Service Area Site, A483 at Wrexham By Pass, Wrexham, LL12 0AU

Planning Statement

Introduction

This planning statement also incorporates a brief Design & Access Statement to assist in the support of Planning application for a retrospective application for 2no mobile home, 2no touring mobile, 1no dayroom, hardstanding, fencing, installation of cesspit and associated soft landscaping. Please note that where relevant the Design & Access statement has been prepared in accordance with the requirements set out in The Town & Country Planning (Development Management Procedure) (England) (Amendment) Order 2013.

Site description

The application site, a disused service area and therefore previously developed land and not a field, is located off the main A483 Wrexham Bypass. There are public rights of way within the surrounding area, but these will not be affected by the development. The surrounding area is generally characterised by sporadic residential and commercial development.

The Proposal

This retrospective application is for: Change of use to 2no plot a gypsy/traveller site comprising siting of 2no. static caravans, erection of 1no. day room/facility block, and 2no. touring caravans.

There are existing access and hardstanding across the site, and no further hardstanding is to be laid. There is also existing fencing and hedging which is also to be retained. The site will be made up of 2no plot which will be occupied by members of the same family and will NOT be separated. It will be one whole family site with no walls etc.

There will be native hedgerow planted along all boundaries along with 2m high post and rail fencing.

The access will remain the same but will be upgraded to porous asphalt at the entrance and porous material within the site. The gates are already set back into the site and are attached to a 2m high wooden post and subsequently attached to 2m high wooden post and rail fencing.

The outbuilding will be as per the proposed plans. The application is made on the grounds of established gypsy status for the applicant and her children who have had to move on to the site following a violent attack.

Other issues to consider.

The main issue in the consideration of this application is the effect of the development on the character and appearance of the area.

The general need and supply of pitches

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 land with existing hardstanding and stable buildings. 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 the 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 this application 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.

Gypsy status/personal circumstances

Following the judgment in the Court of Appeal in the case of Smith v Secretary of State for Levelling Up, Housing and Communities & Anr. Case Number: CA-2021-001741, it should be noted that the land-use needs of potential future occupants of the site may only relate to their ethnicity and it would be considered discriminatory to exclude them from the Government's definition just because they are no longer able to travel; and the government has reverted to the following definition of Gypsies and Travellers, as set out in the PPTS:

‘Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily or permanently, and all other persons with a cultural tradition of nomadism or of living in a caravan, but excluding members of organised group of travelling showpeople or circus people travelling together as such’.

Although the applicant has provided a justification for needing a site due to their Gypsy heritage, it is unreasonable to request further information on this matter. The argument is that when granting planning permission for a farm worker's dwelling for example, the Council does not require the farmer to prove that the intended occupant is a bone fide farm worker. Instead, the Council would rely on an occupancy condition to ensure that the dwelling is used for its intended purpose.

With this background and the common use of planning conditions to restrict occupation of relevant sites to Gypsies or Travellers, the refusal of planning permission on the grounds that Gypsy status has been proven to be unreasonable.

Location

The application site is a modest parcel of land located adjacent to the A483 Wrexham Bypass. It is generally rectangular in shape and a fairly flat site. The site is surrounded with native hedgerows and trees and is currently has existing hardstanding and disused stable buildings. The site is accessed off a narrow lane, as short distance from Wrexham. The site is in the ownership of the applicant. Main services, water and electricity are located to the boundaries of the site.

Landscape impact

Guidance in the PPTS states that local planning authorities should very strictly limit new traveller development in the countryside. No specific reference to landscape impact has been outlined however this is addressed in relevant Local Plan Review policies and the NPPF.

Whilst it is acknowledged that the development would have some urbanising impact through the introduction of a mobile home, the site is previously developed land and has been used as a paddock and an old service area for some time. Further to this the site area is not considered expansive nor exposed, but instead well contained by existing established planting and grouped with existing development.

Overall, the development is considered to be well contained and seen in the context of surrounding development; and seeking further landscaping for the site (including mixed native hedgerows and tree planting by way of condition will help further help to soften the site and the overall impact of the development. Conditions could also be imposed to restrict the number of caravans that can be stationed on the site; to restrict the size of the vehicles that can be parked on the site; and to restrict the storage of vehicles and materials on the site that relate to commercial/business activities.

Biodiversity Implications

Given the current condition of the application site, it is considered unlikely for there to be protected species/habitats adversely impacted upon as a result of this development. Notwithstanding this, one of the aims of the NPPF seek opportunities to improve biodiversity in and around developments, including through integrated methods of design. On this basis, a condition could be sought for biodiversity enhancements on the site.

Conclusion

In support of the scheme, a separate document includes the Very Special Circumstances of the family which gives weight in support of the application 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 this 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. There has been no change since the Councils initial submission. 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 did identify 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 this application as a private site will contribute to the 'Identified' NEED of 28 + 6 pitches totalling a 34 pitch need and provide the family with a stable base in particular for the children, education, health and general welfare. There are no sites that are either suitable for his family's needs or are 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 this planning application.