**DESIGN AND ACCESS PLANNING STATEMENT**

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| **APPLICATION SITE:** | **LAND KNOWN AS TY-GLASS, ROSLLANERCHRUGOG, WREXHAM. LL14 6RB** |
| **PROPOSED DEVELOPMENT:** | **CHANGE OF USE OF LAND TO A 2 PITCH FAMILY GYPSY & TRAVELLER SITE (RETROSPECTIVE)** |
| **APPLICANT:** | **MR J BROWN** |
| **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 0.32Ha, which is located to the south and west of the Johnstown settlement boundary.

The site is bounded to the north by residential accommodation located along Stryt Las, to the east by an area of open land and the Conifers Care Home, open land extends away to the west, whist the site access, which serves other residential accommodation in this part of the Borough, forms the sites southern boundary.

The Johnstown settlement boundary is located some 150m away to the north and east, which confirms that the 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 2020 and 2026

**2. RELEVANT PLANNING HISTORY AND LAND USE**

There are no previous planning applications that affect the consideration of this planning application. However, we understand that the application site was developed without planning permission in 2020, with this work involving the clearance of the land (part of), along with the erection of 2m high wooden boundary fencing.

No enforcement action was taken at that time, and the development work that was carried out is now immune from any enforcement action through the passage of time.

**3. 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.

- Status of Development Plans for Decision Making in Wrexham

- The 2024 GTAA and

- Medical and school letters

## 4. THE PROPOSED DEVELOPMENT

The material change of use of the land is retrospective and consists of formation of a 2 pitch Gypsy and Traveller family site, including the erection of 2-day room the retention of the permeable surface and the boundary fencing.

Substantial areas of site landscaping are shown on the submitted plans, which will seek to replace some of the hard surfaced area previously carried out, with the proposed landscaping providing both visual and biodiversity gain to the site. We would suggest that a suitably worded planning condition could be used to require the precise details of both landscaping and biodiversity gain, should the LPA consider that this development represents a sustainable form of development, once all of the material planning considerations and personal circumstances are balanced together.

Due to the family having nowhere else to live and there being no alternatives in the Wrexham Borough, some of the proposed work has been carried out and the applicant and his family have occupied the land that they own.

## 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 forms part of the Green Barrier in the Borough. In addition, we understand that the application site is not affected by any other local land use constraints such as heritage assets or protected trees.

## 6. THE LOCAL PLAN FRAMEWORK

For purposes attached to the consideration of this planning application, the application site is located on land that forms part of the Green Barrier in the Borough.

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 are set out on 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 H9 (Gypsy Carvan Sites) identifies 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.: Gypsy and Traveller Accommodation, which sets out that proposals for gypsy and traveller caravan.

  This application includes Very Exceptional Circumstances that we consider supports the consideration of this planning application under Policy H9, which outweigh (individually or in combination) any harm caused to the integrity and visual appearance of this part of the green barrier.

UDP Policy GDP 1 is also a material policy consideration in this planning application process, 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

- 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. Compliance with the Circular directions are considered to represent Very Exceptional Circumstances in this case

**7. 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.

## 8. 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.

**9. PERSONAL CIRCUMSTNACES**

The names, ages and medical conditions associated with the family 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 very exceptional 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.

**10. 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.

## 11. 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

## 12. FOUL AND SURFACE WATER DRAINAGE

Site sewerage is provided by way of a sealed cess pit arrangement to ensure that no phosphates or pollutants escape from the site into the ground or surrounding watercourses. Such a sealed arrangement is the most sustainable foul drainage solution for this development

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.

## 13. 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.

**14. LOCATIONAL SUSTINABILITY**

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

**15. VEHICULAR ACCESS**

Vehicular and pedestrian access is taken via the existing and long-standing opening into and out of the site. 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.

**16. 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.

**17. 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 & BIODIVERSITY GAIN**

Landscaping and biodiversity gain 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.

**18. VERY EXCEPTIONAL CIRCUMSTANCES**

The appellant considers that Very Exceptional Circumstances, which clearly outweigh the harm caused by the development in terms of the inappropriateness of the development include but not limited to the following:

i. The over-riding unmet need for sites for gypsies and travellers in the FCC borough, which is borne out by evidence in relation to numbers of undecided planning applications in the Borough,

ii. This unmet need (in part) is due to the failure (overtime) of the LPA to properly recognise and properly plan for the growth of families in the Borough,

iii. The lack of available, suitable or alternative sites, which is contrary to the provisions of the PPW Edition 12 and the provisions of the Flintshire Local Plan, which seeks to provide suitable housing accommodation for all its residents,

iv. There are no alternative available sites for the Appellant to move to and there seems little likelihood that there will be in the foreseeable future

v. The continued failure of the Borough Council to put in place suitably robust planning policies that are reasonably prepared and designed to meet the shortfall of pitch and site provision in the Borough up until at least the start of the next Local Plan period, is contrary to the provisions of PPW Edition 12 and the provisions of the Flintshire Local Plan,

vi. The LPA do not currently have a policy capable of delivering the required number of pitches. The LPA have always worked towards too low a figure and has and will continue (inevitably) fail to meet the actual level of need in the district.

vii. That there is a clear, distinct unreasonable bias towards the delivery of settled housing accommodation, and the efforts of the Council to deliver such sites, when compared to its track record in terms of the delivery of gypsy and traveller accommodation in the Borough,

viii. There is a distinct failure the LPA to recognise and admit the level of need in the in Wrexham, despite this need being highlighted time after time in through undecided planning applications and appeals,

ix. The condition of the site would be improved substantially from the unauthorised development carried out in 2020. Landscape improvements and biodiversity gain would contribute towards the positive integration of the site into the Green Barrier and landscape surrounds,

x. Gypsy and traveller pitches do not represent an urbanising form of development,

xi. The effective use of previously developed (brownfield), untidy or derelict land;

xii. A well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness;

xiii. Promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children;

xiv. Not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.

xv. ensure that children can attend school on a regular basis;

xvi. provide a settled base that reduces both the need for long-distance travelling and possible environmental damage caused by unauthorised encampments;

xvii. Personal circumstances, human rights and the best interests of the family's children. Personal, medical and family details/names can be provided on request.

## 19. CONCLUSIONS ON THE VERY SPECIAL CIRCUMSTANCES PRESENTED TO SUPPORT THIS APPEAL

The applicant agrees with the provisions of the PPW Edition 12 and Policy EN11, which identifies that inappropriate development is, by definition, harmful to the green barrier and should not be approved except in very exceptional circumstances. Taking this into account, the applicants also agree that the proposed development represents inappropriate development in the green barrier, although it is also clear that this type of development can be successfully and sustainably located within such areas in compliance with UDP Policy H9 once very exceptional circumstances are properly and positively considered.

In this case, we consider that there can be little doubt that the personal circumstances that have been highlighted, clearly outweigh any harm by reason of inappropriateness.

Further to the above, we recognise that it is the responsibility for the applicant/appellants to present very exceptional circumstances to accompany any planning application or appeal for development in the green barrier, which would wither individually or when considered together, clearly outweigh the perception of harm to the visual and spatial openness of the green barrier in this part of Wrexham.

In this case, this statement sets out very exceptional circumstances, all of which are directly applicable to the development proposed, along with the cultural heritage of the applicants.

National and Local Planning Policy sets out the importance that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. This includes gypsy traveller site development in the Borough

In this case, the LPA have been deficient in their lawful responsibilities to provide sufficient land for Traveller site development over many years. In addition, it is also clear that there has been an unmet need for residential pitches and an absence of deliverable sites for an extended period, which is unlikely to be met over the next plan

period. The latest 2024 GTAA does provide a strong evidence base, which is borne out by the level of need and the growth of Gypsy and Traveller families over time.

There are other circumstances that when considered together also carry substantial weight in the appellant's favour in respect of the residential pitches. They include the lack of alternative sites, the effect on human rights if this appeal fails, the LPA failure to allocate sufficient sites over a long period, the adequate accessibility from the site to local health, education and other services and facilities and the likely harmful effects of a roadside existence if these families are required to leave the appeal site.

We therefore consider that the VEC that are presented in this case, clearly outweigh any harm to the openness of the green barrier by reason of its inappropriateness and that planning permission should be granted, subject to suitably worded planning conditions.