# DESIGN AND ACCESS STATEMENT

Change of use of agricultural land to a Gypsy / Traveller Site
For a single family pitch together with Bio-Disc Sewage Treatment Plant and improved vehicular access, graveled hard standing and turning area (part retrospective)

Land on Llyndir Lane
Rossett, Wrexham
Easting: 336904
Northing: 357865

Trevor Mennell Planning
JUNE 2024

## Description

Proposed Change of Use of land to 1 no. residential caravan pitch (part retrospective on land west of Llyndir Lane, Rossett, Wrexham for the purposes of occupation of Gypsy and Travellers as defined in Circular 30/2007.

The proposal is for 1 no. traveller pitch to include 1 no. static caravan (mobile home), 1 no. touring caravan, 1 no. dayroom, general hardstanding, bio-disc treatment plant and amendments to vehicular entrance with pony paddock as shown on block plan (Plan No. 71422:1001).

## The Site

The application site is a modest parcel of land located to the Northwest of Wrexham Town and close to Rossett. It is generally triangular in shape and generally a flat site. A topographical survey plan is attached (Plan No. 71422:1005).

The site is surrounded with native hedgerows and trees and is currently grassland used for grazing. All amenities are nearby in Rossett off the B5445 Chester Road at Llyndir Lane Junction. A 'Street Checker' document is attached showing distances from the site to amenities.

The site is accessed off a narrow country lane, as short distance from Rossett. The site is in the ownership of the applicant.

Main services, water and electricity are located to the boundaries of the site.

## Enforcement Visit

Wrexham Council Enforcement Officers visited the site and met the applicant on site requesting a retrospective planning application be submitted as my client and the children had now occupied the site. At the time of writing, they have now been on site five weeks. However, other than an email to the applicants agent at this time no formal notification has been registered.

## Drainage

There are no public foul sewers within the vicinity of the site as can be seen from the sewer asset map. It is therefore proposed to connect the development to a Clenviro Sewage Bio-Discsewage treatment Plan (details attached). Percolation tests will be carried out to satisfy any soakaways proposed.

## Visual Amenity

The immediate locality of the site is in the countryside approximately 300m outside the development boundary of the village of Rossett and close to Chester and Wrexham. Street lighting exists along Llyndir Lane leading to the Chester Road junction (B5445). Children also use the route to access the school nearby. The site is screened by dense native hedging and will have a 1.8m inner close boarded fence.

## Occupation of the Site

The site is currently occupied by the applicant, Mr Jerry Berry Jnr, his wife Ann and two young children (additional information is provided in a PRIVATE and CONFIDENTIAL Personal Circumstances document separate to this statement).

The fields outside the boundary of the proposed site will provide grazing for the applicant's ponies. My client wishes me to add that having made enquiries to the Council, Officers have been unable to recommend any alternative sites. The Councils only site at Ruthin Road is full to capacity and is currently being decanted. No further sites are available or forthcoming in the near future.

## Need and Supply of Traveller Sites

It is well documented on previous appeal documents by appointed Inspectors that there is an additional general need for pitches within the Wrexham area and the need is continually increasing as confirmed by the GTAA.

## Ecology

An ecologist has been appointed, Mr Ed Lomas of Camlad Ecology Ltd to carry out a report on possible ecological impacts of the proposed development, alongside Llandir Lane (a minor road).

The site consists of compacted gravel on sand and gravel natural subbase. The report will seek to establish whether a single traveller pitch will determine whether the development is likely to have any impact or protected and priority species or on valued habitat.

However, due to the timing of dipping for GCN, this will be submitted during the planning process.

## Arboriculturist

An arboriculturist will be appointed but due to the 28-day limited period by the Wrexham Council Enforcement team (with no formal notification) this will be forwarded during the planning process.

## Flood Map

An NRW flood map forms part of the planning application showing the site is on the fringe of Flood Zone 2 (medium risk). No flooding has been experienced over the last 5 years when serious rainfall has been experienced.

## Vehicular Access

It is proposed that a new gateway is introduced within the design of the development where vehicles can pull off the main highway (refer to Drawing No. 71422:1004) and include access provided for emergency vehicles. This will replace the previous temporary access. Generally, traffic generation from the site will be low. No

businesses will be run from the site. Traffic movement along the lane is low providing access to near by dwellings and agricultural small holdings. A hotel is nearby but is currently closed.

## Housing (Wales) Act 2014 (Part 3)

Following the introduction of the Housing Act 2014 there is now a statutory duty on local authorities to provide Gypsy and Traveller sites where there is evidence of NEED. The personal Circumstances of the family will be detailed in a separate document and it is therefore submitted that the continued lack of supply of family sites and matters arising from the European Convention on Human Rights and the best interest of the two children along with the key principles arising from recent case law, all contribute towards a package of evidence in favour of my clients scheme. The scheme falls well within the national and local policy framework relating to Gypsy and Travellers.

It is important when considering the current unlawful use of the site to consider the current lawful use of the site consisting of well screened agricultural land with only a modest area of grass paddocks for grazing ponies in company with the wider area of un-developed agricultural land. The siting of both the existing and proposed structures / caravans mean views from public vantage points would be somewhat limited. In particular through the surrounding native hedges and trees adds further weight to my client's proposal. None of the existing trees on site will be removed. There permanence is an important feature of the site for its lifetime.

The extent of any harm to openness of the site is therefore minimal.

The minimal effect on the character and appearance of the immediate area with particular reference to the location of the site within the countryside designation as defined in the now out of date Wrexham Unitary Development Plan 1996 – 2011 and whether any harm could be identified would be outweighed by other considerations as discussed in favour of my client's application in particular the Councils lack of provision of Gypsy and Traveller Sites within the area and those associated with personal circumstances of the persons to which the application relates.

Where a GTAA identifies an unmet need, planning authorities should allocate sufficient sites in development plans to ensure that the identified pitch requirements for residential use can be met and are deliverable. Wrexham Councils first submission of its future LDP was returned by the Welsh Office due to its limitations on the provision of identified sites. It did not accord with Welsh Government Circular 30/2007 superseded by Circular 005/2018.

Wrexham Council carried out an Assessment of the Accommodation Needs reference to GTAA 2015 – 2020 identifying an undisputed need. It is noted that little consideration has been given to turnover of pitches within the GTAA. The Councils own Ruthin Road site is currently being reduced from the 15 authorised pitches to 9 in order to improve the living arrangements. The 6 pitches lost will need to be replaced. The GTAA identifies a need of 28 pitches over the 15-year LDP period. Also, the Council have identified 3 no. future council sites averaging 7 pitches each at Brymbo, Llay and Hammer.

The GTAA was approved back in 2017 and there is no confidence by local travellers that any of the sites will be supported or come into being with the current capital funding shortage within Councils budgets being cut.

Approving my client's private site will contribute to the 'Identified' NEED of 28 + 6 pitches totalling a 34 pitch need and provide the families with a stable base in particular for the children, education, health and general welfare.

## Conclusion

In support of the scheme a separate document includes the Very Special Circumstances of the families which gives weight in support of my client's appeal following the well documented shortage of traveller pitches throughout Wales and Wrexham Council's inability to provide a 5 year supply Part 3 of the Housing (Wales) Act 2014 which has brought about a statutory duty on local authorities to provide Gypsy and Traveller sites where there is evidence of NEED. Moreover, it is submitted that the personal circumstances of the individual members of the families, the continued lack of supply, matters arising from the European Convention on Human Rights, and the best interest of the children along with the key principles arising from

recent case law all contribute towards a package of evidence in favour of the scheme presented here to the LPA. The fact that the applicants and the other family beneficiaries comprise Travellers as defined by W G Circular supports the engagement of the local and national policy framework relating to Gypsy and Travellers.

The minimal effect on the character and appearance of the immediate area with particular reference to the location of the site within the countryside designation as defined in the now updated Wrexham Unitary Development Plan. Whether any harm could be identified would be outweighed by other considerations as discussed in favour of my client's application in particular the Councils lack of provision of Gypsy and Traveller Sites within the area and those associated with personal circumstances of the persons to which the application relates.

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The GTAA was approved back in 2017 and there is no confidence by local travellers that any of the sites will be supported or come into being with the current capital funding shortage within Councils budgets being cut.

Approving my client's private site will contribute to the 'Identified' NEED of 28 + 6 pitches totalling a 34 pitch need and provide the families with a stable base in particular for the children, education, health and general welfare.

My client wishes me to add that despite meetings with the Councils Gypsy Liaison Officers he has been unable to find an alternative site. Sites are either unsuitable for his family's needs, unavailable because of the reluctance of landowners to sell land with the prospect of such an impending use, or land is simply unaffordable. It is my view that the lack of available sites and the personal circumstances (submitted in a separate Private and Confidential document direct to the allocated planning officer) merits substantial weight to approve of my client's planning application.