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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:

VERY EXCEPTIONAL CIRCUMSTNACES 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 allocated on the Wrexham Unitary Development Plan Proposals Map, as being located in the Green Barrier, which adjoins Nant Lais and the defined settlement boundary of Coedpoeth, Wrexham.

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/





Aerial Images Source – Google Earth Mapping

2. THE PLANNING POLICY FOR WALES VERSION 12 (PPW)

The application site carries a designation of Green Barrier and its designation I the Development Plan seeks to:

• prevent the coalescence of large towns and cities with other settlements;

• manage urban form through controlled expansion of urban areas;

• assist in safeguarding the countryside from encroachment;

• protect the setting of an urban area; and • assist in urban regeneration by encouraging the recycling of derelict and other urban land.

Overall, green barriers are afforded greater protection in terms of development, with paragraph 3.73 of the PPW identifying that when considering applications for planning permission in green wedges (Green Barriers), a presumption against inappropriate development will apply. Substantial weight should be attached to any harmful impact which a development would have on the purposes of the designation. Policies should be devised to outline the circumstances when development would be permitted in these areas where the openness of the Green Belt or green wedge will still be maintained.

Further to the above, paragraph 3.74 sets out that inappropriate development should not be granted planning permission except in very exceptional circumstances where other considerations clearly outweigh the harm which such development would do to the Green Belt or green wedge. Green Belt and green wedge policies in development plans should ensure that any applications for inappropriate development would not be in accord with the plan. These very exceptional cases would therefore be treated as departures from the plan.

The application we have made for planning permission is not an appropriate form of development in this land use location, which directs us to submit Very Exceptional Circumstances (VEC) which we consider clearly and demonstrably outweighs harm to the 5 purposed openness of the land use designation.

[redacted]

3. VERY EXCEPTIONAL CIRCUMSTANCES

The Very Exceptional Circumstances (VEC) attached to this appeal, when considered in terms of individual weight and collective weight in the planning balance, clearly outweigh the harm caused by the development in terms of the inappropriateness of the development.

The Welsh Government Circular 005/2018 Planning for Gypsy, Traveller and Showpeople Sites provides the starting point for the VEC we say outweigh the harm to the Green Barrier, given that the families and occupiers of the land fall within the definition set out in paragraph 2 of the Circular:

- The Well-being of Future Generations (Wales) Act 2015 sets a framework for local authorities across Wales to ensure the 'sustainable development principle' (meeting the needs of the present without compromising the ability of future generations to meet their own needs) is met. Section 4 of the Act puts in place a number of well-being goals which authorities are to seek to achieve in order to meet this principle. These goals include achieving 'a Wales of cohesive communities', containing attractive, viable, safe and well-connected communities, and 'a Wales of vibrant culture and thriving Welsh language', containing a society that promotes and protects culture, heritage and the Welsh language – The lack of a proper planning framework in Wrexham, against which applications can be tested, fails to meet the challenges set out in paragraph 7 of the circular;
- Paragraphs 8 & 9 of the circular set out that housing is a fundamental issue that affects the lives of people across Wales, including our Gypsy and Traveller communities. The Welsh Government seeks to ensure a wide choice of accommodation is available to meet the needs of all members of the community. It is reflective of the Government's commitment to ensure equality of opportunity for all sections of the community and in this instance, Gypsies and Travellers should have equal access to culturally appropriate accommodation as all other members of the community and;
- The Welsh Government is committed to working with local authorities to deliver new Gypsy and Traveller sites. This commitment is addressed through the availability of Sites Capital Grant funding for the development of new sites.1 Changes to legislation through the Housing (Wales) Act 2014 and the Mobile Homes (Wales) Act 2013 have also supported this objective – The lack of a proper planning framework in Wrexham, against which applications can be tested, fails to meet the challenges set out in paragraphs 8 & 9 of the circular;

- Paragraph 14 of the circular sets out that the Housing (Wales) Act 2014 places a **legal duty upon local authorities to ensure that the accommodation needs of Gypsies and Travellers are properly assessed and that the identified need for pitches is met.** Local authorities are required to exercise their powers under section 56 of the Mobile Homes (Wales) Act 2013, as far as necessary, to ensure Gypsy and Traveller sites are provided for the unmet need. This does not necessarily mean that additional local authority owned sites will be required but where they are needed the local authority is responsible for ensuring they are provided - **– The lack of a proper planning framework in Wrexham, against which applications can be tested, fails to meet the challenges set out in paragraph 14 of the circular;**
- Paragraph 15 of the circular sets out that in order to be able to properly assess the accommodation needs of Gypsies and Travellers, section 101 of the Housing (Wales) Act 2014 introduces a requirement for local authorities to carry out an assessment of the accommodation needs of Gypsies and Travellers residing in or resorting to its area. Such assessments are to be carried out at least every 5 years after adoption of the initial assessment in 2016. They must be subject to consultation with Gypsies and Travellers and be submitted to the Welsh Ministers for approval, along with a report detailing how the assessment was carried out. Detailed Welsh Government guidance has been published which local authorities must have regard to in preparing such assessments, titled: 'Undertaking Gypsy and Traveller Accommodation Assessments (GTAAs) guidance' **– The latest GTAA for Wrexham and its addendum does not provide a robust representation of the need for pitches in Wrexham;**
- Paragraph 16 of the Circular sets out that the PPW states that local authorities are required to assess the accommodation needs of Gypsy families and have policies for the provision of Gypsy sites in their development plans. The findings of the GTAA will be a key consideration in the plan making, monitoring and review process for an authority's development plan. The GTAA will form part of the development plan evidence base that will be subject to public scrutiny through the plan preparation process and public examination. It will be a matter for the Inspector appointed to examine the development plan to consider

the weight to attach to any emerging GTAA and how it relates to the plan before them – The latest GTAA for Wrexham and its addendum does not provide a robust representation of the need for pitches in Wrexham;

- Paragraphs 35 and 36 of the Circular sets out challenges to Identifying Gypsy and Traveller Sites. **The Unitary Development Plan fails to provide any Gypsy and Traveller Sites that would provide alternative accommodation for the families;**
- Paragraph 51 of the circular sets out that the Planning and Compulsory Purchase Act 2004, requires the planning authority to produce an annual monitoring report (AMR). The AMR is the main mechanism for reviewing the relevance and success of the development plan and identifying any changes necessary. One of the main purposes of the AMR is to consider whether objectives set out in the development plan are being achieved. It requires that, where a policy specified in the development plan is not being implemented; the annual monitoring report must identify that policy. **We are not aware of any AMR's or up to date monitoring in the Wrexham Borough;**
- Paragraph 55 of the Circular sweets out that National planning policy on Green Belts and Green Wedges is set out in PPW23. There is a general presumption against inappropriate development within Green Belts or green wedges. New Gypsy and Traveller sites in the Green Belt or green wedges are likely to be inappropriate development. National planning policy on Green Belts or green wedges applies equally to applications for planning permission for Gypsy and Traveller sites and other residential uses. Alternatives should be explored before Green Belt, or green wedge locations are considered. Pressure for development of sites on Green Belt or green wedge land can usually be avoided if the planning authority allocates
- sufficient sites elsewhere in its area, to meet identified need. **The applicant has sought alternative pitches in the Borough and land availability in settlement boundaries. None are available and the LPA cannot identify any suitable alternatives. If the LPA had planned properly for Gyspy and Traveller pitches in Wrexham, then the purchase and occupation of this site may have been avoided;**
- Paragraphs 58 to 69 of the Circular sets out how planning applications for Gypsy and Traveller sites should assessed. Given that the Unitary Development Plan is out of date and that there is no suitable or robust

Policy against which the development can be considered, the fall-back position is the directions set out across the Welsh Government Circular 005/2018 Planning for Gypsy, Traveller and Showpeople Sites

Further to the above and in terms of other VEC, we would highlight the following matters that weigh in favour of the planning application

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

ii. This unmet need in the Borough which is due to the failure (overtime) of the LPA to properly recognise and properly plan for the growth of families in the Borough. There is no suitable policy to consider family growth and the need for sites,

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

iv. The failure of the Wrexham Borough 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 Circular,

v. There appears to be unreasonable bias towards the delivery of settled housing accommodation, and the efforts of FCC to deliver such sites, when compared to its track record in terms of the delivery of gypsy and traveller accommodation in the Wrexham Borough,

vi. There is a distinct failure the LPA to recognise and admit the level of need in the in the Wrexham Borough, despite this need being highlighted through the many undecided planning application,

vii. Gypsy and traveller pitches do not represent an urbanising form of development and can be integrated into the countryside,

[redacted]

[redacted]

CONCLUSIONS ON THE VERY SPECIAL CIRCUMSTANCES PRESENTED TO SUPPORT THIS APPEAL

The appellant agrees with the provisions of the PPW Edition 12, 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 wedge, although it is also clear that this type of development can be successfully and sustainably located within the green barrier once very exceptional circumstances are properly and positively considered.

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 in combination, clearly outweigh the perception of harm to the visual and spatial openness of the green barrier in this part of Wrexham.

In this case, the very exceptional circumstances we have promoted to support this planning application, are directly applicable to the development proposed [redacted]. Furthermore, we have also highlighted the planning policy deficiencies in the Wrexham Unitary Development Plan, which are contrary to the directions set out in the PPW and the Welsh Government Circular 005/2018 Planning for Gypsy, Traveller and Showpeople Sites.

Legal responsibilities are placed on Wrexham Borough Council through the Well-being of Future Generations (Wales) Act 2015, the Housing (Wales) Act 2014 and the Mobile Homes (Wales) Act 2013, the Housing (Wales) Act 2014, the Equalities Act 2020, the Human Rights Act 1998 (Article 8 and Article 1 of the European Convention on Human Rights) and the Public Sector Equalities Duty.

In failing to follow those responsibilities, which for the most part are set out in the Welsh Government Circular 005/2018 Planning for Gypsy, Traveller and Showpeople Sites, we consider that Wrexham Borough are in breach of the legislative direction to such an extent, that the failure to follow legislation and policies that must flow from that legislation, carries VEC in its own right.

[redacted] the VEC that are presented in this case, clearly outweigh any harm to the openness of the green belt by reason of its inappropriateness.