



DESIGN AND ACCESS STATEMENT

Change of Use to 2 no. residential caravan pitches
for a family gypsy / traveller site
to include 2 no. dayrooms
(part retrospective)

at

Land to the West of Summerhill Road,
Gwersyllt Hill, Wrexham

Description

Proposed Change of Use of the land to 2 no. residential caravan pitches (part retrospective) on land West of Summerhill Road, Gwersyllt Hill, Wrexham for the purposes of occupation of Gypsy and Travellers as defined in Circular 30/2007.

The proposal is for 2 no. traveller pitches to include 1 no. static caravan, 1 no. touring caravan, gravel hardstanding and septic tank sewage treatment plan as shown on Block Plan Ref:- 71395:1001.

The Site

The site is generally rectangular located within a small coppice of large conifer trees providing a natural screen from the outlying areas of Moss Road and Summerhill Road. The site has been established for many years and the subject of previous planning applications for stock buildings to house sheep, ponies, chickens and goats.

The buildings will remain on site and used for stabling the ponies along with the existing pony paddocks for grazing. The paddocks are in the applicant's ownership and located on the peripheral of the application site. The site is accessed off an existing driveway off Moss Road. Mains services, water and electric are available and will be connected if the Council are minded to grant approval to my clients planning application.

The site is located within designated Green Barrier land and is outside any flood plain (plan attached).

Drainage

A public foul sewer is located in the highway of a new development to the East of the site. However, a drain connection is restricted by a strip of private land owned by the housing developer. It is therefore proposed to install a septic tank and soakaway to each of the two pitches. An application for a license will be made to NRW.

The site

The application site is a modest parcel of land located to the North of Wrexham Town close to Gwersyllt and Pentre Broughton. The site is a part of a wider area of land owned by the applicant which consists of fenced pony paddocks.

The site is accessed off Moss Road and comprises a number of single storey timber buildings clad with Green corrugated sheeting. The site has a long complicated planning history.

The original planning approval was granted 12/07/1993 (Ref: GWE21255) – Description “*Farm system for beef, veal production and stationing of a TEMPORARY MOBILE HOME (in retrospect)*”. A further planning application was granted 18/05/2010 for an Agricultural Building for Produce and Livestock. There are records of the site being occupied as an agricultural and residential unit since 2008 (15 years). The site has undergone a system of tree planting and landscaping which has now grown to maturity providing dense screening.

Occupation of the Site

My client has no other site to move to and the Council have confirmed their own site at Ruthin Road is full to capacity. A personal circumstances document will be forwarded to the LPA separately to justify very exceptional circumstances in relation to possible harm to the character and appearance of the area and any loss of openness to the Green Barrier.

Enforcement Enquiry

An enforcement enquiry (ENF/2023/0265) was issued on 30th August 2023 (Wrexham Council Enforcement Officer) requesting a retrospective planning application be submitted as my client had now occupied the site. At the time of writing, they have now been on site five weeks.

Proposed Scheme

The proposed scheme is not dissimilar to its current approved use.

The agricultural use is to be retained for the housing and grazing of livestock, mainly ponies and the addition of 2 no. family caravan pitches. All buildings and existing landscaping, tree planting will be retained together with all stock fencing.

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 Seven children along with the key principles arising from recent case law, together with the sites history 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 incorporating buildings associated with stabling of ponies in company with the wider area of un-developed grassed paddocks. The siting of both the existing and proposed structures / caravans relative to the previous planning approvals mean views from public vantage points would be somewhat limited. In particular throughout the year as 'conifer trees' area continually in leaf, which adds further weight to my client's proposal. The existing trees have a Tree Preservation Order and are therefore

unlikely to 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 and the Green Barrier designation as defined in the now out of date Wrexham Unitary Development Plan 1996 – 2011. 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.

My client wishes me to add that despite meetings with the Council Officers on site they have been unable to recommend any alternative site. Generally, sites are either unsuitable for the 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.

Green Barrier

My client's site and the wider area is located within Green Barrier by the adopted UDP. The existing UDP is out of date and also there is no provision for Green Barriers within the National Policy. Although until the forthcoming LDP is close to being adopted the UDP remains the adopted development plan for the area and section 5.2 states that area's within a designated Green Barrier passes the same characteristics and importantly have the same purpose as Green Belt which is also synonymous with Green Wedge policy advocated in Section 4.8 of PPW. It is accepted that para 3.3 of WG Circular 30/2007 clearly states the development would likely comprise inappropriate development and planning permission should be granted in very exceptional circumstances which outweigh any harm identified. PPW also states that one of the most important attributes of such areas are their openness. However, the area, in this case will be maintained within its current form and therefore does not conflict with the purpose of openness. It is clear the development proposed and that previous approvals have little impact on the sites openness which would be maintained, and the use of the land would not conflict with the PPW purpose of Green Belt (Barrier).

Need and Supply of Gypsy Sites

It is well documents on previous appeal documents by an 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.

Conclusion

It is therefore considered that the above gives substantial weight to provide Very Special Circumstances to justify the granting of planning approval for a family traveller site within this location of the Green Barrier.