Representor 1146993: Statement on Matter 7, Gypsy and Traveller and Travelling Showpeople Accommodation, Revised Version

Introduction

1. This statement should be read with our statement on Matter 4 which makes a number of overarching points about the context, including at paras 1, 2 and 7. Our response to Question 154 about Brookfield is addressed in our statement on Matter 6, our response to Question 160 about the Green Belt in our statement on Matter 4.

Issue 7.1: Gypsy and Traveller Accommodation Needs

149. Does the GTAA accurately identify the additional accommodation needs for Gypsies and Travellers?

2. The GTAA and the way the Local Plan translates its findings into policy will lead to significant under-provision.

3. Based on the GTAA, Figure 6 the need is for 22 pitches, not the 21 at para 16.2. 22 is a net figure based on the assumption of a vacant pitch at Halfhide Lane, GTAA para 7.21. Site residents confirm no pitch is vacant, nor has there been for a considerable period, so the need is for 23 pitches.

4. ORS's methodology is increasingly being questioned, see paras 27 - 36 of the recent appeal decision 3193773 at Appendix 7.

5. ORS’s methodology is based on the assumption they can interview all Travellers. Fig 4 shows they only managed to interview residents of 25 of 39 occupied pitches (64%). The estimate of need for 22 pitches, Fig 6 is based on those households. To be sound an allowance should be made for needs from the 36% they could not interview.
6. While ORS indicate, paras 3.32 & 3.33, that policy is required to address needs that may be established from non-interviewed Travellers, the plan makes no such provision, apart from through para 16.8, which cross-refers to Policy GB2. While that is welcome in principle, the owners of such sites may have aspirations for higher value uses and there can be no certainty Policy GB2 would deliver any accommodation.

7. The under-estimate will be even greater because the GTAA only takes account of needs from existing Gypsy & Traveller sites. The nature of the travelling communities means there is potential need from housed Travellers (who made up 76% of Gypsies & Travellers in the 2011 Census & are a substantial group in Broxbourne), wholly nomadic Travellers, Travellers on non-Gypsy caravan parks, Travellers whose identity is not known or hidden, and from net in-migration into the district (including from those pushed out of the district by lack of provision). The fact that ORS has not been able to identify individuals from such sources doesn’t mean they should be ignored.

8. The estimate of need is only based on the 9 out of 25 household ORS concluded met the current planning definition of Gypsy or Traveller, Fig 5. There are two problems with this.

9. Firstly, ORS’s approach to determining who meets the definition is likely to significantly underestimate numbers meeting the definition.

10. Secondly, accommodation is needed for Gypsies and Travellers who do not meet the definition. The extract from the Cotswold Local Plan Inspector’s Report (Appendix 2) gives the Inspector’s conclusions on this issue. We would make the additional points:

• S.8 of the Housing Act 1985, and the Draft guidance to local housing authorities on the periodical review of housing need, Caravans and Houseboats require the Council to assess needs for caravans and houseboat accommodation. Subject to confirmation by the Council, we understand it has not carried out such an assessment;
• The GTAA can be used to provide evidence about the need for such accommodation from Gypsies and Travellers who do not meet the definition. A high proportion, possibly all, will require culturally appropriate accommodation;
• Because they are lower density and value, caravan parks for Gypsies and Travellers will not come forward through general housing proposals, and require specific allocation.

11. We do not accept there is no need for transit accommodation.

---

1 The Broxbourne Local Plan Inspector was also the Cotswold Plan Inspector.
Mobility for reasons including seeking work, visiting family, fairs, wedding, and funerals are an essential part of Traveller life. With the severe limitations on roadside stopping, provision for temporary places to stay is required and is particularly important in Hertfordshire given its proximity to the employment opportunities of London and major roads.

150. What evidence, if any, is that there are likely to be needs in addition to those identified in the GTAA?

12. ORS put a strong emphasis on evidence from their own interviews, and little on other sources. Other consultants make more use of other evidence to check their results and fill the gaps.

13. There are currently 160 families on the Hertfordshire Gypsy & Traveller service waiting list. The list is periodically pruned, and many do not apply because they have little chance of being offered a pitch. Of the 160, 14 gave Broxbourne as their first choice Borough. That doesn’t mean those who didn’t identify Broxbourne would reject a pitch in the Borough. If there were additional pitches, the service would offer them to those in highest need, not necessarily those resident in Broxbourne. This is a potential source of net in-migration.

14. Because of the pressure on accommodation the 15 pitches at Hertfordshire’s one transit site at South Mimms are occupied by long term residents. If more public pitches were available, some could be offered to South Mimms residents freeing up transit accommodation.

15. There is likely to be demand from Travellers in bricks and mortar accommodation. While some adapt many find it difficult because of prejudice and racism by neighbours, social isolation and claustrophobia. 25 of the 160 households on Hertfordshire’s waiting list are in bricks and mortar, including 3 with Broxbourne as preferred Borough. Appendix 3 lists Gypsy & Traveller households in Broxbourne in bricks and mortar, homeless or on a sub-let pitch seeking site accommodation.

16. Appendix 4 summarises the evidence for England & Broxbourne from the Caravan Counts. Table 1 shows the big increase in unauthorised development nationally after 2000. The proportion of unauthorised development reduced as a percentage, but remains high and is increasing again, indicating an increase in accommodation stress. There has been a big increase in numbers of caravans on authorised sites. Nearly all of the additional provision has been through Travellers getting permission on privately owned sites. There has been very little additional provision on public sites.

17. Table 2 shows the Broxbourne situation. The 2000 and 2003 returns are not credible. There has been a big increase in unauthorised accommodation, presumably mainly in Wharf Road. There has been little increase in authorised accommodation, with the proportion of caravans on
authorised public and private sites falling markedly. If Broxbourne had followed the national picture there would have been a significant increase in private authorised accommodation. The implication is that while people have come to Wharf Road others have been pushed out of the Borough or into bricks and mortar.

18. Appendix 5 shows Hertfordshire Gypsy & Traveller Service’s record of unauthorised encampments 2014 – 2018. It shows a need for both authorised and transit sites with numbers of encampments increasing in recent years.

19. The revised definition of Gypsy & Traveller for planning purposes has added to the challenges for GTAAs. We question ORS’s effectiveness in determining whether households met the definition and it is likely the numbers meeting the definition are higher. There are a group of reasons for this.

20. People will be guarded in what they say to researchers visiting a site. Gypsy people are private about how they earn money. Reflecting how families function with the men away seeking work, researchers will mainly interview the women who may not be fully informed or willing to share how their husbands and sons work.

21. Through cross-examination of Mr Jarman of ORS at a public inquiry, it became clear his understanding of the definition was flawed. He asserted that non-economic travelling was not relevant, and is discounted by his team. However, it is clear from Maidstone v Dunn, 2006, (referred to at para 2.12 of the GTAA) that while there must be an economic element, the totality of travelling must be considered.

22. ORS’s interview questions are at Appendix D, the travelling questions at Section F. We question whether those questions are adequate to determine a family’s status, which requires significant evidence at appeals. Question F3 was ‘What was the main reason for travelling?’, with the interviewer instructed to cross one box only. Only households which answered ‘for work’, would meet the definition. In the most recent ORS GTAA we are familiar with (that for York, June 2017) ORS have changed Question F3, so it now asks what are the main reasons for travelling. The change will increase the numbers meeting the definition compared with surveys such as that for Broxbourne carried out earlier.

23. There is a striking difference between the numbers ORS suggest meet the definition (10%), and the much higher proportions found by Inspectors. Very recently ORS have revised this figure upwards from 10% to 25%, see Appendix 8.

24. In my own work I have been responsible for 11 appeals involving Traveller status with decisions post August 2015. In 9 of the 11 all the appellants met the definition, in one 2 out of 4 households met the definition (but the whole group were granted permission on personal circumstances), and
only in one appeal for a single individual was Gypsy status not found. In total 25 out of 28 households (89%) met the definition. While the households who submit appeals are not the same as all Gypsy households, the contrast between 10% and 89% is striking.

25. In two cases where we know what ORS found about a family, their findings were not correct. In a case in Gloucestershire ORS concluded a site was occupied by two households, neither meeting the definition. In a planning application we indicated the site was occupied by four households three meeting the definition. That evidence was accepted by the Council. In a case elsewhere, Appeal 3180116, ORS found the occupants of the site were a couple who had ceased travelling. We submitted evidence that the site was occupied by a large extended family and that the whole group had Gypsy status. That evidence was accepted by the Inspector.

26. In Appendix 6 we suggest an indicative target of 50 pitches for Gypsies & Travellers whether or not they meet the definition, plus targets of 29 pitches for Travellers who meet the definition and of 21 for Travellers who do not.

27. It may be suggested that these targets are based on assumptions. We would reply that if anything we have erred on the cautious side and that our assumptions are less unlikely that the assumptions which underlie the Local Plan, which include that no provision is required for Travellers who do not meet the definition, or for unknown households, or from Travellers without a base or in bricks and mortar.

151. Is the proposal in Policy GT1 to only meet the needs of resident travelling communities and their expansion through household formation, and not to meet the needs of extended family members not currently resident in the borough, justified?

28. No. No one would suggest that housing should only be provided for families already in the Borough. Such an approach would cut across family links, which are important for Travellers with family members often living far apart. It is contrary to the explicit requirement of PPITS para 24 e) that Councils ‘should determine applications for any Travellers and not just those with local connections’. It is difficult to reconcile with the Public Sector Equality Duty, likely to be indirectly discriminatory, and potentially contrary to Article 8 of Schedule 1 to the Human Rights Act.

29. For similar reasons reference to long-term connection to the Borough and discontinuance of sub-letting should be deleted from para 16.6. Sub-letting provides opportunities for people without permanent accommodation and is important for people travelling seeking work. Nobody would suggest that debarring the renting of housing would be acceptable.

Issue 7.2: Meeting Accommodation Needs for Gypsies and Travellers
152. and 153. Are the proposals to expand the Hertford Road site by 3 pitches and to provide 2 new pitches within the St James’ Road site justified?

30. The two allocations are justified by the level of need, the challenges in meeting that need and the site specific factors at paras 15 and 16 of our Matter 4 statement. Small private family owned sites are the preferred option for most Gypsies and Travellers. The small number in Broxbourne partly explains the lack of additional provision in recent decades, and helps justify the expansion of those few there are.

155. Is the proposal to provide an authorised site with around 20 pitches at Wharf Road justified?

31. Notwithstanding that the site lies within the Lea Valley Regional Park, for the following reasons we believe there is an exceptional case for an approach broadly based on para 16.6:

- the potential to enhance recreational access to the riverfront;
- the reality that a number of the plots are authorised and will remain in situ with the site providing much needed accommodation;
- the potential to meet additional needs;
- the lack of alternative sites;
- the potential to provide an improved environment and utility services for the residents;
- the site is particularly important for the Irish Traveller community. Generally, accommodation stress is even worse among Irish Travellers than Romany Gypsies. The two private owner-occupied sites and the local authority site are largely occupied by Romany Gypsies, Wharf Road is the only Irish site.

32. Our support is based on the following caveats:

- that residents of the river front pitches are allowed to remain where they are, and only asked to relocate to the consolidated site on terms acceptable to them;
- that the proposals make full use of the site’s potential. We would suggest the plan refers to c.25 pitches in total;
- that the site is taken out of the Green Belt for the reasons in our Matter 4 statement;
- that references to the long term connection to the Borough and the discontinuance of sub-letting are deleted.

156. Collectively, would the proposals in policy GT1 be likely to ensure that the accommodation needs of gypsies and travellers can be met (a) in the period 2017 to 2022 and (b) in the plan period as a whole?
33.  No

157. (a) If not on sites identified in policy GT1, where will the accommodation needs of gypsies and travellers who do not or may not meet the national definition be met?
(b) Would the Plan be effective in ensuring that those needs are met?

34.  See paras 37 and 38 below.

Issue 7.6: Potential Main Modifications

161. What specific changes, if any, are needed to ensure that the Plan is sound with regard to meeting the accommodation needs of gypsies and travellers and travelling showpeople?

35.  Para 24 of our statement on Matter 4 indicates the changes that are needed in regard to Green Belt and Para 12 of our revised statement on Matter 6 the changes required in regard to Brookfield. Para 28 above indicates the change needed to Policy GT1, and paras 29 and 32 the changes required to para 16.6.

36.  On the basis of factors such as the following we propose that the plan should be based on meeting the needs for 50 pitches (both for Travellers who meet and those who do not meet the definition) and on taking the sites out of the Green Belt:

- With the sites taken out of the Green Belt they are suitable for both types of Travellers;
- In practice, it requires significant evidence to determine whether a household meets the definition. ORS’s quick interviews are not enough;
- Pitches on public sites are allocated on the basis of need, not whether families meet the definition;
- Inspectors recognise that planning permission should be granted for households who do not meet the definition because of personal circumstances and / or the human rights impact of dividing a family eg see decisions 3136912 and 3183666.

37.  At an earlier stage the Council indicated to us that it would provide a table with its Matter 7 Statement which equates its estimate of need with its proposals for additional pitches (Hertford Road + 2, St James’ Road + 3, Halffhide Lane relocation +5, Wharf Road unclear). Pending that table, we do not have the information to know how many additional pitches our proposals would require. We suspect our proposals, which in addition to the Council’s proposals would require an additional 10 pitches within either Brookfield Garden Village or an alternative significant housing development and an additional 5 pitches at Wharf Road may not be enough to accommodate the 50 pitches we propose are needed.
38. We do not have the detailed knowledge of sites to know how else needs should be accommodated. If the Inspector concludes that the proposals will not provide enough pitches, we would invite him to ask the Council how it would accommodate more.

**Appendices**

Appendix 2  Cotswold Local Plan Inspectors Report extract

Appendix 3  Broxbourne residents in bricks & mortar or homeless wanting site accommodation

Appendix 4  Caravan Counts 2000 – 2018, England & Broxbourne

Appendix 5  Hertfordshire Gypsy & Traveller Service Unauthorised Encampment Record 2014 – 2018

Appendix 6  Indicative Gypsy and Traveller Targets

Appendix 7  Appeal decision 3193773

Appendix 8  Blaby DC note to the Blaby Local Plan examination
Current policy on traveller sites is clear that there is only a requirement to identify specific sites to accommodate the needs of households that meet the definition. However, national policy also makes it clear that the objectively assessed need for housing should be met in full, and that local plans should be based on the different groups in the community.\(^1\) Whilst some families that do not meet the definition could reasonably be expected to find accommodation of one form or another elsewhere in the district, it is likely that there will be some households whose would most appropriately be met on sites occupied by gypsies and travellers that do not meet the definition. This may be because they are members of an extended family some of which meet the definition, or because whilst they do not currently meet the definition they may do so later in the plan period.

\(^1\) NPPF paragraph 50.
Appendix 3, Households in Broxbourne in bricks and mortar or homeless who have expressed a preference to live on LA or private Traveller sites

Family of 4 Romany Gypsy in Hoddesdon in Council Housing

Family of six, Broxbourne, Irish Traveller. Private rented

Family of four Wormley  French Traveller. Private rents on Traveller owned site.

Family of 3 Wormley  Irish Traveller short term HA tenancy.

Young Girl, Hostel in Broxbourne, self-contained Accommodation, Mental Health problems, would benefit from being supported on a family site.

Family of four Waltham Cross Romany Gypsy Private Rents.

Elderly widowed lady, Romany Gypsy, Broxbourne, carer for disabled son, would benefit from support from community network on site.

Family of Two, Irish Traveller living on Traveller Private site Wormley. Homeless

Family of four Irish Traveller, originally from Broxbourne, living on roadside. Homeless.

Family of six Romany Gypsy, Turnford, Assured Tenancy, Council Tenant.

Family of two, Irish Travellers Broxbourne, assured tenancy housing association.

All Families above would be happy to free up housing for others, if offered site provision, some are registered with Gypsy Section for sites, but the list is so long there is little hope of them being ever offered site accommodation.

Table 1, Gypsy and Traveller Caravan Counts 2000 – 2018, England

<table>
<thead>
<tr>
<th></th>
<th>SOCIALLY RENTED AUTHORISED</th>
<th>%</th>
<th>PRIVATE AUTHORISED</th>
<th>%</th>
<th>UNAUTHORISED</th>
<th>%</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>JAN 00</td>
<td>6,204</td>
<td>46.6</td>
<td>4,533</td>
<td>34.1</td>
<td>2,567</td>
<td>19.3</td>
<td>13,304</td>
</tr>
<tr>
<td>JAN 03</td>
<td>6,012</td>
<td>40.9</td>
<td>4,728</td>
<td>32.2</td>
<td>3,960</td>
<td>26.9</td>
<td>14,700</td>
</tr>
<tr>
<td>JAN 06</td>
<td>6,636</td>
<td>42.1</td>
<td>5,838</td>
<td>37.1</td>
<td>3,272</td>
<td>20.8</td>
<td>15,746</td>
</tr>
<tr>
<td>JAN 09</td>
<td>6,785</td>
<td>38.1</td>
<td>7,400</td>
<td>41.5</td>
<td>3,628</td>
<td>20.4</td>
<td>17,813</td>
</tr>
<tr>
<td>JAN 12</td>
<td>6,800</td>
<td>36.3</td>
<td>9,096</td>
<td>48.5</td>
<td>2,850</td>
<td>15.2</td>
<td>18,746</td>
</tr>
<tr>
<td>JAN 15</td>
<td>6,867</td>
<td>34.1</td>
<td>10,585</td>
<td>52.6</td>
<td>2,671</td>
<td>13.3</td>
<td>20,123</td>
</tr>
<tr>
<td>JAN 18</td>
<td>6,924</td>
<td>30.1</td>
<td>13,038</td>
<td>56.8</td>
<td>2,984</td>
<td>13.0</td>
<td>22,946</td>
</tr>
</tbody>
</table>

Table 2, Gypsy and Traveller Caravan Counts 2000 – 2018, Broxbourne

<table>
<thead>
<tr>
<th></th>
<th>SOCIALLY RENTED AUTHORISED</th>
<th>%</th>
<th>PRIVATE AUTHORISED</th>
<th>%</th>
<th>UNAUTHORISED</th>
<th>%</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>JAN 00</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>JAN 03</td>
<td>0</td>
<td>0</td>
<td>5</td>
<td>0</td>
<td>5</td>
<td>0</td>
<td>5</td>
</tr>
<tr>
<td>JAN 06</td>
<td>23</td>
<td>57.5</td>
<td>8</td>
<td>20.0</td>
<td>9</td>
<td>22.5</td>
<td>40</td>
</tr>
<tr>
<td>JAN 09</td>
<td>23</td>
<td>35.9</td>
<td>13</td>
<td>20.3</td>
<td>28</td>
<td>43.8</td>
<td>64</td>
</tr>
<tr>
<td>JAN 12</td>
<td>21</td>
<td>28.8</td>
<td>12</td>
<td>16.4</td>
<td>40</td>
<td>54.8</td>
<td>73</td>
</tr>
<tr>
<td>JAN 15</td>
<td>30</td>
<td>33.3</td>
<td>15</td>
<td>16.7</td>
<td>49</td>
<td>54.4</td>
<td>90</td>
</tr>
<tr>
<td>JAN 18</td>
<td>30</td>
<td>25.6</td>
<td>15</td>
<td>17.8</td>
<td>72</td>
<td>61.5</td>
<td>117</td>
</tr>
</tbody>
</table>
Appendix 6 Indicative Gypsy and Traveller Targets

1. We propose an indicative target that provision of 50 pitches for Gypsies and Travellers, both those who meet the definition and those who do not the definition. This is made up of:
   - 23 pitches for Travellers who meet the definition (GTAA Figure 6);
   - 10 pitches for Travellers who do not meet the definition (GTAA Figure 12);
   - 5 pitches for unknown households, whether or not they meet the definition (GTAA Figure 8);
   - An allowance of 12 pitches for need from such sources as Gypsies and Travellers in bricks and mortar, unidentified Travellers, Travellers without a home base, net in-migration into the district, and the generation of additional households from those sources. It might also address the potential for the need from unknown households to be greater than 5 for the reasons at para GTAA para 7.26.

2. Given that Appendix 3 identifies 9 households in Broxbourne in bricks & mortar who are seeking site accommodation and a further two who are homeless an allowance of 12 pitches from the totality of sources for which the Council assumes there will be no need could be argued to be on the low side.

3. We also suggest targets of 29 pitches for Gypsies and Travellers who meet the definition and of 21 for those who do not meet the definition.

4. The definition target is made up of:
   - 23 pitches for Travellers who meet the definition;
   - 2 pitches for Travellers who may meet the definition. This comes from the 5 in Figure 8. Rather than assuming that 10% of these will meet the definition we apply the 9 out of 25 finding from ORS’s local survey, Figure 5 for the proportion who might meet the definition;
   - 4 from the sources for which the Council assumes there will be no need. This is based on the 12 as above multiplied by the 9 out of 25 from Figure 5.

5. The non-definition target is made up of:
   - 10 pitches for Travellers who do not meet the definition;
   - 3 out of the 5 unknown households who may meet the definition; and
   - 8 from the sources for which the Council assumes no pitches.
6. If our submission that ORS’s methodology is likely to underestimate the numbers who meet the definition is correct, more of the total need will be from families who meet the definition, and less from those who do not.
Appeal Decision

Inquiry Held between 31 July and 2 August 2018
Site visit made on 2 August 2018

by Mark Dakeyne BA (Hons) MRTPi
an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 21 August 2018

Appeal Ref: APP/J0405/W/18/3193773
Oakview Park, Murcott Road, Arncott, Bicester, Bucks OX5 2RH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr J Maloney and others against the decision of Aylesbury Vale District Council.
- The application Ref 16/03442/APP, dated 12 September 2016, was refused by notice dated 31 August 2017.
- The development proposed is use of land as a residential caravan site for 19 gypsy families, including access road, hardstandings and boundary walls/fencing.

Decision

1. The appeal is allowed and planning permission is granted for use of land as a residential caravan site for 19 gypsy families, including access road, hardstandings and boundary walls/fencing at Oakview Park, Murcott Road, Arncott, Bicester, Bucks OX5 2RH in accordance with the terms of the application, Ref 16/03442/APP, dated 12 September 2016, subject to the conditions set out in the attached schedule.

Application for costs

2. An application for costs was made by Mr J Maloney and others against Aylesbury Vale District Council. This application is the subject of a separate decision.

Preliminary Matters

3. The appeal site is already in use as a residential caravan site. Walls and fencing divide the 19 pitches and delineate the central access road. Most of the pitches were occupied when I visited the site.

4. A Statement of Common Ground dated 19 June 2018 between the appellants and the Council sets out the matters of agreement and disagreement. However, the appellants indicated that they were not seeking a planning permission limited by condition to particular occupants. In this respect it was agreed between the main parties at the inquiry that whether the existing site occupants satisfied the definition of gypsies and travellers in the annex to Planning Policy for Traveller Sites August 2015 (PPTS) ('the planning definition') would not be issue which would be determinative for the appeal.

https://www.gov.uk/planning-inspectorate
5. The new National Planning Policy Framework (the Framework) was published a few days before the inquiry. The main parties had regard to its contents in presenting their evidence and I have taken it into account in my decision.

Main Issues

Having regard to the above the main issues are:
(1) the effect on the character and appearance of the area;  
(2) whether the traveller site is sustainable taking into account local and national policies; and,  
(3) the provision of and need for traveller sites in the area.

Reasons

Character and appearance

6. The appeal site lies within an area of open countryside to the south of Arncott and to the north of the M40. Level and gently sloping medium sized fields with hedgerow boundaries is the predominant landscape feature. The regimented and relatively tight layout of pitches and hard landscaping on the appeal site are not in character with the surrounding historic field pattern. However, the rural landscape and tranquillity has already been disrupted to an extent by the M40 carving through the countryside, the Ministry of Defence (MoD) bases and activities in and around Arncott and the moto-cross circuit between the site and the village.

7. The Aylesbury Vale Landscape Character Assessment (LCA) shows the appeal site as lying within the Panshill Vale Landscape Character Type. The LCA carried out in 2008 recognised that the M40, pylons and development on the edge of Arncott were visually intrusive. The LCA’s summary of the landscape’s condition as poor and its sensitivity as moderate is still relevant. In this context the development causes some further harm to the landscape character.

8. In terms of visual impact the site is not readily seen in longer distance views because of the barrier of the M40 to the south, the buildings in and around Arncott to the north, the belt of woodland to the east and the network of field boundaries to the west. With regard to medium distance views the caravans and mobile homes on the site are most obvious when seen from the southern approach along Murcott Road including at the site entrances to New Park Farm and Four Winds Farm. The upper parts of the structures are visible on the slightly rising ground above the intervening vegetation. Similar private views can be obtained from the drive and first floor bedrooms to New Park Farm although the most prominent caravans seen from the house appeared to be those on a triangle of land closest to the road which is beyond the appeal site.

9. From the historic bridleway known as Boarstall Lane to the north and west the field boundary hedgerows largely mask the site from public views. On the initial section off Murcott Road, the large MoD buildings towards the village and some semi-derelict outbuildings adjacent to the track are the dominant features. Further along a field gate to the west of New Park Farm does allow some of the caravans to be seen between vegetation but the gap is fairly narrow.

10. From the site entrance on Murcott Road the walls, caravans and vehicles on the easternmost pitches are clearly visible but most of those passing are likely to be in vehicles travelling upwards of 40 mph so for them it is a fleeting view.
11. Where the caravans can be seen they are a discordant feature in the landscape. However, from most public and private views existing vegetation screens and softens the visual impact and provides a backdrop to the site. The structures are not seen against the skyline. Outside the summer months when deciduous trees and hedgerows are not in leaf, the site and the structures on it would be more visible. However, the same could be said for other buildings and structures in the vicinity. For example the MoD buildings and boundary security fencing on the opposite side of the road were inconspicuous in August because of the substantial roadside hedge but would become more evident over the winter months.

12. Planting has taken place around the perimeter of the site but there are some gaps and in a few places trees and shrubs are dead or dying. Some of the planting, such as the line of willows, is not characteristic of the area. However, additional landscaping could take place to fill the gaps and replace the failed and uncharacteristic planting. Moreover, the layout plan, as well as annotating landscaping to the site boundaries, also shows indicatively additional planting within the site including around the pitches. There would also be the scope to replace some of the areas of hardstanding with grass. Such landscaping would not only soften the site entrance but also make the site attractive from within for residents.

13. The PPTS accepts that gypsy and traveller sites can locate in rural areas. In doing so it is logical to also accept that some visual harm will occur from many sites particularly those that are not on land which was previously developed, untidy or derelict and that caravans will be a part of the rural scene in some countryside locations. Although in this case soft landscaping would not result in a positive enhancement of the environment and increase in the openness of the site compared to when it formed part of a field, further planting would have the potential to achieve some of the other benefits set out in paragraph 26 of the PPTS.

14. In the previous appeal decisions in 2009\textsuperscript{1} the Inspector did not support a permanent permission ‘because of the scheme’s substantial adverse landscape consequences’. However, since then planting on some of the site boundaries has become established; further development has taken place nearby including that on the MoD land to the east; and national policy has changed with the introduction of the PPTS. Furthermore, it is significant that the Council promotes the site as an allocation in the emerging Vale of Aylesbury Local Plan 2013-2033 (ELP). In the assessment of the site\textsuperscript{2} which forms part of the evidence base for the ELP no significant landscape impacts were identified. This was on the basis of 19 pitches, not the 13 proposed in the allocation. In this respect it differs from other sites proposed for allocation which are seen as sensitive in the landscape e.g. land opposite Causter Farm, Nash.

15. In conclusion there would be some harm to the character and appearance of the area. There would be conflict with Policy GP.35 of the Aylesbury Vale District Local Plan January 2004 (LP) as the development would not respect and complement the physical characteristics of the site and surroundings and the natural qualities and features of the area. However, because of the level of sensitivity of the landscape, the limited visibility of the site and the scope to

---

\textsuperscript{1} APP/J0405/A/08/2072065 and 2072199 dated 8 May 2009

\textsuperscript{2} Aylesbury Vale Gypsy, Traveller and Travelling Showpeople Site Assessment Report July 2016
undertake further planting, the level of harm to the character and appearance of the area would be moderate.

Sustainable site

16. The appeal site is about 850m from the southern edge of Arncott and just over 1km from a small convenience store, village hall and recreation ground within the village. Arncott itself is categorised in the Cherwell Local Plan as a Category A Service Village where residential development within the built-up limits can take place. The nearest primary school and a satellite surgery are in Ambrosden about 4km away. Secondary schools and larger scale health care facilities are in Bicester which is about 7km from the site. In these respects the site is not physically isolated or away from the nearest existing settlements which together provide a good range of facilities.

17. Once Murcott Road leaves the built up area it does not have pavements or lighting and is subject to the national speed limit. Vehicles pick up speed when they exit the 30mph speed restriction zone at the edge of the village. Although there is a grass verge between the appeal site and the settlement, when I visited much of the verge was overgrown and uneven. Some journeys from the site to the village may be undertaken on foot or by cycle but I would not see the route as welcoming for pedestrians or that attractive to cyclists, particularly in poor weather, outside daylight hours, or if accompanied by young children.

18. The nearest bus stops are also about 1km from the site. They give access by an hourly service to Ambrosden, Bicester and Oxford during the daytime Mondays to Saturdays with reduced frequency in the evening. The Sunday service is limited to two afternoon journeys in each direction. Although the service is reasonable for a village of the size of Arncott, the walk to the bus stop, as with the journey on foot to village facilities, would be an obstacle to its use.

19. Therefore, the opportunities to use sustainable transport modes are constrained. Moreover, it is not proposed to make walking more attractive by providing a footway between the site and village. However, whilst most journeys would be undertaken by private vehicle, trips to access facilities would not be long. Moreover the PPTS, in accepting that many sites will be in rural areas, is cognizant of the fact that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, notwithstanding the objectives of the Framework to promote accessible services, healthy lifestyles and a choice of transport modes.

20. Furthermore, the PPTS at paragraph 13 considers the sustainability of traveller sites in the round. The provision of a settled base for up to 19 traveller families would promote access to health services; ensure that children can attend school on a regular basis; reduce the need for long-distance travelling and possible environmental damage caused by unauthorised encampments; and allow some to live and work from the same location. The site is not in a flood plain and would provide a site of reasonable environmental quality for its occupants.

21. During periods that the site has been occupied there have been incidents of pollution, including contamination of water courses, and anti-social behaviour such as dumping and burning of waste, trespass and damage to property. Raw
sewage has recently been identified close to the site. Excessive numbers of caravans have been evident. Some of the occupants appear to have been transient which is likely to have contributed to these problems.

22. However, provision of appropriate foul and surface water methods of disposal could be secured, and burning of materials prevented, by condition. There are signs of community integration through attendance at local schools, use of local facilities and the establishment of friendships with the settled community. I see no reason why peaceful and integrated co-existence between those on the site and the local community, including nearby residents, cannot be achieved over time if respect and good neighbourliness is shown by all. This should be assisted by the removal of the tensions and uncertainty caused by a development unauthorised since 2012.

23. The nearest dwellings at New Park Farm are separated from the appeal site by an access track, a row of conifers and a large agricultural style barn. The use would not have an unacceptable impact on the living conditions of nearby residents by reason of noise, disturbance or loss of privacy.

24. The site is within the rural parish of Boarstall which includes a small village some 2km to the south-east and scattered farmsteads. However, the nearest settled community is at Arncott. I was not made aware of other traveller sites near to the appeal site or village. A development of 19 pitches would not be out of scale or dominate the village of Arncott.

25. The previous Inspector in 2009 considered that the site was reasonably sustainable for a temporary permission but that other sites might be identified as more sustainable. The Council has been through the exercise of comparing sites in the ELP and assessed Oaksvie Park as being relatively close to services and facilities and having the benefits of a settled base.

26. Accordingly the traveller site is sustainable taking into account local and national policies. There is no conflict with the Government’s policy of very strictly limiting new traveller development in open countryside as the site is not away from existing settlements.

Provision and need for traveller sites

27. The PPTS requires that local planning authorities make their own assessment of the need for traveller sites and in producing their local plan provide 5 years supply of deliverable sites as well as a supply of additional sites for later in the plan period.

28. The most recent assessment of accommodation needs for gypsies and travellers in Aylesbury Vale was undertaken in 2016 with the report published in February 2017. At the base date of the GTAA, February 2016, there were some 10 permanent authorised gypsy sites in the District containing a total of around 65 pitches together with three sites with temporary permission (14 pitches) and eight sites containing unauthorised pitches, including the appeal site (42 pitches). The significant number of temporary and unauthorised pitches at the base date suggests an underlying unmet need even before any household growth is factored in.

---

3 Aylesbury Vale, Chiltern, South Bucks and Wycombe District Councils Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTAA) Final Report February 2017 - Opinion Research Services (ORS)

4 Para 4.6 of the GTAA
29. The report identified a current and future need for 8 pitches for the period 2016-2033 for those who met the planning definition (‘the knowns’). However, it was not possible to determine the traveller status of a large number of households (87) because either they refused to be interviewed or were not on site at the time of the researchers’ visit. ORS assumed that 10% of those not interviewed (‘the unknowns’) met the planning definition based on national data.

30. However, for several reasons the identified needs for those who meet the planning definition appears to be an underestimate. A number of sites have been granted permanent planning permission since the base date of the GTAA providing some 28 pitches\(^5\). The assumption is that all the site occupants in these cases met the planning definition. An appeal decision\(^6\) made before the publication of the GTAA determined that the occupiers of 3 pitches at Ickford met the planning definition but despite this evidence the GTAA discounted them in its assessment because at the time of the researchers’ visit no contact was possible. Therefore, it is reasonable to assume that of the sites which have obtained planning permission from 2016 onwards 100% of occupants have met the planning definition.

31. In the case of the appeal site the GTAA indicates that of 13 pitches assumed to be occupied only 5 interviews were conducted. Contact was not possible with 8 households. This information led to the conclusion that none of the households occupying the site in 2016 met the planning definition. Whilst this appeal decision does not seek to determine the gypsy status of the occupants of Oaksview Park, from what I have heard and read several of the households would appear to fall within the planning definition and certainly significantly more than the 10% assumed by ORS.

32. ORS have conducted many GTAAs and their findings have been accepted in Local Plan Examinations and appeal decisions. The appellants have not put forward an alternative analysis. That said I am mindful of some of the other criticisms of the GTAA by the appellants in this case and that of ORS in other appeals, including a failure to explore further during interviews some of the answers about working and travelling habits. These criticisms tend to reinforce my view that the findings of need within the GTAA are an underestimate.

33. The Council has used the GTAA to support the emerging Vale of Aylesbury Local Plan 2013-2033 (ELP). However, the Council has taken a precautionary approach to addressing gypsy and traveller needs by proposing to allocate enough sites to meet the needs of both ‘knowns’ and ‘unknowns’ for the first 10 years of the ELP (69 pitches), including the appeal site. The other allocations are sites with permanent and temporary permission, vacant pitches and major development areas on the edge of Aylesbury. In view of my findings above I see this as a pragmatic and sensible approach. Moreover, in seeking to provide for the ‘unknowns’ the planning policies of the ELP are reflecting paragraph 61 of the Framework and the needs of different groups, in this case those of gypsies and travellers who may not meet the planning definition but for cultural and ethnic reasons are rooted in the gypsy way of life.

\(^5\) Para 8.15 of the Housing Topic Paper January 2018
\(^6\) Appeal Decision Ref: APP/J0405/W/15/3005295 dated 9 February 2016
34. The ELP is currently being examined. There are objections to the Council’s approach to meeting the needs of both ‘knowns’ and ‘unknowns’ and the proposed allocation of the appeal site. However, the Council continue to support its approach as its preferred strategy as shown by its representations to the relevant hearing session on 19 July 2018.

35. The GTAA identified that two sites in 2016 had vacant or unimplemented pitches. A few pitches on the appeal site are undeveloped or unoccupied. However, there is no evidence that pitches elsewhere are available for occupants of the appeal site. Indeed the vacant pitches at the site near Biddlesden were said to be reserved to accommodate new households formed from the extended family who occupy the site. No known alternative sites are available for the site occupants.

36. I conclude that there is a need for additional gypsy and traveller sites in the District and the appeal site would contribute to meeting the need as proposed in the ELP. There is also a general unmet need nationally and regionally. I accept that using the GTAA as a basis for need and having regard to recent permissions there is a 5 year supply of specific deliverable sites in the District for the ‘knowns’. However, for the reasons that I explore above that is not the full picture.

Other Matters

37. There has been a failure to comply with some of the conditions imposed on the previous permission. However, there is more likely to be the commitment and wherewithal to invest in the site if permanent permission is granted. The Council has powers to ensure that conditions are enforced.

38. Visibility at the site access is reasonable, a splay of 2.4m by 160m being achievable. The Highways Authority did not object to the application and the previous Inspector found that dismissing the appeal on highway safety grounds was not justified, albeit he was only considering a temporary permission.

39. I have not considered in detail the personal circumstances of the site occupants as the appellants are not relying on this factor in support of their case. Some families have only been on the site for a short period. That said for those existing and new occupants who meet the planning definition and stay, the site would provide a settled base. Along with a settled base come the advantages of access to health and education services, including for those with specific health and learning needs. There are a number of families on the site with school aged children some of whom attend local schools. There would also be advantages for the general well-being of the families in being settled and having continual access to basic amenities and a secure living environment. In particular a settled base would be in the best interests of the children.

Conditions

40. A condition would be needed to control the occupation of the pitches to those who meet the definition of travellers within PPTS.

41. Conditions are required to limit the number of pitches, caravans and commercial vehicles in the interests of the character and appearance of the area. Controls on commercial activities and burning of materials are needed.
for similar reasons and also to safeguard the living conditions of nearby residents.

42. A site development scheme would ensure that soft and hard landscaping, lighting, drainage, refuse storage, and water supply were appropriate to protect the character and appearance of the area, prevent pollution and unacceptable surface water run-off and be in the interests of the living conditions of nearby residents and occupants of the site. In view of the scale of the site some provision should be made for children’s play, either in a communal area or through the layout of each pitch.

43. The 2009 appeal decision included a condition relating to visibility splays. Although most of the splays appear to be within highway land the requirement to maintain visibility within them should be included in the interests of a safe and suitable access.

Planning Balance and Conclusions

44. There would be conflict with Policy GP.35 of the LP, the only relevant development plan policy that has been brought to my attention. I give full weight to the policy insofar as it is relevant to the use as it is consistent with the Framework’s objectives of protecting and enhancing the natural environment and recognising the intrinsic character and beauty of the countryside. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

45. There would be moderate harm to the character and appearance of the area. I have found no other material harm.

46. In terms of benefits the site is sustainable when considered in the round. The site would contribute to meeting the need for gypsy and traveller sites in the District. The site would provide a settled base for up to 19 families which would have a number of advantages and be in the best interests of the children who live on the site.

47. The development plan does not contain any policies which are directly relevant to gypsy and traveller sites. This is a failure of policy recognised by the ELP which is proposing allocations through Policy S6, including the appeal site, and introducing criteria based Policy D10 specific for gypsies and travellers. The proposal would accord with Policy S6 and satisfy most of the criteria within Policy D10. The site would exceed 13 pitches but the Site Assessment Report does not raise any overriding issues with a 19 pitch site and a couple of the other sites proposed for allocation would be larger. Although the policies are subject to unresolved objections I give moderate weight to them as they are reasonably consistent with the Framework and PPTS and reflect the preferred approach of the Council.

48. Overall I conclude that the conflict with the development plan and the other harm are outweighed by the benefits. Material considerations indicate that the appeal should be determined other than in accordance with the development plan. The appeal should be allowed.

Mark Dakeyne

INSPECTOR
SCHEDULE OF CONDITIONS

1) The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1: Glossary of Planning Policy for Traveller Sites August 2015 (or its equivalent in replacement national policy).

2) The development hereby approved shall comprise no more than 19 pitches as shown on the approved Site Location Plan and Site Layout Plan.

3) No more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended (of which no more than 1 shall be a static caravan or mobile home) shall be stationed on each pitch at any time.

4) No more than one commercial vehicle per pitch shall be kept on the land. Each vehicle shall not exceed 3.5 tonnes in unloaded weight and shall not be stationed, parked or stored on the site except within the relevant pitch and shall not be used other than by occupiers of that pitch. No other commercial vehicles shall be kept on the land.

5) No commercial activities, including the storage of materials, shall take place on the land other than the storage of materials in vehicles authorised to be parked on the site.

6) No burning of materials or waste shall take place on the land.

7) The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 3 months of the date of failure to meet any one of the requirements set out in i) to iv) below:

   (i) within 3 months of the date of this decision a scheme (hereafter referred to as the Site Development Scheme) shall have been submitted for the written approval of the local planning authority for:

   (a) hard and soft landscaping. Hard landscaping shall include means of enclosure and surfacing materials. Soft landscaping shall include identification of all trees, shrubs and hedges to be retained showing their species, spread and maturity; and new tree, hedge and shrub planting including details of species, plant sizes and proposed numbers and densities;

   (b) external lighting within the site;

   (c) details of foul, surface and waste water drainage (including ‘grey’ waste water from washing/shower facilities) either by connection to a public sewer or by discharge to a properly constructed sewage treatment plant, septic tank or cesspool. All drainage and sanitation provision shall be in accordance with all current legislation and British or European Standards;

   (d) details of the means by which a wholesome and sufficient water supply shall be provided to all the occupied pitches within the development;

   (e) communal storage and collection area for refuse and recyclables; and,

   (f) play space for children.

   (ii) If within 12 months of the date of this decision the local planning authority refuse to approve the Site Development Scheme or fail to give
a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

(iii) If an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted Site Development Scheme shall have been approved by the Secretary of State.

(iv) The Site Development Scheme shall be implemented in full in accordance with the approved details no later than 6 months from its written approval.

Upon implementation of the approved Site Development Scheme specified in this condition, that scheme shall thereafter be maintained. No lighting, hardstandings or means of enclosure other than those forming part of the approved scheme shall be constructed or erected on the site.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

8) If within a period of 5 years from the implementation of the Site Development Scheme, any trees or plants which formed part of the approved site development scheme die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of similar size and species.

9) Visibility splays shall hereafter be maintained on both sides of the site access measuring not less than 2.4 metres along the centre line of the access by 160 metres along the edge of the carriageway. The areas contained within the splays shall be kept free of any obstruction exceeding 0.6 metres in height above the nearside channel level of the carriageway.
APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Isabella Tafur of Counsel

Instructed by Aylesbury Vale District Council

She called

Philippa Jarvis  PJPC Ltd (Planning Consultancy)
BSc (Hons) Dip TP MRTPI

FOR THE APPELLANT:

Alan Masters of Counsel

Instructed by Philip Brown Associates Ltd

He called

Tom Tipthorpe  Site Occupant
Margaret Connors  Site Occupant
Margaret McDonagh  Site Occupant
Philip Brown  Philip Brown Associates Ltd
BA (Hons) MRTPI

INTERESTED PERSONS:

Lawrence Odell  Chairman of Boarstall Parish and Local Resident
**LIST OF DOCUMENTS SUBMITTED AT THE INQUIRY**

<table>
<thead>
<tr>
<th>ID</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>ID1</td>
<td>Costs application submitted by the appellants</td>
</tr>
<tr>
<td>ID2</td>
<td>Draft conditions submitted by the Council</td>
</tr>
<tr>
<td>ID3</td>
<td>Extract from Inspector’s report on the examination of the Maldon District Local Development Plan 2014-2029 submitted by the Council</td>
</tr>
<tr>
<td>ID4</td>
<td>Appeal decision ref: APP/V2635/W/17/3180533 dated 2 February 2018 submitted by the Council</td>
</tr>
<tr>
<td>ID5</td>
<td>Appeal decision ref: APP/P0240/W/17/3169799 dated 26 March 2018 submitted by the Council</td>
</tr>
<tr>
<td>ID6</td>
<td>Appeal decision ref: APP/N1920/W/17/3173518 dated 26 January 2018 submitted by the Council</td>
</tr>
<tr>
<td>ID7</td>
<td>Appeal decision ref: APP/P0240/A/12/2179237 dated 21 December 2016 submitted by the appellants</td>
</tr>
<tr>
<td>ID8</td>
<td>Appeal decision ref: APP/X0360/C/16/3153193 dated 2 July 2018 submitted by the appellants</td>
</tr>
<tr>
<td>ID9</td>
<td>Note of site visit to New Park Farm by Environment Agency submitted by Mr Odell</td>
</tr>
<tr>
<td>ID10</td>
<td>Council’s Opening Statement</td>
</tr>
<tr>
<td>ID11</td>
<td>Council response to Inspector’s Question 49 of examination of Vale of Aylesbury Local Plan 2013-2033 submitted by the Council</td>
</tr>
<tr>
<td>ID12</td>
<td>Statement of Personal Circumstances of occupiers of Pitches 3, 4 and 5 submitted by the appellants</td>
</tr>
<tr>
<td>ID13</td>
<td>Statement of Personal Circumstances of occupiers of Pitch 19 submitted by the appellants</td>
</tr>
<tr>
<td>ID14</td>
<td>Letter from Mr Odell to Mr Tipthorpe re water supply submitted by the appellants</td>
</tr>
<tr>
<td>ID15</td>
<td>Post Hearings Note from Programme Officer on next steps of examination of Vale of Aylesbury Local Plan 2013-2033 submitted by the Council</td>
</tr>
<tr>
<td>ID16</td>
<td>Child’s Plan relating to one of children of site occupants submitted by the appellants</td>
</tr>
<tr>
<td>ID17</td>
<td>Letter from manager of Arncott Supermarket submitted by the appellants</td>
</tr>
<tr>
<td>ID18</td>
<td>Closing submissions by the Council</td>
</tr>
<tr>
<td>ID19</td>
<td>Closing submissions by the appellants</td>
</tr>
<tr>
<td>ID20</td>
<td>Council’s response to appellants’ costs application</td>
</tr>
</tbody>
</table>
Note from Blaby District Council

Gypsy and Travellers and Travelling Show People - ‘Unknown’ Households

Introduction

Further to the hearing sessions, Blaby District Council has sought further advice from consultants ORS who produced the Leicester and Leicestershire Gypsy and Traveller and Travelling Show People Accommodation Assessment 2017 (GTAA).

The Inspector requested a note from the consultants to justify the assumption that nationally 10% of ‘unknown’ households meet the revised definition of Gypsies and Travellers as set out in Appendix 1 of the 2015 Planning Policy for Traveller Sites. This assumption is questioned by the National Federation of Gypsy Liaison Groups. Specifically, the Inspector asked whether the consultants have revisited any of the areas where they have previously undertaken interviews to find out whether the assumption is justified.

ORS Response

ORS have provided a response. This is set out in Appendix 1.

In summary, the response indicates that the 10% assumption is based on the number of interviews undertaken nationally to determine whether or not households that have been interviewed meet the definition for planning purposes as defined by national planning policy at the time that the GTAA was prepared.

Further Clarification from Blaby District Council

The Council considers that the 10% assumption is reasonable for ‘unknown’ households. However, the Council wants to clarify a number of points:

- The assumption has not been used to restrict provision for gypsies and travellers. It is simply an indication of the likely quantity of ‘unknown’ households that may meet the definition of gypsy and traveller.
- Paragraph 3.42 of the Delivery DPD seeks to show that if all the ‘unknown’ households were to meet the definition of gypsy and traveller the need may rise by 23 households for the period between 2016 and 2036. However, a significant proportion of the ‘unknown’ households are subject to ongoing enforcement investigations relating to breaches of planning conditions in terms of the use of sites by non gypsies and travellers. Taking account of the assumptions of the GTAA and the local evidence it is considered that the number of ‘unknown’ households who do meet the definition is likely to be at the lower end of the range.
• Paragraph 3.43 of the Delivery DPD indicates that there is sufficient supply for the period 2016 to 2021 for both households that do meet the planning definition and for ‘unknown’ households at the higher level of the range.
• The Council therefore considers that a broad locations and criteria based approach is the appropriate mechanism to make provision for longer term needs for gypsies and travellers who do meet the definition, ‘unknown’ households who subsequently do meet the definition and other applications that may come forward outside the level of defined need.
• The Council is supportive of proposed main modifications to ensure the policy is consistent with national policy in this respect.
Hi Gemma

Thanks for getting in touch and hopefully I can be of some assistance.

The figure of 10% that was set out in the Leicestershire GTAA Report was based on the outcomes of approximately 1,800 interviews completed by ORS nationally since the revised PPTS was issued in 2015. At that time 10% of households that had been interviewed met the planning definition. This was consistent with data from interviews completed prior to the revised PPTS. The 10% figure is only meant as a guide to illustrate the potential levels of need arising from unknown households that are likely to meet the planning definition. We feel that it was more statistically robust to use the national figure based on 1,800 interviews as opposed to the local figure of 36% based on just 22 interviews. Using the national 10% would indicate a need of 2 additional pitches from the unknowns and using the locally derived figure of 36% would indicate a need for 8 additional pitches.

The ORS methodology to address the need arising from unknown households was supported by the Planning Inspector for a Local Plan Examination for Maldon Borough Council, Essex. In his Report that was published on 29th June 2017 he concluded:

150. The Council’s stance is that any need arising from ‘unknowns’ should be a matter left to the planning application process. Modifications to Policy H6 have been put forward by the Council setting out criteria for such a purpose, which I consider further below. To my mind, that is an appropriate approach. While there remains a possibility that up to 10 further pitches may be needed, that cannot be said to represent identified need. It would be unreasonable to demand that the Plan provide for needs that have not been established to exist. That being said, MM242h is nonetheless necessary in this regard. It commits the Council to a review of the Plan if future reviews of the GTAA reveal the necessity for land allocations to provide for presently ‘unknown’ needs. For effectivenes, I have altered this modification from the version put forward by the Council by replacing the word “may” with “will” in relation to undertaking the review committed to. I have also replaced “the Plan” with “Policy H6” – the whole Plan need not be reviewed.

It would be fair to conclude that a need of between 2-8 additional pitches is well within the realms of a criteria-based policy to deal with should any applications come forward.

In addition we have now completed a substantially higher number of interviews with Travellers across the UK (approximately 3,500 now) and the 10% figure is slowly rising and is now standing at around 25%.

I would be happy to pull together a more formal statement.

I hope this helps.
All the best
Steve
Dear Steve

Blaby District Council are currently in Examination for the Blaby Local Plan Delivery DPD. This includes a Broad Locations and criteria policy for accommodating Gypsy and Traveller and Travelling Show People.

The Inspector has queried whether the assumption in the Leicester and Leicestershire GTAA 2017 that nationally approximately 10% of households that have been interviewed meet the planning definition.

She has asked whether there is any further information to justify this approach. For example have you revisited any of the survey areas to find out whether or not the ‘unknown households’ numbers or percentage is justified/verified.

If you do not have such data, would you be able to provide further information as to how the 10% figure is derived and why it is it considered justifiable.

She has asked for a statement in this respect. Please can you confirm whether there will be a cost for this and if so, what would it be.

It would be useful to discuss. We have a some hearing sessions this afternoon and tomorrow but will try to give you a call in between.

Regards

Gemma Yardley
Principal Planning Policy Officer