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Project:
MR M WALL – LAND TO THE NORTHWEST OF OLD SMELT ROAD AND TO THE SOUTHEAST OF NANT LAIS, COEDPOETH, WREXHAM. LL11 3YY

By:
MCC

Date:
28/8/2026
Revision:

DESIGN AND ACCESS PLANNING STATEMENT

APPLICATION SITE:	**LAND TO THE NORTHWEST OF OLD SMELT ROAD AND TO THE SOUTHEAST OF NANT LAIS, COEDPOETH, WREXHAM. LL11 3YY**
PROPOSED DEVELOPMENT:	**CHANGE OF USE OF LAND TO FORM A 3 PITCH GYPSY AND TRAVELLER FAMILY SITE AONG WITH THE FORMATION OF A RESIDENTIAL ACCESS ONTO OLD SMELT ROAD (RETROSPECTIVE)**
APPLICANT:	**MR M WALL**
PLANNING AGENT:	**MR MIKE CARR MSc MRTPI – MAT DESIGN LIMITED**

1. INTRODUCTION

The site that is the subject of this planning application is parcel of land that covers approximately 0.4Ha, which is located to the northwest of Old Smelt Road and to the southeast of Nant Lais, Coedpoeth, Wrexham. The site is bounded to the north by Nant Lais, to the east by Old Smelt Road, the south by open land and a long-standing commercial premises and to the west by open land that is also within the applicant's area of ownership

The application site and its position in the local area and proximity to the settlement boundary is shown edged red on the below aerial images, which confirm that the application site is sustainably located to the local highway network, public transport opportunities, school, medical services, shopping and socially related services.





Aerial Images Source – Google Earth Mapping

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 3-day rooms and permeable gravel surface and the erection of boundary fencing. Vehicular access would be taken onto Old Smelt Road via newly formed opening, which is shown on the plans that support this planning application.

Moving forward and once the application is validated, it maybe that the site layout/access needs amending to take account of consultation comments. In the meantime, the submitted plans show the introduction of site landscaping, whilst we would also include additional elements of biodiversity gain could be introduced via planning condition. The Green infrastructure Statement that is submitted with this planning application provides further details for consideration.

[redacted]

3. 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.

[redacted]

4. THE PUBLIC SECTOR EQUALITIES DUTY (PSED)

The Equality Act became law in 2010. Its purpose is to legally protect people from discrimination in the workplace and in wider society. The Act introduced the term 'protected characteristics', which refers to groups that are protected under the Act and these characteristics comprise: age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

As part of the Act, the 'public sector equality duty' came into force in April 2011 (Section 149 of the Act), and with it confirmed (via Section 19 of the Act) that this duty applies to local authorities (as well as other public bodies). The equality duty comprises three main aims in that:

- A public authority must, in the exercise of its functions, have due regard to the need to:
  • Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act,
  • Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  • Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Case law has established that appropriate consideration of equality issues is a requirement for local authorities in the determination of planning applications, and with this requirement directly stemming from the Equality Act 2010.

These requirements represent significant material considerations in the assessment of this planning application.

5. HUMAN RIGHTS

[redacted]

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, due regard must also be had to the equality aims set out in the Equality Act. As the pitches are occupied [redacted]

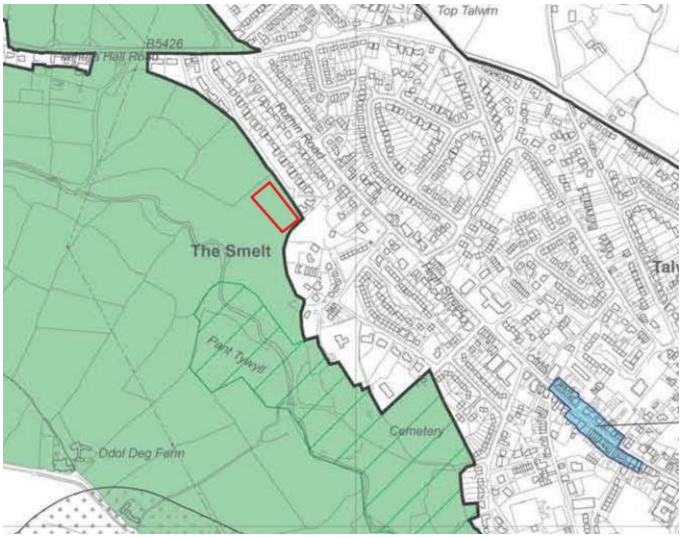
6. PLANS AND INFORMATION SUBMITTED WITH THE PLANNING APPLCIATION

- 01 Site Location Plan

- 02 Site Location and Footpath Plan
- 03 Existing Site Plan
- 04 Proposed Site Plan with Day Room Details and Plan Key
- 05 Proposed Site Plan
- Design And Access Planning Statement
- Green Infrastructure Statement
- Personal Circumstances/Family Details
- Very Exceptional Circumstances
- Septic Tank Details
- Wrexham GTAA
- Planning For Gypsy Traveller and Showpeople Sites Circular 005-2018
- Status Of Development Plans for Decision Making in Wrexham

7. LAND USE ALLOCATION

The application site is denoted as beign located just outside of the CoedPoeth settlement boundary and within an area denoted at Green Barrier on the Wrexham Unitary Development Plan Map Proposals Map. The site is shown edged red on the Proposals Map extract below.

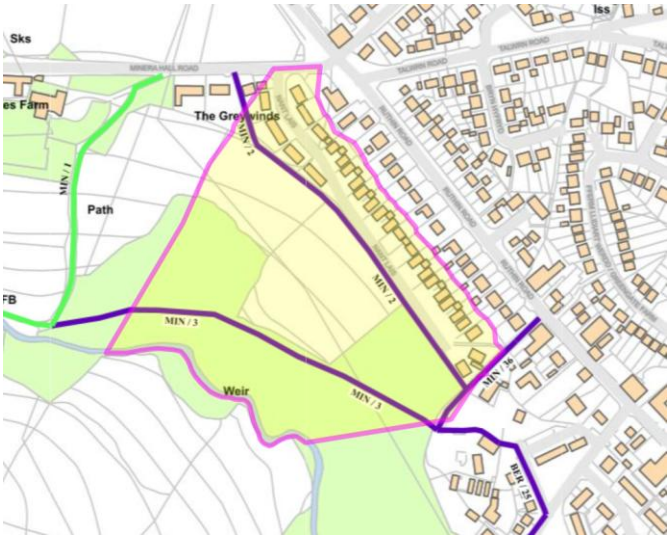


Map Source – Wrexham Unitary Development Plan Map 3 - Urban and rural villages

8. PUBLIC FOOTPATHS

Public footpaths, which are in the land ownership of the applicant, run to the northeast and southwest of the development site, and are shown purple on the mapping extract below.

The plans that have been submitted with the planning application show that the public footpath routes would be maintained and that the development does not encroach over or prevent access along the routes.



Map source – Wrexham Council Public rights of way definitive map

9. 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 is 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.

[redacted]

11. 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 2 pitches that we are looking to bring forward via this planning application, forms part of the

in-migration that ORS identify in the GTAA.

Further to the above, there are at least 3 other planning applications for Gyspy and Traveller development in the Borough, which propose a total of 8 more pitches. These applications should not be considered as forming part of the identified need in Wrexham, as none of the occupiers of those sites took part in the collection of evidence as part of the GTAA.

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. [redacted]

We consider that a very similar set of planning policy and pitch delivery circumstances exists in the Wrexham Borough and that there is no reasonable 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.

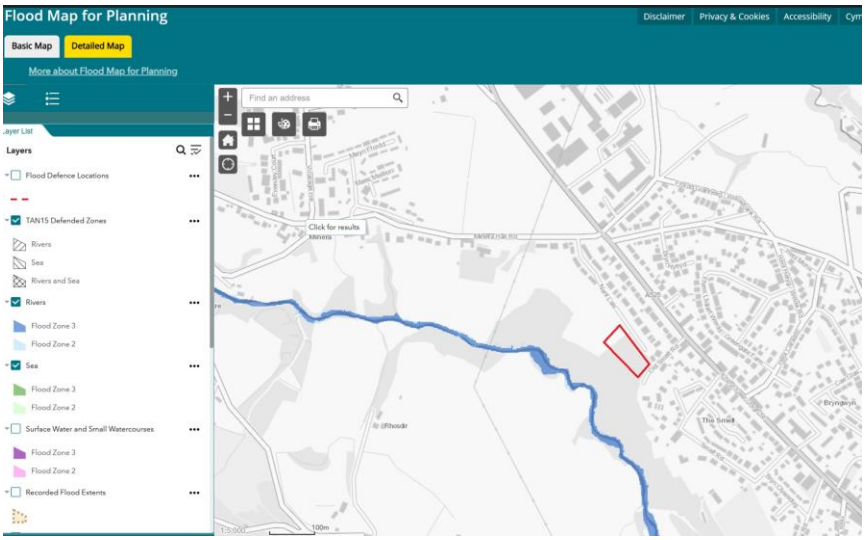
[redacted]

13. 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.

14. 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

15. FOUL AND SURFACE WATER DRAINAGE

The LPA have advised that the application site is located outside of the River Dee and Bala Lake SAC which should allow sewerage from the use of the site to be reasonably dealt with via a mains connection of via a septic tank arrangement. In this case, the applicant has chosen to use a septic tank arrangement as the most sustainable option. If the Local Planning Authority require an alternative option to be explored; the applicant is happy to engage with the LPA and Natural Resources Wales.

16. 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.

17. SITE ACCESSIBILITY

The development site is highly accessible to the Coedpoeth settlement and the surrounding areas, whilst providing a safe and secure location that allows access (on foot) to medical services, social support services, shopping and schooling for the family's children.

18. VEHICULAR ACCESS

Vehicular and pedestrian access is taken from the site then onto Old Smelt Road, 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, and the very low speed of the road. Taking this into account, the proposed development would not result in any severe highway or pedestrian safety problems.

19. 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. In addition, suitable separation distances for light and privacy would be provided between the static homes and residential accommodation located along Nat Lais.

20. 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. TREES. LANDSCAPING & BIODIVERSITY GAIN

No trees are located within the area of development, although trees and 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, [redacted]

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 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. In terms of the sites land use allocation within the Green Barrier, we have identified various material planning considerations in this Statement, which when viewed individually and also in combination, represent Very Exceptional Circumstances. We have added further to this in a sperate Statement, which can be considered alongside this general Design & Access Planning Statement.

Overall and once all of the material planning considerations and Very Exceptional Circumstances are taken into account in the planning balance, we consider that planning permission can be granted for this development, subject other use of reasonably worded planning conditions.