



DESIGN AND ACCESS STATEMENT

Change of use of land to a Gypsy / Traveller Site
To include 4 no. family pitches together with Bio-Disc
Sewage Treatment Plant and improved access
(part retrospective)

Land at Stryt Y Bydden
Caego, New Broughton,
Wrexham
LL11 6TQ

History

The site is a redundant railway siding, a branch of the Moss Valley Line which ran through the village of Caego until the 1930's as part of the Great Western Railways Network. The site generally consisting of railway ballast has been left to its natural resources and had become overgrown with self-set scrubland and fly tipping.

The sites previous owner proceeded to clear the site of scrub ballast and fly tipping and generally levelling the site from its unsightly state.

However, as no planning application had been submitted to the Council for the engineering works carried out, an injunction was issued by the Council to stop work on 29th April 2022. A High Court summons followed on the 4th May 2022 with an injunction issued against the land through the previous owner restricting work to projects on the land without a planning approval terminating on 21st July 2024.

The previous owner then approached my client with a view to them purchasing the land.

My client purchased the land and continued to level the land, installed a fence and planted a laurel hedge to which a retrospective planning application was submitted to the LPA in accordance with the court injunction. All work on site had previously been viewed and supported by the Councils Enforcement Officer as some of the work was permitted development.

The retrospective planning application P/20220976 was submitted and the application was put before Committee with a recommendation for approval by the planning officer which was then overturned by the members of the Council's Planning Committee on 6th March 2022.

The brothers and their families are Irish Travellers who have a need of a permanent site to live. The families prefer to live together on one site in order to have a family base and stability. Currently they are travelling within Wales stopping at friends and relatives on private sites, often illegally, putting those sites in jeopardy of enforcement action.

The local Councils, Flintshire, Wrexham and Powys all have no facilities for family sites so the have had no option but to purchase there own private site and apply to the Council for planning permission.

Proposal

The site in question is tantamount to being a brownfield site as it is previously developed land and used as a siding for rolling railway stock. The development proposed is for the change of use of the land to a residential caravan site incorporating the clearance of the site of undergrowth, railway ballast and provision of new fencing (part retrospective).

The proposal is to provide 4 no. residential pitches including dayrooms for the occupation by Gypsies and Travellers as defined by Welsh Government Circular 005/2018 *“Planning for Gypsy, Traveller Sites”*

The site is not located within the Councils Green Barrier of the LDP and outside any floodplain.

As the site has been totally cleared our Ecologist has confirmed it would be pointless in carrying out an Ecology survey at this stage. My client has fenced the highway frontage and planted a fast-growing hedgerow in order to screen the site and improve its bio-diversity. A 1.8m timber lapboard fence will form the other boundaries securing the site for both the children and any pets.

Pitch allocation

Pitch 1:-

Pitch 2:-

Pitch 3:-

Pitch 4:-

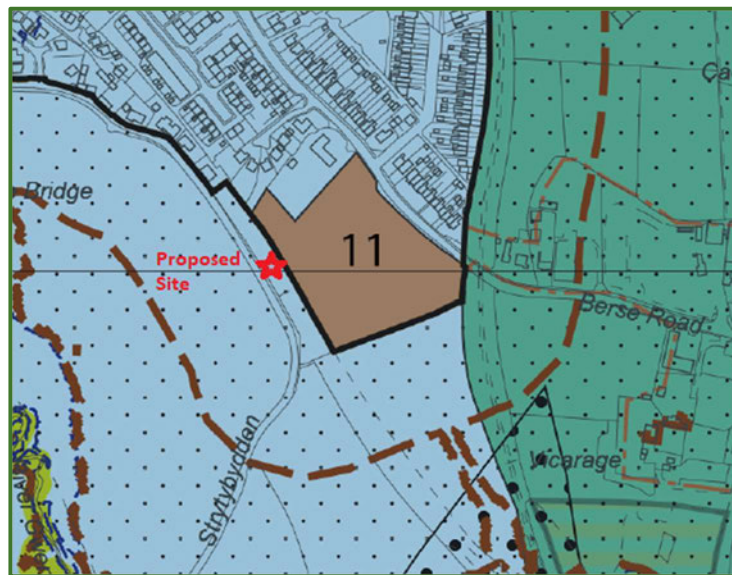
Location

The site is a redundant railway siding, a branch of the Moss Valley Line which ran through the village of Caego until the 1930's as part of the Great Western Railways network. It was reinstated in the 1960 and 1970's to serve a coal disposal point at Gatewen. Caego is a village in Wrexham County Borough, Wales immediately west of the city of Wrexham in the community of Broughton.

It is contiguous with the neighbouring larger village of New Broughton, the main road passing through the centre of the village is the B5101. Most of the houses making up Caego were built in the 1930's or later, the same period as the railway.

Schools, shops, dentist, doctors and clinics are all close by (see appendix 1 – Street Checker). The proposed development is located adjacent to the highway Stryt-y-Byddden a country road and is outside the development boundary.

The site is currently within Green Barrier in the existing UDP but outside in the new LDP which is currently still under review by the Welsh Government. Approval is imminent. My client's site is also adjacent to a proposed housing development where land is allocated within the forthcoming LDP reference no. 11 on the plan below. The application site falls on the edge of a coal safeguarding area which covers an extensive area of Pentre Broughton where the chances of removed mining excavation is virtually non-existent.



New LDP Proposal Site (Development No. 11)

Visual Amenity

The immediate locality of the site is characterised by a row of detached dwellings to the North with a proposed allocated site for housing to the East. On the Southern boundary is the continuation of the redundant railway siding previously used for rolling stock and now left to its own devices and therefore overgrown with self-set scrub.

The site will be well screened to be provided by fencing and hedge planting in all boundaries to restrict overlooking of the closest properties.

Brownfield

It is disputed that the agricultural use has now disappeared following its previous use of a railway siding and possible contamination. However, the site has now been considerably reduced in height by some 600mm and any signs of contamination would have previously been removed.

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. 71353:1004) and 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.

Access

Vehicular access to the site is off Stryt-y-Bydden. A temporary access was installed and reviewed under planning application P/2022/0976 and the highway officer advised the available visibility 2.4m x 43m in both directions was acceptable.

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 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.

Consideration should be given to the allocation of proposed housing development on the adjacent site within the LDP development boundary. Once developed it is clear

