DESIGN AND ACCESS PLANNING STATEMENT

APPLICATION SITE:	**LAND TO THE NORTH OF CROSFOEL COURT, RHOSTYLLEN, WREXHAM. LL14 4DR**
PROPOSED DEVELOPMENT:	**CHANGE OF USE OF LAND TO A 4 PITCH FAMILY GYPSY & TRAVELLER SITE (RETROSPECTIVE)**
APPLICANT:	**MR T BERRY**
PLANNING AGENT:	**MR MIKE CARR MSc MRTPI – MAT DESIGN LIMITED**

1. THE APPLICATION SITE & ITS SETTING

The site that is the subject of this planning application is parcel of land that covers approximately 0.4Ha, which is located to the west of the Rhostyllen settlement boundary. The site is bounded to the north by open fields, residential accommodation at Crosfoel Court (from around 2009) is located directly to the south, the A483 runs adjacent to the site to the east, whilst the B5098 forms the sites western boundary from which vehicular and pedestrian access is taken.

The Rhostyllen settlement boundary is located some 150m away to the east, whilst Wrexham Town Centre is approximately 750m away to the east, confirming that the site is accessible and is well related to community facilities, schools and medical service and services for the families. The application site and its position in the local area and proximity to the settlement boundary is shown circled red on the below aerial images.



The development site circled red – Source Google Maps 2025

2. RELEVANT PLANNING HISTORY AND LAND USE

There is no planning history available that affects the consideration of this planning application

3. THE PROPOSED DEVELOPMENT

The proposed development would consist of the material change of use of the land to provide a 4 pitch Gypsy and Traveller family site, including the erection 4-day rooms (linked)the retention of the permeable surface and the erection of boundary fencing, which would be acoustic fencing to the boundary with the A483. Site landscaping is shown on the submitted plans, whilst additional elements of biodiversity gain can be introduced via planning condition, should the LPA consider that this site is in a sustainable location adjacent to an existing settlement boundary with access to local services. Vehicular access would be taken via the access onto the B5098.

Due to the family having nowhere else to live, some of the proposed work has been carried out and the applicant and his family have now occupied the land that they own.

4. THE LOCAL PLAN FRAMEWORK

The new Wrexham Local Development Plan (LDP) is no longer part of the development plan for Wrexham County Borough following the High Court decision to quash the decision to adopt the plans. The reasons for that ar set out in the 7th of July Officer Report to Committee. A copy of that report is attached this this planning application and is a material consideration in this case.

This means that the fallback position for the consideration of this and other similar planning applications, would be the 1996 – 2011 Wrexham UDP, the Planning Policy for Wales Version 12 and in this case, the Welsh Government Circular 05/2018: Planning for Gypsy, Traveller and Showpeople Sites (June 2018).

We have attached a copy of the Committee report that explains the reasons for the quashing of the Local Plan, but for the purposes of this application we would highlight that the Local Plan framework was made up of the Wrexham Local Development Plan 2013 – 2028 and the following Local Plan policy is the most relevant to the consideration of this planning application. We consider that this is helpful to see how the Council would seek to consider windfall sites such as this.

- **Policy HN5**: Gypsy and Traveller Accommodation, which sets out that proposals for gypsy and traveller caravan sites will be supported in **sustainable locations within or adjacent to existing settlement boundaries with access to local services**. If it can be demonstrated that no suitable pitches are available at such locations, sites in the open countryside will be supported. In bringing forward sites, consideration should be given to paragraph 37 of advice in Welsh Government Circular 05/2018: Planning for Gypsy, Traveller and Showpeople Sites (June 2018). Proposals will also be assessed against policy DM1 of the LDP and any other relevant polices depending on the site's location and associated constraints.

  We consider that the proposed development would comply in principle with the provisions of Local Plan Policy HN5

- Welsh Government Circular 05/2018 paragraph 37 sets out 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. Consideration may include the following matters as listed below. This list is not exhaustive, and regard should also be had to other national planning policy requirements set out in Planning Policy Wales and Technical Advice Notes:

  • opportunities for growth within family units.

  • the promotion of peaceful and integrated co-existence between the site and the local community.

  • access to health and education services.

  • access to utilities including water, wastewater disposal and waste collection services.

  • access by walking and cycling, public transport and private motor vehicles (including emergency vehicles);

  • suitable nearby or on-site safe play areas.

  • contribution to a network of transit sites which reduce the need for long-distance travelling or unauthorised encampments.

  • not locating sites in zone C2 risk of flooding and only considering sites for location within zone C1 risk of flooding in line with guidance contained in TAN 1512, given the vulnerability of caravans; and

  • regard for areas designated as being of international, national and local importance for biodiversity and landscape.

  We consider that the proposed development complies with the provisions of the Welsh Government Circular 05/2018 paragraph 37

  Local Plan Policy HN4 also has some relevance to the decision-making process, given that is seeks to set out the levels of need I the Borough. We would highlight however, that Policy HN4 does not provide a delivery solution for the levels of need identified, with bullet point 4.2 setting out that “based on the need identified in the GTAA, the Council has allocated 1 site of 8 pitches as identified in policy H4 and as shown on the proposals map. In addition, there are also ongoing discussions about the further delivery of private sites which, if permitted, would contribute to the identified need and may reduce the need for further allocations.

No other delivery strategies have been generated as we understand it, meaning that the LPA rely solely on Policy HN5 at a local level and the detailed provisions of the Government Circular to make their assessments of planning applications.

Given the status of the Local Plan, the fallback position locally would be the national planning guidance and UDP Policy H9, which advises that in exceptional circumstances, where sites for caravans for individual gypsy families cannot be accommodated within settlement limits, consideration will be given to other proposals, subject to compliance with Policy GDP 1. In this case, no sites or pitches are available within any Wrexham Borough settlement limits.

UDP Policy GDP 1 sets out the following objectives:

Development Objectives

Policy GDP1 All new development should:-

a) Ensure that built development in its scale, design and layout, and in its use of materials and landscaping, accords with the character of the site and makes a positive contribution to the appearance of the nearby locality.

b) Take account of personal and community safety and security in the design and layout of development and public / private spaces.

c) Make the best use of design techniques, siting and orientation in order to conserve energy and water resources.

d) Ensure safe and convenient pedestrian and vehicular access to and from development sites, both on site and in the nearby locality.

e) Ensure that built development is located where it has convenient access to public transport facilities, and is well related to pedestrian and cycle routes wherever possible.

f) Ensure the safety and amenity of the public and safeguard the environment from the adverse effects of pollution of water, land or air, hazards from industry and quarrying, and associated noise, odour or vibration arising from development.

g) Secure public services (e.g. gas, water, electricity) to development at minimum public cost.

h) Safeguard sites and areas of nature conservation and wildlife interest, and to provide new habitats where there is an unavoidable loss of existing habitats and areas of wildlife interest.

i) Ensure that development does not result in, or is subject to, flooding, soil erosion, landslides or contamination, either on or off the site.

j) Have regard to the need to safeguard those areas that possess a strong Welsh cultural and/or linguistic identity from development that could harm this identity.

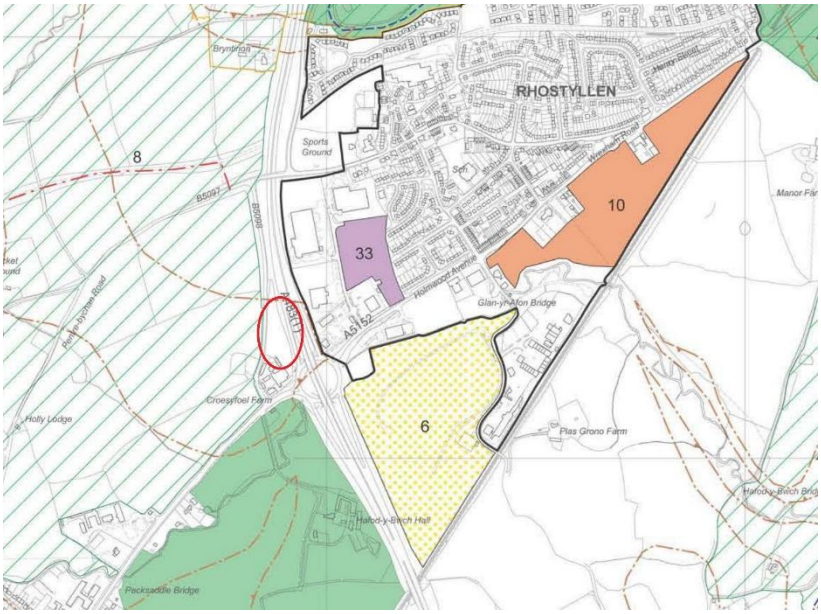
k) Secure the development of sustainable communities, through the promotion of the economic, social and environmental well-being of the area.

We consider that the proposals for this site comply with bullet points a through to k of UDP Policy GDP1

5. THE SITES LAND USE ALLOCATION

The High Court of Justice (19th May 2025) decided to quash the Wrexham County Borough Council's decision of 20th December 2023 to adopt the Wrexham Local Development Plan (LDP), and that LDP is no longer part of the development plan for Wrexham County Borough has significant implications attached to the consideration of this planning application, given that the application site was to be demoted as part of a Green Wedge and the new Local Plan.

Since the High Court decision the UDP, planning policy for Wales and the Circular now form the adopted planning framework and we would highlight that for purposes attached to the consideration of this planning application, the UDP Proposals Map identifies that the site is NOT in the Green Wedge. In addition, we understand that the application site (CIRCLED RED BELOW) is not affected by any other local land use constraints such as heritage assets or protected trees.



Map Source – Wrexham Unitary Development Plan Map 4 - Urban and rural villages

6. EXCEPTIONAL CIRCUMSTANCES

Given that application site is not allocated in the Green Wedge on the UDP Proposals Map 4 - Urban and rural villages, we are not required to provide Exceptional Circumstances as part of this planning application. However, if the Council consider that additional family information, including the best interests of the children is required, along with other planning considerations that we consider represent Exceptional Circumstances, these can be provided on request.

Those circumstances and other material planning considerations, such as the lack of supply and alternative pitch accommodation in the Wrexham Borough and the most up to date GTAA identifies a shortfall in pitch delivery in the Bough that can be met by windfall sites such as this.

7. PLANS AND SUPPORTING INFORMATION

Plans submitted to accompany this planning application are:

- The Site Location Plan,
- The Existing & Proposed Site Plans,
- The Proposed Site Plan and day room details,
- The Design & Access Planning Statement.

8. MAIN MATERIAL PLANNING CONSIDERATIONS

GYPSY & TRAVELLER SITE/PITCH NEED

The GTAA, which for Wrexham covered the period 2015-2020 and was approved by the Welsh Government in accordance with Section 102 of the Housing (Wales Act 2014) on 28th March 2017 and we understand that the levels of need in the Wrexham Borough from this GTAA, formed part of the Local Plan that was adopted on 20/12/2023. The levels of need in that GTAA identified that 15 residential Gypsy and Traveller pitches over a five-year period and 28 residential Gypsy and Traveller pitches over the 15-year LDP period. We are not aware of any evidence to confirm if the identified pitches were delivered before the most recent GTAA, which was issued in March 2024. The 2017 GTAA identified that there was a substantial unmet need to the Borough, which will

likely have grown considerably over the past 8 years, primarily due to family growth and children becoming adults and looking for a place of their own.

A new GTAA for the Borough was prepared and published in March 2024 and advises that the document provides a robust and credible evidence base which can be used to aid in the understanding of, and the provision of Gypsy and Traveller pitches and Travelling Showmen's plots, and potential transit provision, for the Wrexham new Local Development Plan (LDP) period to 2028. The outcomes of this GTAA will replace the outcomes of the previous GTAA.

Bullet point 1.7 sets out that based upon the evidence presented in this study the estimated additional pitch provision needed for Gypsies and Travellers in Wrexham for the first 5 years of the GTAA Study period to 2027 is for 20 pitches and need, for the remainder of the Development Plan periods is for a further 2 pitches. This gives a total need to the end of the new LDP period to 2028 for 22 pitches.

These figures should be seen as the projected amount of provision which is necessary to meet the statutory obligations towards identifiable needs of the population arising in the area. These figures are made up from a combination of unauthorised pitches; over-crowding, movement from bricks and mortar; in-migration; and new household formation. We must therefore assume, if the GTAA is a robust and credible evidence base, albeit estimated, that the 3 pitches that we are looking to bring forward via this planning application, forms part of the in-migration that ORS identify in the GTAA.

9. APPEAL DECISION CAS-03806-R1T0R9 SUBMITTED WITH THIS APPLICATION

Planning appeal CAS-03806-R1T0R9 was recently decided in the adjacent Flintshire Borough regarding an Enforcement Notice appeal case, which was attached to a similar Gypsy and Traveller development in the Green Wedge. I was the agent for the appellant.

Paragraph 20of that decision sets out that "the Council has confirmed that, despite the identified need, there are no available alternative sites within the administrative area. The evidence suggests that this situation is also

unlikely to change in the short term and the Council acknowledged at the Hearing that, despite having a criteria-based policy in its adopted LDP, it does not have a strategy in place to deal with the Gypsies and Travellers that are in immediate need for accommodation. The Council is, therefore, failing to meet its statutory duty under Section 103 of the Housing (Wales) Act. With this in mind and bearing in mind the appellant's aversion to conventional bricks and mortar accommodation, it is clear that the appellant would be extremely unlikely to find suitable alternative accommodation should planning permission be withheld. Indeed, the appellant confirmed at the Hearing that, in such a circumstance, the family, including four child dependents, would be forced into taking up an itinerant lifestyle on the roadside.

We consider that a very similar set of planning policy and pitch delivery services exists in the Wrexham Borough and that there is no strategy in place, which would treat Gyspy and Travellers in a fair and equitable way in terms of sites and pitches, when compared to those wanting bricks and mortar accommodation. We therefore consider that Wrexham Borough Council is also failing to meet its statutory duty under Section 103 of the Housing (Wales) Act. This is a significant material consideration attached to this planning application.

10. GYPSY AND TRAVELLER STATUS

Paragraph 2 of Circular 005/2018 (Planning for Gypsy, Traveller and Showpeople Sites – July 2018) identifies that the definition of 'Gypsies and Travellers' for the purposes of this Circular is contained within section 108 of the Housing (Wales) Act 2014.

Gypsies and Travellers means: (a) Persons of a nomadic habit of life, whatever their race or origin, including – (i) Persons who, on grounds only of their own or their family's or dependant's educational or health needs or old age, have ceased to travel temporarily or permanently, and (ii) Members of an organised group of travelling show people or circus people (whether or not travelling together as such); and (b) All other persons with a cultural tradition of nomadism or of living in a mobile home.

We consider that the applicant and his family, which include 8 children, meet the definition set out in the Circular.

11. PERSONAL CIRCUMSTNACES

The names, ages and medical conditions associated with the 4 related families are private and confidential but can be provided on request.

In this case, the family group have nowhere else to live and this site provides a safe and well-located site for all the residents. We consider that personal circumstances of the family and children should be afforded substantial weight in the decision-making process. We also consider would be in the interests of the children (paramount importance) and the families well-being to live together and support each other.

12. ALTERNATIVE PITCHES IN THE BOROUGH

There are no alternative available sites for the families to move to and there seems little likelihood that there will be in the foreseeable future, given that the LPA do not currently have a suitably robust policy in place, which would be capable of delivering the required number of pitches that have been identified across the most recent GTAA's.

13. FLOOD RISK

Natural Resources Wales flood mapping system identifies that the site and its surrounds fall have a very low risk of flooding from rivers, the sea and from surface water and small water courses. The below mapping extract shows the position of the site in the locality and that is not affected by flood risk from rivers, the sea and surface water



Map source – Natural Resources Wales Flood Risk Mapping

14. FOUL AND SURFACE WATER DRAINAGE

A main sewerage connection is available along the B5098 and subject to receiving planning permission, an application would be made to make a suitable connection for sewerage.

In terms of the site surfacing arrangements, this would consist of a semi-permeable gravel surface and areas of grass with the site, thereby meaning that there would be no surface water run-off from the site.

15. WATER AND ELECTRICITY

The development site has access to a fresh water supply, whilst main electricity will also be implemented once planning permission is granted.

16. SITE ACCESSIBILITY

The development site is accessible to the surrounding area and is well related to suitable community facilities and services for the prospective occupants.

17. VEHICULAR ACCESS

Vehicular and pedestrian access is taken from the site then onto the B5098, which is adopted at the point of entry. The site access provides accessibility and visibility splay, which are considered sufficient in to take the level of traffic associated with the proposed use this case. Taking this into account, the proposed development would not result in any severe highway or pedestrian safety problems.

18. RESIDENTIAL AMENITY

The proposed use of the site is for use as a family traveller site, which in effect is a residential development. No commercial uses of the site are proposed though this planning application. Furthermore, the setting and position of the development site and proposed pitches, when considered against the existing residential accommodation in the area, means that there would be no adverse impacts on residential amenity.

19. STREET SCENE

The proposed development would not be harmful to the street scene, given the sites position within the locality and the commercial activities that take place on adjacent sites and the surrounding area.

19. LANDSCAPING

Landscaping can be introduced to the site through a suitably worded planning condition and as directed by the Local Planning Authority.

20. THE PLANNING BALANCE

This is a small windfall site that would provide the applicant and his family with a sustainably located, settled and secure site, which we consider would be in the best interests of the family, particularly the children.

Further to the above, when the proposals for the site are positively considered against the adopted UDP policies, the Planning Policy for Wales and the directions that are set out in paragraph 37 of the Circular, we consider that:

- The site is well related to suitable community facilities and services for the families,
- The site is capable of being served by utilities including sustainable waste disposal and recovery and emergency services,
- This site would provide a satisfactory level of amenity standards both for its occupants and for neighbouring land uses,
- The site is not in an area at high risk of flooding given the vulnerability of caravans,
- This site and area of ownership provides an opportunity for some growth,
- The location of the site would seek to promote peaceful and integrated co-existence between the site and the local community,
- The site would provide the families with access to health and education services,
- This site provides access to utilities including water, wastewater disposal and waste collection services,
- The site is accessible by walking and cycling, public transport and private motor vehicles (including emergency vehicles),
- There are suitable and safe play areas locally,
- The site does not harmfully impact on the local landscape setting.

Overall, when one considers the substantial unmet need in the Borough, the lack of a 5-year supply of pitches and that there are no suitable, available or alternative pitches, these material planning considerations must weigh heavily in favour of this planning application.

Furthermore, given that the proposed development would provide the family and the children with a settled and secure base that would provide access to educational opportunities, we would ask that the Local Planning Authority positively considers this planning application and looks to approve the development without delay.

Such a decision would be in the best interest of the children on the site, which is paramount material planning consideration decision making process.