**DESIGN AND ACCESS PLANNING STATEMENT**

| | |
|---|---|
| **APPLICATION SITE:** | **LAND TO THE NORTH OF CROSFOEL COURT, RHOSTYLLEN, WREXHAM. LL14 4DR** |
| **PROPOSED DEVELOPMENT:** | **CHANGE OF USE OF LAND TO A 4 PITCH FAMILY GYPSY & TRAVELLER SITE (RETROSPECTIVE) – RESUBMISSION OF REFUSED PLANNING APPLCIATION P/2025/0536** |
| **APPLICANT:** | **MR T BERRY** |
| **PLANNING AGENT:** | **MR MIKE CARR MSc MRTPI – MAT DESIGN LIMITED** |

## 1. INTRODUCTION

This resubmitted planning application has been prepared for the consideration of the Local Planning Authority (LPA) and follows the refusal of planning application P/2025/0536 on 20/5/2026. A copy of the decision notice is attached to this planning application, which identifies 5 reasons to support the refusal of the planning application.

In addition, the case officer report that was prepared by the LPA to assess the proposed development is also attached to this planning application. We will comment on the detail and depth of the report, and what (in our view) appears to be a failure to provide a suitably robust planning balance assessment.

In terms of this planning application, our submissions include the following plan and technical information to support its consideration:

- THE REFUSAL OF PLANNING PERMISSION DECISION NOTICE
- THE REFUSAL OF PLANNING PERMISSION CASE OFFICER REPORT
- 01 - LAND AT RHOSTYLLEN SITE LOCATION PLAN - REV A
- 02 - LAND AT RHOSTYLLEN EXISTING AND PROPOSED SITE PLANS - FENCING AND GATES DETAILS - REV B
- 03 - LAND AT RHOSTYLLEN PROPOSED SITE PLANS - DAY ROOM AND PLAN KEY - REV B
- 04 - LAND AT RHOSTYLLEN PROPOSED SITE PLAN WITH VISIBILITY SPLAY - REV A
- THE PLANNING STATEMENT
- GREEN INFRASTRUCTURE STATEMENT
- SUPPORTING STATEMENT MADE BY TRAVELLING AHEAD

- PACKET SEWAGE TREATMENT PLANT TECHNICAL DETAILS
- LAND AT CROSFOEL COURT - PACKAGE SEWAGE TREATMENT PLANT GENERAL DETAILS AND SCREENING OUT STATEMENT- JULY 2026
- PCAC/PEDW SCREENING OUT ADVICE
- LAND NORTH OF CROESFOEL COURT - AIR QUALITY ASSESSMENT REPORT – FINAL
- BS8233 AND BS3632 ASSESSMENT AT THE LAND NORTH OF CROSFOEL COURT WREXHAM
- TREE REPORT AND PLANS
- ECOLOGICAL PRELIMINARY ASSESSMENT
- NRW CONSULTATION RESPONSE - REFUSED PLANNING APPLICATION
- HIGHWAY SPEED READINGS
- WREXHAM GTAA
- PLANNING FOR GYPSY TRAVELLER AND SHOWPEOPLE SITES CIRCULAR 005-2018
- STATUS OF DEVELOPMENT PLANS FOR DECISION MAKING IN WREXHAM
- APPEAL DECISION CAS-03806-R1T0R9
- APPEAL DECISION CAS-04471-X8X3X5

## 2. THE PROPOSED DEVELOPMENT

The proposed development is retrospective and consists of the material change of use of the land to provide a 4-pitch Gypsy and Traveller family site, including the erection 2-day rooms, the retention of the permeable surface and the erection of boundary fencing, which would be acoustic fencing to the boundary with the A483. Site landscaping is shown on the submitted plans, whilst additional elements of biodiversity gain can be introduced via planning condition, should the LPA consider that this site is in a sustainable location adjacent to an existing settlement boundary with access to local services. Vehicular access would be taken via the access onto the B5098.

[redacted]

## 3. THE APPLICATION SITE & ITS SETTING

The site that is the subject of this planning application is parcel of land that covers approximately 0.19Ha (land edged red), which forms part of a wider 0.6Ha parcel of land which the applicant owns (edged blue and red)

The site is sustainably located to the west of the Rhostyllen settlement boundary. The site is bounded to the north by open fields, residential accommodation at Crosfoel Court (from around 2009) is located directly to the south, the A483 runs adjacent to the site to the east, whilst the B5098 (a 50mph road) forms the sites western boundary from which vehicular and pedestrian access is taken.

The Rhostyllen settlement boundary is located some 150m away to the east, whilst Wrexham Town Centre is approximately 750m away to the east, confirming that 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.



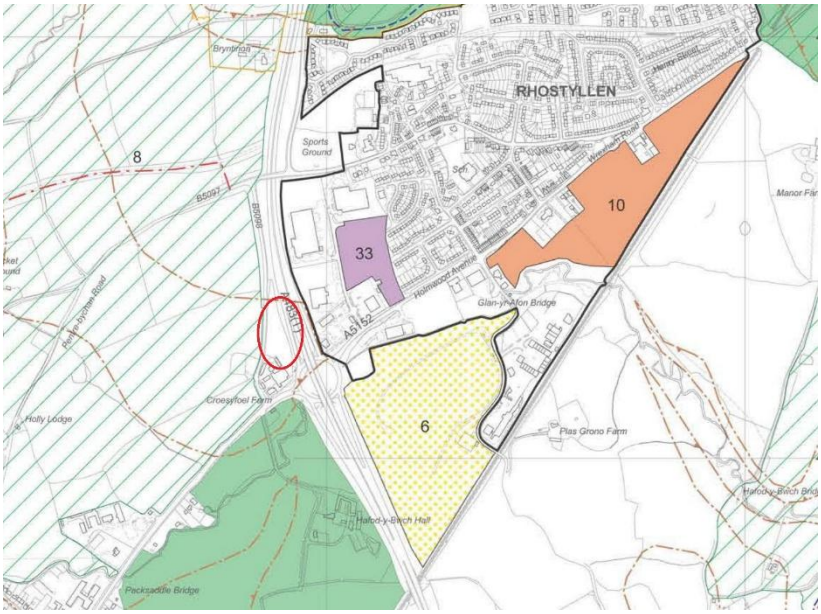

The development site circled red – Source Google Maps 2025

## 4. RELEVANT PLANNING HISTORY & LAND USE ALLOCATION

Planning application P/2025/0536 for the change of Use of Land to a 4 Pitch Family Gypsy and Traveller Site. This was refused for 5 reasons, which hwe will say have been resolved via the submission of this planning application, and/or any demonstrable harm caused b the development would be clearly outweigh by other material planning considerations including need in the brough, the lack of alternative site provision, the failure of planning policy relating to Gypsys and Travellers, failing to follow Welsh National Planning Policy and Circulars attached to Gyspsy and Traveller pitch provision, personal circumstances and the best interests of the children who are living on the site.

Furthermore, given that the proposed use of the site would appear to be acceptable in principle due to its location and land use allocation (not green wedge or green barrier), suitably worded planning conditions could be used to increase biodiversity gain and site landscaping improvements.

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 is NOT in the Green Wedge. In addition, we understand that the application site (CIRCLED RED BELOW) is not affected by any other local land use constraints such as heritage assets or protected trees.




Map Source – Wrexham Unitary Development Plan Map 4 - Urban and rural villages

## 5. 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.

The 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.

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

## 6. THE EXCEPTIONAL CIRCUMSTANCES TEST

Given that application site is not allocated in the Green Wedge on the UDP Proposals Map 4 - Urban and rural villages, we are not required to provide Exceptional Circumstances as part of this planning application. However, if the Council consider that additional family information, including the best interests of the children is required, along with other planning considerations that we consider represent Exceptional Circumstances, these can be provided on request.

Those circumstances and other material planning considerations, such as the lack of supply and alternative pitch accommodation in the Wrexham Borough and the most up to date GTAA identifies a shortfall in pitch delivery in the Bough that can be met by windfall sites such as this.

## 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. APPEAL DECISION CAS-03806-R1T0R9 SUBMITTED WITH THIS APPLICATION

Planning appeal CAS-03806-R1T0R9 was recently decided in the adjacent Flintshire Borough regarding an Enforcement Notice appeal case, which was attached to a similar Gypsy and Traveller development in the Green Wedge. I was the agent for the appellant.

Paragraph 20of that decision sets out that "the Council has confirmed that, despite the identified need, there are no available alternative sites within the administrative area. The evidence suggests that this situation is also unlikely to change in the short term and the Council acknowledged at the Hearing that, despite having a criteria-based policy in its adopted LDP, it does not have a strategy in place to deal with the Gypsies and Travellers that are in immediate need for accommodation. The Council is, therefore, failing to meet its statutory duty under Section 103 of the Housing (Wales) Act. With this in mind and bearing in mind the appellant's aversion to conventional bricks and mortar accommodation, it is clear that the appellant would be extremely unlikely to find suitable alternative accommodation should planning permission be withheld. Indeed, the appellant confirmed at the Hearing that, in such a circumstance, the family, including four child dependents, would be forced into taking up an itinerant lifestyle on the roadside.

We consider that a very similar set of planning policy and pitch delivery services exists in the Wrexham Borough and that there is no strategy in place, which would treat Gyspy and Travellers in a fair and equitable way in terms of sites and pitches, when compared to those wanting bricks and mortar accommodation. We therefore consider that Wrexham Borough Council is also failing to meet its statutory duty under Section 103 of the Housing (Wales) Act. This is a significant material consideration attached to this planning application.

## 9. 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.

[redacted]

## 11. 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's.

## 12. THE REVISED PLANS

The site layout has been amended to remove any clash/pinch points with the slip road that serves the A483.

## 13. NOISE IMPACT

The report that has been submitted with this planning application confirms that there is no material harm by way of noise.

## 14. AIR QUALITY

The report that has been submitted with this planning application confirms that there is no material harm by way of air quality.

## 15. ECOLOGY

The report that has been submitted with this planning application confirms that there are no adverse impacts towards protected species.

## 16. 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

**17. FOUL AND SURFACE WATER DRAINAGE**

Nutrient neutral Packet Sewage Treatment Plant(s) are the preferred option for site sewerage and we consider that this part of the development can be screen out by following national planning advice, which is submitted with this application.

Alternatively, a main sewerage connection is available along the B5098 and subject to receiving planning permission, an application would be made to make a suitable connection for sewerage.

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.

**18. 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.

**19. SITE ACCESSIBILITY**

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

**20. VEHICULAR ACCESS**

Vehicular and pedestrian access is taken from the site then onto the B5098, which is adopted at the point of entry. 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. Speed readings confirm the speed of the road, which support the visibility splays that are available ta the site access.

**21. TREES**

The report that has been submitted with this planning application confirms that there are no adverse impacts towards trees.

**22. 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.

**23. 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 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.