

Shropshire Council
Site Allocations and Management of Development Plan

Public Examination November 2014

Gypsy and Traveller Accommodation Assessment 2014
(updated to January 2015)

Comments on behalf of Henlle Park Golf Club

Henlle Park Golf Club (the Representor) thanks the Inspector for the opportunity to comment on the Council's Gypsy and Traveller Accommodation Assessment (GTAA) updated to January 2015, and wishes to make the following comments and observations.

1.0 The Representor's Interest.

1.1 The Inspector will recall that representations on this matter were made on behalf of the Golf Club at the SAMDev Hearing Session on 12 November 2014. The Club has first-hand knowledge of the manner in which the Council's policies fail to provide properly for gypsy accommodation and how this leads to unauthorised sites being established and then becoming authorised on a temporary or permanent basis, on sites that may not be appropriate in terms of planning policy. The Club, in particular, used the example of a gypsy site that had been established, without planning permission, by a gypsy family on a plot of land (some of it within the ownership of the Club) immediately opposite to the access to the Club course and administrative/function centre. The site was first occupied on 24 March 2010 and, following visits from the Council's enforcement officer and the service of an enforcement order, an initial application by the gypsy family concerned to establish the site for four gypsy pitches (eight

caravans) was submitted in July 2010 and refused permission in December 2011. An appeal against the refusal was dismissed on 21 June 2012 (Planning Inspectorate Ref: APP/L3245/A/12/216380) as it was considered that the establishment of the site would be harmful to the rural character of the locality and contrary to Structure Plan policies CS5, CS6 and CS12. A second application seeking permission for a single pitch (two caravans) was rejected by the Council on 28 March 2013. The appeal in respect of this refusal was allowed and permission granted on a temporary basis for three years on 19 March 2014 (Planning Inspectorate Ref: APP/L3245/A/13/2196550), largely on the basis that, although the development would cause harm to the rural amenity of the locality there were no suitable, available, sites which the family could move to.

2.0 General Background to the preparation of the current GTAA.

2.1 The Representor notes that the current Gypsy and Traveller Accommodation Assessment January 2015 is an updated version of the July 2014 version that was available at the SAMDev hearing. A number of revisions have been made to the earlier draft, and the numbers in the document that related to size and availability of individual site have been corrected in a number of respects. The Representor appreciates this more accurate version of the situation.

2.2 The GTAA is a useful catalogue of current legislation and planning policies as far as they relate to gypsy and traveller accommodation.

2.3 The document does not, however,

- make any attempt at detailing the manner in which the Council has gone about putting the legislative measures or guidance into effect in the County, or
- describe the manner in which the assessed lack of need that existed over the period of the preparation of the SAMDev has been dealt with, or
- explain how the current assessment as now expressed in the GTAA 2015 complies with Core Strategy Policy CS12.

2.4 Policy CS12 'Gypsy and Traveller Provision' of the Core Strategy says that the accommodation needs of gypsies will be addressed as part of meeting the needs

of all sectors of the community. For the SAMDev to be 'sound' the Council should show how the accommodation needs of gypsies have been considered as part of the overall housing need in the County.

- 2.5 The Representor does not believe that the Council has considered gypsy accommodation as part of the overall housing need in the County, and that the GTAA, published in January 2014 was, indeed, an afterthought.
- 2.6 ARC, the body appointed to undertake the research that was necessary for the GTAA was not commissioned until December 2013. By that time the SAMDev had been through a number of consultation drafts, based on surveys and evidence that had been amassed over a number of years. Henlle Golf Club had at various stages in the process pointed out the lack of clear policies for dealing with gypsy accommodation, and the lack of consideration given to other private and community interests. There were, however, no continuing consultation drafts of the proposed gypsy policies.
- 2.7 The view taken by the Council, throughout the period of the preparation of the SAMDev, was that there was an unsatisfied need for gypsy accommodation, as evidenced by the GTAA of 2007.
- 2.8 The Core Strategy was adopted in March 2011, and took into account the GTAA of 2007. Policy CS12 was, then, based on the premise that there was a shortfall in gypsy accommodation in the County.
- 2.9 Even at the Local Hearing into the appeal in respect of the unauthorised site opposite the Henlle Park Golf Club on 30 October 2013, the Council was relying on the information in the GTAA of 2007, and advised the Inspector that there was an unfulfilled need for more gypsy accommodation in the County. The Inspector took into account the fact that the Council could not demonstrate a 5 year supply of traveller sites. They gave no indication at the Hearing that a fresh assessment of need was shortly to be commissioned by the Council. Clearly, up until this point in time, that is, during the preparation of the housing issues covered in the SAMDev, the Council had been relying on the Assessment that indicated a lack of such sites.
- 2.10 Throughout the process of the preparation of the SAMDev, then, while the Council was relying on the findings of the 2007 GTAA, no new sites for gypsy accommodation were proposed via the SAMDev process. A 'call for sites' was

made in 2013, and sites were suggested. However, it is unclear what happened to the suggestions made, and the Representor is not sure that they were actually investigated.

2.11 The National Planning Policy Framework (NPPF) was published in March 2012, with the accompanying 'Planning Policy for Traveller Sites' (PPTS). The NPPF, as the GTAA 2015 notes in para 2.12, says that local planning authorities are expected to make their own assessment of need, and to plan for sites over a reasonable timescale.

2.12 Nevertheless, the Council continued, for the next 21 months (i.e from March 2012 to December 2013), to avoid making their own assessment relying, instead, on the GTAA of 2007.

3.0 The detail of the GTAA survey and its results.

3.1 A total of 123 interviews of individual were secured, and it appears that some 141 gypsy households were present in the County at the time.

3.2 Para 3.8 says interviews carried out with gypsies that currently reside in the County,

- a. on 'a range of sites and yards'
- b. on authorised and unauthorised sites, and
- c. living in bricks and mortar properties.

3.3 Para 3.15 of the GTAA says the overall number of pitches has been calculated using local authority information, with likely capacity, through turnover, assessed through the survey. The issue of 'turnover' is critical to the current assessment, but the methodology of the assessment of turnover, other than, straightforward numbers, is not well explained in the Assessment.

3.4 Whilst various 'stakeholders' were asked to participate in the evidence-finding in relation to the GTAA, it is significant that these stakeholders did not include any members or representatives of a settled community or local interests groups which are in close proximity to an existing or proposed gypsy or traveller site, and no input was sought from any Parish Council.

- 3.5 Para 6 (Policy A: Using evidence to plan positively and manage development) of the PPTS of March 2012 says that, in assembling the necessary evidence base, local planning authorities should “pay particular attention to early and effective community engagement with both settled and traveller communities (including discussing traveller’s accommodation needs with travellers themselves, their representative bodies and local support groups).” ‘Settled communities’ in this context is taken to mean resident population of non-gypsy families in a town or village, rather than gypsies that have settled into bricks and mortar accommodation indeed previous paragraph in the PPTS (paras. 3 and 4, for instance) also appear to have this meaning. The Council does not appear to have undertaken such an exercise.
- 3.6 Policy CS4 of the Core Strategy invites local communities to identify villages as being suitable as Community Hubs or Community Clusters. But the implication of such a designation is that the village or settlement concerned is either a sustainable settlement or would become more sustainable through development. It would also provide the locational criteria for hosting a gypsy site. Local communities then, are stakeholders, just as much (if not more so) as local authority officers, and it is considered unfortunate that none was invited to comment. Without such involvement the assessment cannot be considered to be robust.
- 3.7 The GTAA has assessed the total number of available pitches, and the total number of households that need to be housed, and concluded that, as matters stand, there is a deficiency of 19 pitches in the numbers of pitches available against the number needed – that is, an additional 19 pitches are required to meet current requirements. This number, of course, excludes consideration of the ‘turnover of pitches,’ comments upon which will follow.
- 3.8 The assessment that 19 pitches are required, however, deals only with overall figures for the whole of the County. This is an inappropriate assessment to make and/or to base policies upon, given that Gypsy families have individual locational requirements that mean that even if a pitch is vacant it is not necessarily suitable for occupation by the particular gypsy household in need of accommodation.
- 3.9 No assessment of the likely effect of individual requirements has been built in to the GTAA.

- 3.10 The survey asked for information on those services that a gypsy household might look for when trying to find appropriately located pitches. But the list of services suggested in para 5.20 – 5.31 can be satisfied in many locations. They are regarded as being of importance by most of the survey respondents, but they do not provide any insight into the personal and individual needs of a particular gypsy household. A village in the area around Whitchurch might provide the facilities suggested equally as well as, say, a village near Bridgnorth, but the site in Whitchurch might still be unsuitable for an individual household who needs or would prefer to live near Bridgnorth. Figures relating to the whole of the County are not an accurate reflection of the need in any particular area of the County.
- 3.11 This, indeed, was the case in relation to the gypsy site that has been permitted on a temporary basis adjacent to the Henlle Park Golf Club. Here, even an available site just four miles from the Henlle Lane site was not considered suitable, for individual and personal reasons, for the gypsy family involved.
- 3.12 For this same reason, the fact that there might be vacant pitches on certain authorised or unauthorised sites (in particular Warrant Road, which could supply a number of pitches), cannot be taken as meaning that there is no need for the identification of more gypsy sites, or that supply actually equals demand.
- 3.13 The assessment of the balance between pitches needed and pitches that can be occupied, in the next five years, even in total figures for the County, depends on the ‘turnover’ figure that the Council has included. This turnover figure has been calculated on the basis of the total number of pitches that have become occupied by a household moving to them in the past two years, that is, households that had been permanently travelling but had settled within the last two years. No investigation appears to have been carried out in respect of this turnover figure in respect of, for instance:
- i) whether the last two years were in fact, typical or untypical years for families permanently travelling or ceasing to travel. For the assessment to be robust this trend must be assessed over a longer period, or
 - ii) whether the families occupied sites that had previously been occupied by other families – that is, has there also been a loss of between 1 and 14 families, or

- iii) whether any of the suggested future 'turnover' families would occupy pitches that are already occupied, meaning there would not be an increase in available sites as is suggested, and a displaced family would result – presumably needing accommodation elsewhere,

and

- iv) the results of the survey indicate that no families on existing pitches are intending to move in the next five years, meaning that no existing pitches would become available for any new family moving to the area, and so the need could be increased by 7 pitches per annum, and the 'turnover' figure would not be possible, and
- v) the survey results show that some 24 new households would be likely to be created during her next five years. The survey was successful in gaining 123 responses out of a total number of households of 141. This is a very good response rate, but also means that 13% of families did not respond, and it cannot be assumed that no new households will be created from this 13%. The need for additional accommodation may, then, be slightly greater than the 24 predicted – if that figure was increased by 13% then some 27 new households would be created. 21 of these emerging households were planning to continue to live on the site they currently occupied (presumably with another existing household). This is not good practice, and even if the emerging households might not number 24, because some families tend to move away to their spouses family area, the need for additional pitches is evident. These emerging households do not appear to have been asked if they would wish to move if a pitch could be made available to them in a location of their choosing.
- vi) Some 98 – 100% of the respondents indicated satisfaction with the site they currently occupied. It is, nevertheless, clear that some pitches are occupied by more than one family, and a number of families had to share certain facilities with other families. No question was asked to ascertain whether, if another site became available which could mean occupation by a single household without the need to share facilities, those households that had expressed satisfaction with their existing arrangement would have expressed a desire to move to a new pitch with such an arrangement.

- 3.14 There has been no assessment of the possible number of gypsies that might arrive in Shropshire over the next five years from outside the County, and the Council does not appear to have worked 'collaboratively with neighbouring planning authorities,' as set out in para 8 of PPTS, in assessing such possibilities.
- 3.15 The GTAA survey (para 6.22) revealed that over the past two years some 14 pitches had been occupied by families who had, up to that point, been permanently travelling, though it was not known whether these families were from within or from outside the County. It cannot be assumed that they all came from within the County but it is clear that they did not, previously, occupy other pitches within the County and so some form of additional provision should be identified for such families.
- 3.16 All of these issues were evident in the situation at Henlle Lane, and so it is reasonable to refer to it as a case study. Here, the household comprised persons who had created a new household from a person moving into the area from outside the County together with a person from an established gypsy site within the County - in fact, not the Henlle Lane site. For personal reasons they could not locate on the nearby authorised site, but no other site was readily available to them, and vacant sites that existed elsewhere in the County were not realistic alternatives. Temporary planning permission, granted on appeal, was the result. The Inspectors conclusions are relevant. He found that the site would cause substantial harm to the character and appearance of the rural area which would not be outweighed by the personal needs and circumstances of the gypsy family. However, in view of the need that had been expressed (October 2013) for additional pitches that was not likely to be met by approved planned, deliverable, pitches in the near future, he granted temporary consent, considering that a period of 3 years would allow sufficient time to enable the sites necessary to come forward. The family concerned would, no doubt, indicate that it is happy with the location and the facilities it enjoys at Henlle Lane. The caravans have, then, been on the site for five years - four years on an unauthorised basis, and one year authorised - with two more to follow. Of course, the Council is now indicating that there is no need for any additional sites, and if that is the policy that is adopted then, even in two years time, the family will have nowhere to move to.

4.0 Conclusion

- 4.1 The Council cannot expect the gypsy population to remain static for the next five years. Just as the 'settled' population is projected to grow, and estimates of the likely need for housing were assessed in the Local Plan, the same assessment should apply to gypsy accommodation, and assessments should take into account natural growth and household formation, together with inward (in this case unknown) and outward (in this case known to be nil) migration.
- 4.2 The Representor believes that the GTAA fails to adequately justify the Council's stance that no new pitches need to be provided in the next five years. Temporary permissions have been granted that will expire during the first five year period of the SAMDev and so new sites in particular locations (not as a general figure) WILL be needed, and yet none is proposed. The assessment that no new pitches are required relies entirely on a guess, based on just two years experience of a 'turnaround figure' which in itself appears to be an unproven trend.
- 4.3 The outcome of a policy that does not indicate a need to identify more gypsy sites will be that further unauthorised gypsy sites will be set up in locations which might suit the gypsy family concerned but which might not be suitable from other points of view. If alternative, local, sites do not exist the inevitable consequence will be that the site is permitted, possibly on appeal, probably on a temporary basis, until more suitable accommodation becomes available. Looking a little further forward, if alternative sites do not become available, a temporary consent will be renewed, and possibly become permanent, even if the site is inappropriate in terms of sustainability, character and appearance of the area, or whatever. This is a distinct possibility at the Henlle Lane site.
- 4.4 Advice in the PPTS is that the Government wishes to see a greater proportion of gypsy sites provided by the private sector. The Representor does not disagree with this aspiration, but feels that it is essential that the private sector is guided towards acceptable sites through the Local Plan process. If inadequate or, in the case of the Shropshire SAMDev, no provision is made it will inevitably lead to the establishment of unauthorised sites which will lead to enforcement actions. Planning Policy for Travellers Sites says that para 10 that "criteria should be set to guide land supply allocations. Where there is no identified need, criteria based policies should be included to provide a basis for decisions in case applications come forward". The Council has not produced such policies, and the GTAA does not provide a basis for the development of such policies. Core Strategy policy

CS12 is not sufficiently detailed to accurately identify sites that are suitable for gypsy accommodation.

- 4.5 Wishing to promote more sites does not mean that only sites that the Council itself intends to provide need to be identified, or that private sites should only come forward as the result of gypsies locating on authorised sites. There is no reason why the Council should not identify sites that would be suitable for gypsy accommodation and then leave the private sector to bring them forward – in exactly the same way as regular housing sites are identified in Local Plans and then developed by private developers.
 - 4.6 It seems to the Representor that the current GTAA has been undertaken at the end of the SAMDev process simply to justify the Council's lack of activity in identifying new sites for gypsy accommodation. The survey work undertaken for the GTAA was, in the Representor's view, not undertaken in such a fashion as to accurately identify the need for gypsy sites in specific areas of the County, and cannot be relied upon as proof that no further gypsy sites are needed. The study cannot be considered robust, and the conclusions drawn from the survey and the assumptions made in the analysis of the survey cannot, therefore, be regarded as being robust, or producing a report that would stand scrutiny in a planning appeal situation. It cannot, then, be considered a sound document, and the policy based on the GTAA, that is, that no further sites are needed, cannot be considered sound.
 - 4.7 On the basis that gypsy accommodation forms an element of the total housing needed in the County, then, the housing policies, and in turn, the SAMDev itself, cannot be considered sound.
-