appearance of Llangan and its conservation status. The conservation document states the following:

*“Having designated the Conservation Area, the local authority has a statutory duty to ensure that the character of the area is preserved or enhanced”*

The proposed site expansion will change the significant views stated in the appraisal. The significant view looking east from Oakfield and other dwellings will look directly over the proposed site (Figure 1 / CS appraisal report) . The enlarged site will be clearly visible from many of the houses in the protected area and the lower half of Llangan. Also any suggested widening of roads would erode the below statement.

*“Hedgerows provide rural boundaries along the approach to the village”*

*Any road widening required to support the increase traffic and emergency vehicles would change the character of the roads into and out of the hamlet.*

Within the Llangan conservation report , the review team have made the following statement in the document (see Llangan conservation report pg22):

**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.***

The proposed site expansion goes against the above Conservation team recommendations.

The proposal includes the addition of one family and the future “expansion” statement, but does not give any detail on how a larger site could be sustainable.

- No local facilities. Cowbridge is the closest town (7.5Km) accessible by car.
- No public transport. (Phone up, pre book bus only)
- Llangan hamlet is not large enough to provide facilities required to support a sustainable development in accordance with Designing Gypsy and Travellers Sites Good Practice Guide. The closest settlement, Fferm Goch has limited services, no shops, pub and the school is full.
- The proposal would not meet the identified needs of Gypsies and Travellers, in the Vale of Glamorgan;
- The proposed expansion would not promote sustainable access to employment, shopping, education, health, leisure and sports facilities;
- The proposal would not maximise opportunities for community development and social welfare due to its potential large size;
- The proposal would not foster social inclusion due to the isolated location of the settlement;
- The proposal would not contribute to improvements in health due to the isolation from services and facilities.

The development of an extended site at Llangan would not constitute sustainable development and this is also supported by decisions to reject a number of planning applications and appeal decisions.

## **2/ What is the current status of the land?**

The current family have lived on the unauthorised site for over 20 years and have raised an objection to this unfair proposal. The family (Carroll) has gained some understanding with the local community over the years. Moving a new family from Wenvoe could cause problems, fear and worry for the family and the local community. If the VOG Council had discussed this with the family before making the proposal they would have known their concerns. The family are currently using adjoining greenfield land for horses and recreational use. Llangan Community Council has considered this land for a community allotment scheme that would include the current family.

The 2007 Fordham report states that travellers do not want large scale sites of mixed denominations away from services, as this creates an environment of social isolation. The national policy also reflects the criteria for large sites close to local facilities, through what national policy describes as “sustainable locations”.

The site is classed as “unauthorised” . The former South Glamorgan CBC granted permission to develop the site to accommodate a single family. Llangan community challenged the decision 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 VOG sought to identify alternatives at the next opportunity being the LDP. The VOG describes the site as “tolerated”. this relates to the current family living at the site only.

During the course of the Court of Appeal South Glamorgan County Council Exp Harding CO/510/95) 27 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.

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

The Vale of Glamorgan proposal is not consistent with policy MD18 or other National or Local Planning Policy (*Welsh Government Circular 30/2007*)

#### **POLICY MD18 - GYPSY AND TRAVELLER ACCOMMODATION:**

##### **1.IT IS DEMONSTRATED THAT THERE IS A LOCAL NEED FOR THE ACCOMMODATION.**

The only local need is to settle the accommodation for the current family living in the area (Mr Carroll). The council has sought to expand the size of the site to accommodate a family from Wenvoe and additional pitches via the “expansion” wording. This does not demonstrate local need or meet the requirements of the *Welsh Government Circular 30/2007*.

##### **2. THERE IS REASONABLE ACCESS FROM THE SITE IS WELL LOCATED FOR TO DAY TO DAY SERVICES, FACILITIES AND EMPLOYMENT, INCLUDING SCHOOLS, MEDICAL FACILITIES, SHOPS AND OTHER LOCAL SERVICES AND COMMUNITY FACILITIES;**

Main services (doctor, dentist, shops, library, post office) are in Cowbridge (7.5km away), via a dual carriageway. Access is by car only as there is no regular bus service and its unsafe to walk or cycle. The school is 1km away via a narrow road with high hedgerow and no pavements or lighting. The school is oversubscribed and children from the new estate in Fferm goch are attending other schools. The VOG has used a 5 unit industrial site in Fferm Goch to justify the SSA employment score (given the same as Barry town), this is totally unreasonable.

### 3. THE SIZE OF THE SITE AND THE NUMBER OF PITCHES ARE APPROPRIATE TO ITS LOCATION AND ACCOMMODATION NEEDS OF THE APPLICANT;

The current site is of a small size, and the family have the means to run a number of vehicles in order to access distant services and work in Cowbridge and further afield. The proposed expansion, moving a family from Wenvoe and expansion to 21 pitches is totally out of scale with Llangan hamlet, unsustainable due to the lack of local services, no school places, no regular public transport or work opportunities close by.

### 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.

There are issues relating to site access, fire service access, access by large traveller vans may also not be possible (assessment required). The site access is restricted to 2.5m along the direct access road to the site and <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 have footpaths or lighting and are bounded by high mature hedgerow making them dark and unsafe for walking or cycling. The lane directly servicing the site is limited to 2.5m and does not meet the 3.7m limit required by the fire service (unsafe).

### 4/ Are there any significant constraints/ barriers that make the site unacceptable/ undeliverable?

Due to the limited local facilities, poor roads and access, no public transport, any extended site will need to provide ancillary facilities to support a sustainable development as in accordance with "Designing Gypsy and Travellers Sites Good Practice Guide". The VOG have stated "*capable of expansion*" but have not detailed any plans or costs involved for a larger site (open door policy). In this case the "*expansion*" statement should be removed, or justified in more detail.

The proposed extended site lies in an area providing a significant 'view' from the conservation area of Llangan and St Mary's Hill. An extended site of this size suggested on the MAC 112 plan would overpower the hamlet nature of Llangan and would impact on the character of St Mary's Hill and Fferm Goch (that has already received an additional 40 new homes in 2016). Further development in the local area would completely overload the existing infrastructure, change the nature and character of the rural area.

The VOG SSA states that the site will not effect the Conservation Status of Llangan, this is not correct as the conservation report lists "significant views" that look east to the proposed site. Currently the small site is just visible, the proposed larger area will be clearly seen from the conservation area and the lower part of Llangan, St Mary Hill and Fferm Goch.

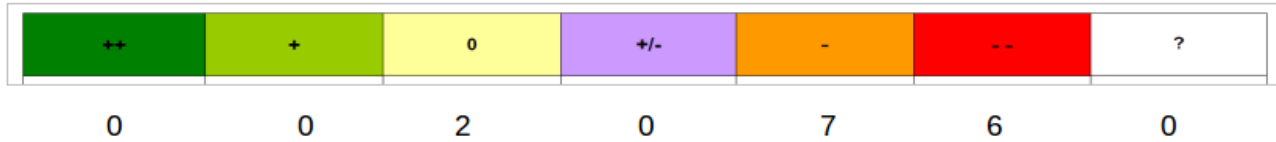
To overcome this issue the VOG has tried to align the proposal evidence data to Fferm Goch, not Llangan. In order to make a fair judgement of the SSA, it should be based around Llangan. Services and employment should be recognised as low level. The local junior school is oversubscribed and could not take the Mr Carrolls extended families, young children.



The Community Council has reconfirmed the SSA assessment based on Llangan and made the following recommendation (please see update SSA in the appendix).

The update SSA summary score (Llangan Community Council) can be seen below

**Summary**



The Vale of Glamorgan completed an SSA for Llangan, please see below. VOG , SSA for Llangan scored 4 and defined Llangan as a Hamlet.

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)
51	Llangan	0	0	0	1	1	0	0	0	0	0	0	0	2	0	4	98

The employment score of 2 is based on five small industrial units located in Fferm Goch and should not apply to Llangan.

**Legal Undertaking**

The Community Councils understanding from local residents is 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 that is still in force.

**5. Policy MD18: Gypsy and Traveller Accommodation**

Should criterion 1 refer to 'local' need given the definition of Gypsies and Travellers in WG Circular 30/2007?

Is the Policy consistent with the advice set out in national policy?

The VOG have made the following statement:

*“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”*

*Welsh Government Circular 30/2007 (statements)*

*“When identifying sites the local planning authority should work with the Gypsy and Traveller community. This should include encouraging Gypsies and Travellers to put forward candidate sites as part of the LDP preparation process”.*

The VOG have not discussed the proposal with Mr Carroll or the Wenvoe family, nor have they encourage or offered the opportunity to put forward their own sites. In the case of the Mr Carrolls family they have a real desire to move to their own land based locally.

“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”.

The proposed extended site stated as ‘suitable for up-to 21 pitches’, would be a similar number of people to the population of Llangan, dominating the small hamlet.

**Rural exception site policies** for Gypsies and Travellers should operate in the same way as rural exception site policies for housing, 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 family or employment connection. The current Llangan family meet the above statement, the Wenvoe family do not, as they have no connection with the area. Any expanded site should focus on families with a local connection. This is highly unlikely as there is no other local need identified.

### **Conclusion**

The Community Council represents the local community including the current family on the Llangan site. The proposal has not been discussed with Mr Carroll or the family from Wenvoe, so they are naturally very concerned. Any expansion of the current site is not in the interest of Mr Carroll or the local community. Mr Carroll has discussed his concerns with Llangan councillors and representatives from Llangan Action and we are all in agreement in rejecting the expansion proposal.

The VOG has without sound reasoning or by following local or national planning policy decided that the site in Llangan is suitable for 2 pitches **and further expansion**. The size of the total site would suggest that the council have in mind larger site, of an inappropriate scale and unsustainable in such a rural location close to Llangan Hamlet, with no local services, poor roads, street lights, shops, health care, over allocated school. Looking at the support documents the VOG has made the evidence fit their case in order to justify a poor site selection, without looking again at land they own or owned by the travellers to support single families.

Llangan Community Council would like to suggest the following options for the inspector to consider:

1/ Support the application of the two sites currently in the ownership of the families within Llangan and Wenvoe, and could be considered as appropriate allocations by way of Rural Exception Policy, specially relating to the individual family circumstances. Once the current site has vacated the small tarmacked area could then be cleared back to a greenfield / agricultural use, as requested by the Consequential Order (Mr Justice Scott Baker). This would allow the families to remain in the communities in which they currently live. It would also allow the VOG to finally comply with the High Court Ruling and Legal Undertaking.

2/ The site boundary at Llangan restricted to the current area occupied by Mr Carrolls family on the current hardstanding area to protect the wider area (figure 1 in red). The site could then be allocated by way of he Rural Exception Policy and the wording “expansion” removed from MG5. MAC 112 modified to show a reduced allocated site.

The site owned in Wenvoe allocated for the residing family via the Rural Exception Policy.

3/ That the council provides to the inspector a schedule of all sites within its ownership for the Inspector to consider alternative sites.

# Appendix

## 1/ Llangan Community Council – updated SSA based on Llangan Hamlet.

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).	<del>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.</del>	<del>X -</del>
	Whole or part of the site has been promoted for affordable housing.  The site is located in an area of housing need as identified in the Housing Market Assessment Study	<del>The site is not being investigated for these uses. 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.</del>	<del>X -</del>
2. To maintain, promote and enhance the range of local facilities	The site is promoted for community, leisure and recreational facilities.	<del>The council have not sought the views of the local community or the current family residing at the site. The family are currently using adjoining greenfield land for horses and recreational use.</del>	<del>X -</del>
	The proposal would not lead to a loss of a community facility.  The site has the potential to provide community facilities.		

3. To maintain and improve access for all	Existing services and facilities are easily accessible from the site by walking, cycling or public transport.	<del>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.</del>	<del>X -</del>
	<del>There is no shop, doctors surgery, dentist, public house, telephone box, public footpaths, children's play areas. The nearest services are at Cowbridge that is 7.5Km away by car. Cycling or walking there is also very difficult due to the dual carriageway and long distance. Note. Regarding the stated "Greenlinks" bus service, this is a "phone up", on demand service This cant not be classed a regular bus service.</del>	<del>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.</del>	
4. Reduce the causes of deprivation	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.	<del>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.</del>	<del>0 -</del>
	<del>Little access to employment, health, housing or education. The VOG have scored 0 on a wider statement that ANY site would improve access to these facilities, which is not site specific. The SSA is a site specific assessment and must be judged against other sites. The council has only considered large sites (for &gt;20 pitches) rather than family sites suitable for Mr Carrol or the family from Wenvoe, when considering the Llangan allocation / expansion proposal.</del>		



<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> <p>The site proposal will not provide employment opportunities, the VOG have used a wider statement that would apply to any site. The SSA is site specific, it must apply the relevant</p>	<p><del>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.</del></p>	<p><del>0</del> --</p>
<b>14. To maintain and enhance the viability of the Vale's town, district and local centres</b>	<p>The site is located either within a centre, edge of centre or an out of town location.</p>	<p>The development proposed will not impact upon the viability of the Vale's town, district or local centres.</p>	<p>0</p>
<b>15. To promote appropriate tourism</b>	<p>The proposal is either for a new or enhanced tourism facility or would not result in a loss of a tourism facility.</p>	<p>The proposal would not contribute to the promotion or development of tourism within the Vale of Glamorgan.</p>	<p>0</p>