DESIGN AND ACCESS PLANNING STATEMENT

APPLICATION SITE:	**LAND TO THE NORTH OF BRYMBO ROAD, BWLCHGWYN, WREXHAM. LL11 5TY.**
PROPOSED DEVELOPMENT:	**CHANGE OF USE OF LAND TO A 3 PITCH FAMILY GYPSY & TRAVELLER SITE, ALONG WITH THE STABLING OF HORSES – RESUBMISSION OF PLANNING APPLCIATION P/2025/0268**
APPLICANT:	**MR S EVANS**
PLANNING AGENT:	**MR MIKE CARR MSc MRTPI – MAT DESIGN LIMITED**

1. INTRODUCTION

The Statement has been prepared to support the resubmission of refused planning application P/2025/0268 by the Local Planning Authority (LPA) on 09/06/2026. The refusal notice identified 3 reasons that the LPA relied on to support the refusal of planning permission, and those are listed below as:

- Reason 1. The enclosure of the site frontage by a close boarded fence detracts from the rural character of both the site and the immediate locality. The development therefore conflicts with policy GDP1 of the Wrexham Unitary Development Plan,

- Reason 2 - Insufficient information has been submitted to demonstrate that adequate visibility can be provided and maintained. In the absence of this information, the development is not provided with a safe means of vehicular access and therefore conflicts with policy GDP1 of the Wrexham Unitary Development Plan and,

- Reason 3 - Insufficient information has been submitted to demonstrate that connection to the public foul sewer network is feasible or that a means of foul drainage will be installed that would not result in adverse impacts to the River Dee and Bala Lake Special Area of Conservation. The development therefore conflicts with guidance in Chapter 6 of PPW12, guidance in Circular 008/2018 and policies GDP1 and EC6 of the Wrexham Unitary Development Plan.

This resubmitted planning application seeks to provide revisions to the predevelopment of the site, which we consider reasonably address the 3 reasons for refusal, once all the relevant material planning considerations are considered. This also includes the best interests of the children who live on the site, including these at school, along with the medical conditions that affect 3 of the people who live on the site.

2. THE REVISIONS TO THE PLANS, HIGHWAYS AND TECHNICAL/SITE SEWERAGE INFORMATION

The following amendments have been made:

- The frontage and part side fencing has been removed from the plans to remove conflict with Policy GDP1 of the Wrexham Unitary Development Plan,

- Site access, visibility splays and manoeuvrability has been assessed by our Highways Engineer who considered the representations made by the Council Highways Officer as part of the refused planning application, along with the earlier planning application for the site (P/2024/0197), which are a material consideration in the assessment of this planning application. The revised plans for the site, the supporting highway access submissions and vehicle tracking seek to remove conflict with Policy GDP1 of the Wrexham Unitary Development Plan by addressing the representations may by the Council Highways Officer.

- The installation of a Packet Sewage Treatment Plant (PSTP) to serve the site and the family's needs, whilst ensuring that the use (long terms) of the would not result in adverse impacts to the River Dee and Bala Lake Special Area of Conservation and remove conflict with the guidance in Chapter 6 of PPW12, guidance in Circular 008/2018 and policies GDP1 and EC6 of the Wrexham Unitary Development Plan.

3. FAMILY INFORMATION AND PERSONAL CIRCUMSTANCES

Additional family information including personal medical circumstances and children's schooling details. The family's details were submitted with the earlier refused planning application, which hone would expect to represent a significant material planning consideration weighing in favour of the planning application.

The Local Planning Authority (LPA) case officer report on which the refusal of planning permission was made, forms part of this resubmitted planning application. That report fails to reasonably and properly take int account the family's personal circumstances, along with the circumstances and the best interests of the children

Within this context we would highlight paragraph 21 of planning appeal decision CAS-03806-R1T0R9 made on 5/6/2025, where the Planning Inspector set out that

- The loss of a family home (the refusal of planning permission), and the resulting displacement of its family members with no alternative base, engages the rights under the Human Rights Act (1998) and the Equality Act 2010. Article 8 and Article 1 of the European Convention on Human Rights, as incorporated into the Human Rights Act, requires that decisions ensure respect for private and family life and the home, and the peaceful enjoyment of their possessions.

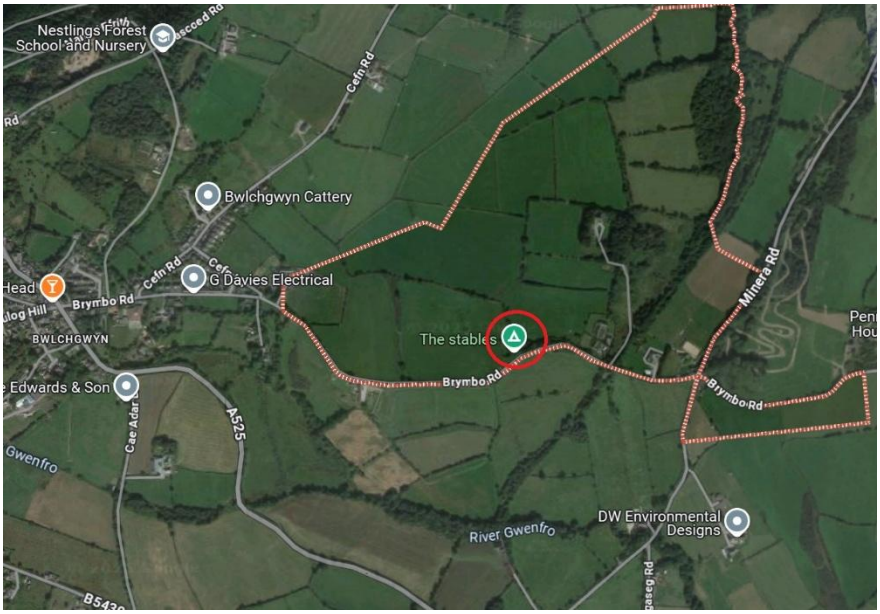
Given the protected characteristics of the appellant (the Evans family in this case), due regard must also be had to the equality aims set out in the Equality Act. As the appeal site (this revised planning application) is occupied by several children, the rights of the occupiers also need to be considered within the context of Article 3 of the United Nations Convention on the Rights of the Child which requires the best interest of the children to be a primary consideration. Indeed, it is well-established in law that no other factor can inherently carry greater weight in the planning balance.

We would ask that the LPA have due regard (this time around) to the families' personal circumstances and the best interests if the children who occupy the site.

4. THE APPLICATION SITE & ITS SETTING

The site that is the subject of this planning application is parcel of land that covers approximately 0.145Ha, Which is located to the east of the Bwlchgwyn settlement. The site is bounded to the north and east by open fields, whilst Brymbo Road forms the sites southern boundary from which vehicular and pedestrian access is taken.

The Bwlchgwyn settlement boundary is located approximately 650m to the west and is close to the local Services that Bwlchgwyn provides, along with access to the wider Wrexham highway network and to public transportation routes. As such, we consider that the site is well related and accessible to community facilities, schools and medical service and services for the families. The application site and its position in the local area is shown circled red on the below aerial image, and we consider is located in a sustainable position in the Borough.



The development site circled red – Source Google Maps 2023

5. RELEVANT PLANNING HISTORY AND LAND USE

A stable building was erected of the site, along with the formation of a gravel surface and a wooden boundary fence. This was subject of a retrospective planning application (P/2024/0197), which has now been withdrawn. Taking this into account, the works that have been carried out by the previous owner, along with the proposed change of use can fall to be considered as part of this planning application.

6. THE PROPOSED DEVELOPMENT

The proposed development would consist of the material change of use of the land to provide a 3-pitch Gypsy and Traveller family site, the retention of the stables and the keeping of horses, the retention of the permeable gravel surface, highway access and the installation of a nutrient neutral Package Sewage Treatment Plant. Landscaping has been shown on the proposed plans, which would provide biodiversity and landscape gain into the site.

4. THE SITES LAND USE ALLOCATION

We understand that the Wrexham Local Development Plan Proposals Map identifies that the application site is in the countryside and that is not affected by any other local land use constraints such as heritage assets or protected trees.

7. THE NATIONAL AND LOCAL PLAN FRAMEWORK

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.

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 does not form part of the Green Wedge or 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.

UDP Policy H9 - Gypsy Caravan 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. This policy approach appears out of date and wholly inconsistent with the PPW and the Government Circular, and fails to allow proper and due consideration regarding other material planning matters such as the lack of alternatives, failing to properly plan for Gyspy and Traveller people in the Borough, personal circumstances and the best interests of the child.

However, we do consider the amendments to the site plan and confirmation of the highway matters, site access arrangements and the suitable visibility spays would ensure that the development complies with UDP Policy GDP 1.

- Welsh Government Circular 05/2018 paragraph 37 provides further important advice and 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, which would provide the families with a sustainability located home in the Borough.

8. 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 table building details,
- Site sewerage arrangements and details,
- Site access arrangements
- The Design & Access Planning Statement and
- The families' personal circumstances.

9. 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. This is true of the Evans family.

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, although actual need is likely to be considerably higher.

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.

PERSONAL CIRCUMSTNACES

The personal circumstances statement that has been prepared to support this planning application sets out the family details of the 3 families, along with the medical conditions suffered by 3 of the adults, whilst the schooling arrangements are provided for 3 of the children who occupy the site with the 3 families, and confirms that the applicant and his family seek planning permission for settled site accommodation that

would provide suitable pitch accommodation, which we consider would be in the interests of the children (paramount importance) and the families well-being.

The family group have nowhere else to live and this site provides a safe, settled 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.

DESIGN MATTERS

Reason for refusal 1 attached to planning application P/2025/0268 identified that the enclosure of the site frontage by a close boarded fence detracts from the rural character of both the site and the immediate locality. The development therefore conflicts with policy GDP1 of the Wrexham Unitary Development Plan. This arrangement has been removed form the submitted plans and we are no aware that there were any other material concerns attached to the design and layout of the site. Our conclusions are that the design and layout of the development comply with UDP Policy GDP1

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 suitable policy that accords with the directions set out in National Planning Policy, which would be capable of delivering the required number of pitches that have been identified across the most recent GTAA's.

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.

FOUL DRAINAGE

This application is supported by details attached to the installation of a suitable Package Sewage Treatment Plan (PTSP), which provides a suitable and robust sewage system that would serve the need of the family, whilst ensuring that there would be no ecological impacts on the River Dee and Bala Lake Special Area of Conservation, which would conflict with Chapter 6 of PPW12, guidance in Circular 008/2018 and policies GDP1 and EC6 of the Wrexham Unitary Development Plan.

In particular, and as part of this planning application, we would highlight to PTSP Technological advancements in the performance of PSTPs over the years have resulted in the development of systems that

are effectively Nutrient Neutral. In this case, the technical information that is submitted with the planning application identifies the following:

- **PHOSPHATE AND NITRATE REDUCTION IN OFF-MAINS SEWAGE TREATMENT**

For over 20 years, Marsh Industries has led the way in off-mains sewage treatment, delivering solutions that meet BS EN 12566-3 standards. Growing concerns for the UK's natural environment and waterways have led to stricter regulations from Natural England over the past 4-5 years, targeting nitrate and phosphate reduction in wastewater.

These regulations align with the principle of Nutrient Neutrality, where nutrient loads from wastewater are mitigated to avoid impacting protected sites. Marsh Industries has responded by investing heavily in research and development to tackle these challenges, ensuring development projects can proceed sustainably.

Nutrient Neutrality is classified as follows:

- Development achieves nutrient neutrality when the nutrient load created through additional wastewater (including surface water) from the development is mitigated,
- By designing development alongside suitable mitigation measures, additional nutrient loads can often be avoided or mitigated,
- This approach is called 'nutrient neutrality'. It essentially allows developments to be permitted without impacting on the condition of protected sites

We consider that the installation of the proposed PSTP system with its secondary phosphate removal chamber would ensure that the sewage arrangements for the site would be Nutrient Neutral, thereby ensuring that there would be no demonstrable harm to the integrity of the River Dee and Bala Lake Special Area of Conservation,

SURFACE WATER DRAINAGE

In terms of the site surfacing arrangements, this would consist of a semi-permeable gravel surface and areas of grass within the site. The plans have also been updated to take account of highway advice regarding the installation of ACO grid drainage to the access point. Overall, the amendments to the plans confirm that there would be no surface water run-off from the site.

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.

HIGHWAYS AND VEHICULAR ACCESS

Vehicular and pedestrian access is taken from the site then onto Brymbo, which is adopted at the point of entry. The site access provides accessibility and visibility splays, 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.

Suitable amendments have been incorporated into the submitted plans and the supporting highways technical information to take account of the site-specific highway representations made as part of planning applications P/2024/0197 and P/2025/0268.

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.

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.

LANDSCAPING

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

10. THE PLANNING BALANCE

This is a small windfall Gypsy and Traveller family site, which would provide the families with a sustainably located, settled, secure site and well-planning site. It is also clear that this would be in the best interests of the families, particularly the children.

Further to the above, when the proposals for the site are positively considered against UPD Policies GDP1, EC6 and H9, Chapter 6 of PPW12 and the supplementary advice in Circular 008/2018, the proposals for the site represent a sustainable form of development.

In terms of 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 is not subject to flooding or at risk in the future
- The site does not harmfully impact on the local landscape setting.

In conclusion, we would also highlight that if the LPA consider that there is some demonstrable with any of the identified UDP Policies, then the decision maker must factor in the following material planning considerations

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

- The lack of available, suitable or alternative sites, which is contrary to the provisions of the PPW Edition 12 and Circular 005/2018 and the provisions of the Wrexham UDP, which seeks to provide suitable housing accommodation for all its residents,

- 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

- The continued failure of the LPA to put in place suitably robust planning policies that are reasonably prepared and designed to meet the shortfall of pitch and site provision in Wrexham up until at least the start of the next Local Plan period, is contrary to the provisions of PPW Edition 12 and Circular 005/2018,

- 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 Wrexham,

- 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,

- 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,

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

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

- 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.

- ensure that children can attend school on a regular basis;

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

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

11. CONCLUSIONS

This revised planning application positively addresses the 3 reasons that the LPA relied on to support the refused planning application P/2025/0268, which would ensure that the design/layout of the site respects the character and appearance of the surrounding area, which provides suitable and safe access to the site. The introduction of a nutrient neutral Package Sewage Treatment Plan would also ensure the integrity of the River Dee and Bala Special Areas of Conservation are not harmed. We would therefore asked the LPA positively considers this revised planning application and grants permission for this sustainable form of development in the Wrexham Borough.