VARIATION OF CONDITION 2

Land South of Tyn y Coed, Moss Road, Moss,

Wrexham LL11 6HA

Variation of Condition

Following Planning Approval on

Appeal Ref: CAS-03390-W2G2H2

Trevor Mennell Planning

August 2026

Variation of Condition under Section 42

Condition 2

No more than two caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which none shall be static caravans) shall be stationed on the site at any time. Any positioned on the site shall be capable of being lawfully moved on the public highway, without division into separate parts.

Variation of Condition

The application under ground (a) was for two traveller pitches and this was detailed on plan no. 71395:1001 – Proposed block plan. There appears to be some misunderstanding during the site visit by the Inspector as he has allowed for only two tourer caravans as stationed on site at that time. However, the Statement of Common ground submitted clearly states that under ground (a) both my client and the Council agree the appeal was for 2 no. gypsy / traveller pitches.

Variation

No more than 2 no. traveller pitches each consisting of 1 no. static caravan as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, 1 no. tourer caravan and 2 no. car parking spaces, 1 no. amenity dayroom.

Any caravans positioned on site shall be capable of being lawfully moved on the public highway without division into two separate parts.

All in accordance with plan reference: 71395:1004

STATEMENT

The Variation of Condition Application follows on from the Appeal Determination of Approval and Inspectors report ref: CAS-03390-W2G2H2 on the ground (a) deemed planning application made by my client Ms Ann Delaney and her immediate family of 7 children. Para 21 of the Inspectors report confirms there is *'no planned allocation for Gypsy and Traveller Sites for the foreseeable future and that there is no timescale for a replacement LDP.*

Furthermore para 37 states:-

Local Authorities are required to assess the accommodation needs of Gypsy and Traveller families and to allocate sites to meet the identified need as set out in PPW paragraph 4.2.36. The assessment of Gypsy and Traveller accommodation needs, and the duty to make provision for sites where the assessment identifies need, are statutory requirements under the Housing (Wales) Act 2024. The Council's Gypsy and Traveller Accommodation Assessment (GTAA) 2022-2027 approved by the WG has settled on a need for 22 pitches up to 2027. These sites will not be delivered through a planned provision in the LDP under Policy H4.

Para 94 of the Inspectors report confirms:- *'The Council confirmed that there are no alternative sites available within the County. The Council's Gypsy and Traveller Liaison Officer had visited the appeal site and indicated that there were no alternative sites available. The Council acknowledged that no sites would come forward within the timetable of a temporary consent, given the status of the development plan as summarised above.*

The appellant Ms Delaney under para 96 re-iterated to the Inspector her personal circumstances regarding bringing up the children and has recently outlined the situation to the Council's Enforcement Officer, Louise Philips when recently visiting the site. Ms Delaney's eldest son is now 21, married and the couple have a young daughter.

These matters were considered by the Inspector as *'compelling and sufficient',* Strong Words!!

It is with this and giving full consideration to the Inspectors report that my client requests a variation of condition no. 2 to provide 2 no. pitches each to include a static caravan, 1 no. touring caravan, a dayroom and 2 no. parking spaces in order to provide a stable base following the Enforcement Notice being quashed and the appeal is allowed under ground (a) which provides the accommodation needed to house the family.

The additional conditions 3, 4, 5, 6 and 7 have been addressed under an 'Approval of Conditions' application and submitted to the LPA via a Section 73 application for approval.