

**APPEAL BY BILLY LEE
AGAINST THE SERVICE OF AN ENFORCEMENT NOTICE BY
SOUTH STAFFORDSHIRE COUNCIL**

MATERIAL CHANGE OF USE OF LAND TO A MIXED USE FOR AGRICULTURE AND AS A RESIDENTIAL CARAVAN SITE, TOGETHER WITH OPERATIONAL DEVELOPMENT TO FACILITATE THE ALLEGED UNAUTHORISED USE.

LAND AT WHISTON ROAD, WHISTON, PENKRIDGE, STAFFORDSHIRE

PINS REF: APP/C3430/C/24/
LPA REF: 24/00116/TRAV
OUR REF: 24/BL/WHISTON

**STATEMENT OF CASE PREPARED ON BEHALF OF THE APPELLANT BY
PHILIP BROWN BA (HONS) URBAN AND REGIONAL PLANNING**

1.0 INTRODUCTION

- 1.1 This Statement has been prepared by Philip Brown. I hold a Bachelor of Arts degree with honours in the subject of Urban and Regional Planning. I have more than 40 years' experience of planning matters in local government and private practice.
- 1.2 I am Managing Director of Philip Brown Associates Limited, and specialise in assisting Gypsies and Travellers to obtain planning permission for caravan sites and related development. We are the country's leading planning consultancy dealing with gypsy and traveller site development. I frequently appear at planning hearings and inquiries to give expert evidence on planning matters. We have obtained planning permission for more than 350 caravan sites, throughout England and Wales, mainly on appeal.
- 1.3 This statement is divided into four parts: firstly I describe the site and its surroundings; secondly I give a resume of relevant planning policies; thirdly I summarise the planning history of the appeal site; and fourthly I set out the case on behalf of the appellant.

2.0 SITE DESCRIPTION

- 2.1 The appeal site comprises about 0.5 hectare of land located along the northern side of Whiston Road, about 500 metres east of the hamlet of Whiston and, about 2 kilometres west of the village of Penkridge.
- 2.2 The appeal site accommodates an improved access located at the eastern end of the site, and a gravel driveway leading westwards to a gravel hardstanding towards the western end of the site.
- 2.3 The appeal site is enclosed by mature hedgerows along the southern (roadside) and, eastern boundaries. Whiston Brook runs along the northern boundary and, the western boundary is demarcated by stock fencing.
- 2.4 Whiston Road is a rural lane without footpaths or street-lighting. There is a public footpath running between hedgerows and trees alongside the eastern boundary, between the appellant's land and Whiston Mill: a Grade II Listed Building.
- 2.5 The site is bounded by open fields to the north and east, and along the opposite side of Whiston Road.

3.0 PLANNING POLICY

Local Planning Policies

- 3.1 The Development Plan comprises of the Core Strategy Development Plan Document adopted in December 2012 and, the Site Allocations Document (SAD) adopted in September 2018.
- 3.2 Core Strategy Policy GB1 – Development in the Green Belt – sets out a presumption in favour of a list of categories of appropriate development, in accordance with national Green Belt policy.
- 3.3 Policy H6 – Gypsies, Travellers and Travelling Showpeople – sets out a pitch target of 103 permanent gypsy and traveller pitches for the period 2006-2028, based on a Gypsy and Traveller Accommodation Assessment published in 2008. Policy H6 also sets out criteria to be used in the consideration of proposals for new gypsy sites.
- 3.4 The Site Allocations Document allocates land for a total of 20 gypsy and traveller pitches: sufficient to meet the residual need identified by the 2008 GTAA. All of the allocated sites are located within the Green Belt.

Government Advice

- 3.5 Section 13 of the National Planning Policy Framework (NPPF), December 2023, sets out the presumption against inappropriate development in the Green Belt, which is only to be permitted in very special circumstances (paragraph 152). Inappropriate development is, by definition, harmful to the Green Belt and it is for the applicant to show why permission should be granted. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Substantial weight is to be accorded to the harm to the Green Belt when carrying out this balancing exercise (paragraph 153).
- 3.6 The NPPF is intended to reinforce the importance of up-to-date plans and due weight should be given to relevant policies in existing plans

according to their degree of consistency with the NPPF. In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development (paragraph 11).

- 3.7 *Planning policy for traveller sites (PPTS)* sets out the Government's aims in respect of traveller sites which include, *inter alia*, local authorities developing fair and effective strategies to meet need through the identification of land for sites; protecting Green Belt from inappropriate development; promoting more private traveller site provision while recognising that there will always be those travellers who cannot provide their own sites; and to increase the number of traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply.
- 3.8 Local planning authorities are required to use a robust evidence base to establish accommodation needs to inform the preparation of local plans and make planning decisions (*Policy A*). In producing their local plans, local planning authorities should, *inter alia*, set pitch targets; identify and maintain a rolling 5-year supply of specific deliverable sites; and relate the number of pitches to the circumstances of the specific size and location of the site and the surrounding population's size and density.
- 3.9 Paragraph 13 sets out the wider sustainability benefits of providing permanent residential sites for gypsies and travellers which should be taken into account in plan-making and development control (*Policy B*).
- 3.10 Policy C suggests that gypsy sites may be located in rural or semi-rural areas, provided that they are of a scale appropriate to their specific location. This is reiterated in paragraph 25 of Policy H. Paragraph 22 of Policy H sets out issues which should be considered in the determination of planning applications for gypsy sites. Policy H states that local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan.

3.11 Policy E makes clear that traveller sites are inappropriate development in the Green Belt and should only be approved in very special circumstances. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.

4.0 PLANNING HISTORY

- 4.1 Planning permission was granted on 19 July 2021, under planning application No. 21/00235/FUL, for the “change of use of land to use for the keeping of horses including erection of stables and haybarn, laying of hardstanding, construction of manege and improvement of access. A copy of the planning permission is attached at **Appendix PBA 1** and copies of the approved drawings are attached at **Appendix PBA 2**. This permission has been implemented by improvement of the access, laying of hardstanding and, construction of the concrete base for the approved stable building.
- 4.2 An enforcement notice was served on 21 August 2024 alleging, without planning permission, the material change of use of the land to a mixed use for agriculture and a residential caravan site, together with unauthorised operational development to facilitate the unauthorised use. The Notice requires cessation of the unauthorised use, removal of the unauthorised operational development and, restoration of the land to its condition prior to the breach of planning control. The period for compliance with the Notice is 12 months from the date when the notice takes effect.

5.0 STATEMENT ON CASE

Ground (a) Appeal

- 5.1 The National Planning Policy Framework (NPPF) puts the presumption In favour of sustainable development at the heart of both plan-making and decision-taking. For decision-taking this means approving development proposals that accord with the development plan without delay; or, if the policies which are most important for determining the application are out-of-date, granting planning permission unless, *inter alia*, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.
- 5.2 In the latter regard, the appeal site is not located within a SPA, SSSI, Conservation Area, Local Green Space, AONB or, National Park. Furthermore, the proposed caravan site is not located within an area shown on the Environment Agency's flood maps as being at high risk from flooding. The appeal site is located within an area designated as Green Belt. However, the Court of Appeal [***Barwood Strategic Land LLP v. East Staffordshire Borough Council and Secretary of State for Communities and Local Government, 2017, EWCA Civ. 893***] clarified that the identification of policies in Footnote 6 of the NPPF does not shut out the presumption in favour of sustainable development, rather the specific policy or policies have to be applied and planning judgement exercised.

Green Belt

- 5.3 The appeal site lies within the Green Belt, which the NPPF makes clear will be protected from inappropriate development. There is no dispute that gypsy sites constitute inappropriate development in the Green Belt and that inappropriate development is, by definition, harmful to the Green Belt. In deciding whether to approve such development, substantial weight must be attributed to the harm to the Green Belt.

5.4 Notwithstanding the above, the NPPF allows for the approval of inappropriate development in the Green Belt where very special circumstances can be demonstrated. It is accepted that it is for the appellant to demonstrate that very special circumstances exist to justify approval. Very special circumstances will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

5.5 The Courts have clarified the meaning of “very special circumstances”. In Regina v. Secretary of State and Temple, Justice Sullivan made the following ruling:

“In planning, as in ordinary life, a number of ordinary factors may when combined together result in something very special. Whether any particular combination amounts to very special circumstances for the purposes of PPG2 [now section 9 of the NPPF] is a matter for the planning judgement of the decision-taker.”

5.6 The upshot of this decision is that material considerations which weigh in favour of allowing inappropriate development do not have to be very special, or even special, in themselves. In my experience, very special circumstances rarely comprise of a single factor and, although *Planning policy for traveller sites* states that it is “unlikely” that unmet need and personal circumstances will outweigh harm to the Green Belt and any other harm, this is not to say that unmet need and/or personal circumstances cannot ever outweigh harm to the Green Belt, or that there will not be other factors which tip the balance in favour of granting planning permission (***Doncaster MBC v. Secretary of State for Communities and Local Government and AB*** [2016] EWHC 2876 Admin.).

5.7 PPTS specifically mentions that the needs of the children must be treated as a primary consideration, and cannot be regarded as being intrinsically of less weight than any other consideration: including, for example, harm to the Green Belt by reason of inappropriateness.

Harm to the Green Belt

- 5.8 It is accepted that the appeal proposals constitute inappropriate development in the Green Belt and, that substantial weight must be attributed to this harm to the Green Belt. However, bearing in mind that the definitional harm arising from inappropriate development relates to the fundamental aim of Green Belt policy to prevent urban sprawl by keeping land permanently open, the additional weight to be attributed to the actual loss of openness will vary according to: the scale of development; its visibility; and its permanence. In ***Turner v. SSCLG & East Dorset Council*** ([2016] EWCA Civ 466) the Court of Appeal confirmed that the openness of the Green Belt has a visual dimension. As such, where a development in the Green Belt has limited or no visual impact it follows that the impact on openness is reduced from that of a more visible development. Further, the Court decided that it was not irrational for an Inspector to determine that the impact on openness of moveable development, such as caravans and mobile homes, is less than the impact of an equivalent permanent structure.
- 5.9 The site is not undeveloped, greenfield land. It can already accommodate stables, barn and hardstanding, and constitutes previously developed land. The quantum of development, comprising up to 8 caravans, including up to 4 static caravans/mobile homes, would clearly result in some limited loss of openness in spatial terms but, no greater than the losses resulting from development of sites allocated in the Local Plan.
- 5.10 The degree of harm to openness is tempered in this case by the modest scale of the development and, the degree of screening from public vantage points by existing trees and boundary hedgerows. The mobile homes and caravans would be small scale, single storey and be sited such that the majority of the land holding would be free from development and, available for additional tree planting along the western and northern boundaries of the proposed caravan site. There are no long views of the site due to the existing screening. Hence visually the effect on openness is contained and limited to the immediate area. As far as the purposes of including land in the Green Belt are concerned, there would be some encroachment into the countryside. The proposed development would not add to the sprawl of large built-up areas; contribute towards the

merging together of neighbouring towns; affect the setting and special character of a historic town; or, divert development which would otherwise assist in urban regeneration.

Any Other Harm

5.11 The Council's reasons for issuing the enforcement notice allege harm to the character and appearance of the countryside and, harm to the setting of Whiston Mill.

Effect on Character or Appearance of the Countryside

5.12 Policy C of PPTS makes clear that some sites will be in rural areas and the countryside. This advice is qualified by Policy H (paragraph 23) which states that sites should be very strictly limited in the open countryside **away from** existing settlements. The term "*away from*" infers a significant degree of detachment, such that the site may be considered to be isolated. In this case, the proposed development is less than 500 metres from the hamlet of Whiston. Clearly, the appeal site is not away from settlements for the purposes of PPTS.

5.13 The in-principle acceptability of gypsy sites in rural and semi-rural locations has a number of inevitable consequences. Typically, traveller sites have a number of characteristic features which, depending on the particular setting, can be atypical in the countryside, such as: caravans, hardstandings, utility buildings, residential paraphernalia and lighting. As a result, some degree of visual impact must be expected and, if an adequate supply of gypsy sites is to be provided, some degree of visual harm must be acceptable.

5.13 The test for countryside harm must be whether the development causes unacceptable harm which cannot be made acceptable with additional landscaping. In this regard, paragraph 26 of Policy H makes clear that soft landscaping can positively enhance the environment, whereas sites should not be enclosed with so much hard landscaping that the impression is given that the site and its occupants are deliberately isolated from the rest of the community. This infers that, firstly, sites do not have to be adequately screened from the outset;

secondly, that gypsy sites do not have to be hidden from view; thirdly, that sites can be assimilated into their surroundings to a sufficient degree using indigenous species; and fourthly, that it is to be expected that gypsy sites will be more visible in the winter months, when the leaves are off deciduous trees and shrubs.

5.14 In this case, the proposed development would be reasonably well screened by the existing roadside hedgerows from Whiston Road. Caravans are low level structures, and would not be easily seen above the approved stable building and barn, or through the roadside hedgerow. In my opinion, subject to appropriate landscaping, the proposed development would be unlikely to cause unacceptable harm to the character and appearance of this semi-rural area.

Effect on the Setting of the Listed Farmhouse

5.15 The appeal site is located to the west of Whiston Mill and attached Millhouse, a Grade II listed building. First listed in June 2004, the building is listed under the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended, for its special architectural or historic interest.

5.16 The list description states as follows:

“Mill and millhouse. Random bond red brick with a plain tiled roof. Three storeys. There is a covered wheelhouse with 2 channels which has a separate, lower roof, to the north of the building. The wheel has now gone but the axle survives and this and the form of the wheelpit suggest that it was of the breast shot type. EXTERIOR: The west front has a stable door at right of the ground floor and to the first floor are a hoist door at right and a 2-light casement to the left. The North gable end has a cambered headed door which gives access to the wheelhouse. The east front has a 2-light casement at ground floor and first floor levels and the two wheelhouse arched openings have stone dressings. Attached to the south and flush with the mill building is the mill house which has been extended to the south and east and considerably altered during the C20 with a large plate glass picture window to the ground floor east. INTERIOR: The ground [meal] floor, houses the mill gear, a pit wheel of cast iron with 160 teeth meshing with a 64 toothed wallower. This, in turn, connects to a

spur wheel with applewood teeth which connects to the stone nuts. The first floor has the 3 sets of mill wheels, all bearing the name of Kay & Hilton as well as a sack hoist and trap doors. The second floor has the bases for grain bins.”

5.17 The proposed development would have no direct effect on the listed building. The list description says nothing about the extent or significance of the building’s setting. Bearing in mind that the listed building is a mill, its historical connections are primarily with Whiston Brook and associated mill pond. Neither Whiston Mill or the mill pond are visible from the appeal site, which are screened by hedgerows and trees. The listed building cannot be seen in relation to the proposed caravan site and, the latter does not form part of its setting. The Council did not raise any heritage objection in relation to previous proposals for the siting of a stable and barn.

Other Material Considerations

5.18 Policy H of PPTS indicates that local planning authorities should consider the following issues amongst other relevant matters:

- (a) the existing level of local provision and need for sites;
- (b) the availability (or lack) of alternative accommodation for the applicants;
- (c) other personal circumstances of the applicant;
- (d) the locally specific criteria used to assess applications that may come forward on unallocated sites; and
- (e) determining applications for sites from any travellers and not just those with local connections.

Locally Specific Criteria

5.19 Local Plan Policy H6 sets out the Council’s locally specific criteria for the consideration of proposals for new gypsy and traveller sites. Policy H6 sets out 9 criteria against which proposals for new gypsy sites are to be assessed. Of these, **criteria 4 and 5** relate to transit and

Travelling Showpersons' sites, respectively, and are not relevant to this appeal. Of the other criteria: the appeal site is already connected to mains services (**critterion 2**); the site would provide a satisfactory living environment and, its use to provide a small traveller site of 4 pitches would not adversely affect the amenities of any neighbouring resident (**critterion 3**); the site has safe access from Whiston Road and, would contain adequate on-site vehicle parking and turning facilities (**critterion 6**); the provision of 4 pitches would not put an unacceptable strain on local infrastructure or over-dominate the nearest settled community (**critterion 7**); and the appeal site is not located within an area at high risk from flooding (**critterion 9**).

5.20 The remaining criteria relate to the gypsy status of the intended occupants, which can be secured through the imposition of a suitable planning condition (critterion 1) and, landscape impact. Critterion 8 states as follows:

8. Proposals shall be sited and landscaped to ensure that any impact on the character and landscape of the locality is minimised, including impacts on biodiversity and nature conservation. In areas of nationally, sub-nationally or locally recognised designations planning permission will only be granted where the objectives of designation would not be compromised by the development – examples will include:

- a) The Green Belt – where demonstrably harmful impact on the “openness” of the Green Belt will be resisted;*
- b) Cannock Chase Area of Outstanding Natural Beauty (AONB) – where proposals that will harm the setting, function and integrity of Cannock Chase will be resisted.*

5.21 In this case, the site is not undeveloped, greenfield land. It can already accommodate stables, a barn and hardstanding, and constitutes previously developed land.

5.22 It is unlikely that any other sites will be found in South Staffordshire which have less impact on the openness of the Green Belt and, provided that occupation of the proposed pitches is limited by condition to “gypsies” as defined in Annex 1 of PPTS (2023), the proposed development would substantially comply with Policy H6. I

attach an appeal decision at **Appendix PBA 3** in which the Inspector attached considerable weight to the degree of compliance with the locally specific criteria, contributing to her finding that very special circumstances existed.

Provision and Need for Sites

- 5.23 There are no public gypsy sites in South Staffordshire and existing private sites largely comprise small sites accommodating extended family groups. All existing private sites, so far as I am aware, are full, including the sites with pitches for rent at Featherstone and Kingswood Colliery.
- 5.24 The site allocations made in SAD were based on Policy H6 of the Core Strategy which, in turn, was based on a GTAA carried out in 2008. The Council has subsequently commissioned further GTAAs, most recently one published in 2024, which estimates that there is a need for the provision of 162 additional residential pitches in the period 2024-2042, including 92 pitches required to be provided by the end of the current 5-year period, 2024-2028. The SAD allocated land for the provision of only 20 pitches of which some have already been developed prior to 2024, leaving a considerable shortfall which, in South Staffordshire, can only be met on windfall sites coming forward in the Green Belt. A copy of the 2024 GTAA Update is attached at **Appendix PBA 4**.
- 5.25 Paragraph 7b) of PPTS requires that local planning authorities should prepare and maintain an up-to-date understanding of the likely permanent and transit accommodation needs of their areas over the lifespan of their development plan. The GTAA undertaken in 2008 is now 16 years old. It is now out-of-date and, clearly cannot provide an up-to-date understanding of the likely permanent accommodation needs of gypsies and travellers in South Staffordshire. The 2024 GTAA Update provides a more reliable guide to the five-year requirement and, the remaining site allocations (capable of accommodating a total of 14 pitches) do not come close to providing a five-year supply.

Alternative Sites

- 5.26 In *Doncaster MBC v. FSS & Angela Smith* [2007] the Court decided that to be a realistic alternative, accommodation has to be suitable, affordable, available and acceptable. Notwithstanding this, there is no requirement in planning policy, or case law, for an appellant to prove that no other sites are available or that particular needs could not be met from another site (*SCDC v. SSCLG and Julie Brown* [2008] EWCA Civ 1010 at paras 24,27-36).
- 5.27 It is axiomatic that, in a district where there are no public sites and where existing private sites are full, there are no alternative sites available to which the applicant can relocate the family's caravans. The only additional pitches approved in South Staffordshire since adoption of the SAD are all on, or extensions to, existing gypsy sites occupied by particular traveller families: 2 pitches on land at the corner of Hobnock Road/Bursnips Road, Essington; 2 pitches adjoining The Paddock, Bursnips Road, Essington; 2 pitches on Anvil Park; 4 pitches on Fair Haven, Coven: and 3 pitches at Horden Lodge, Coven Heath. These pitches are not likely to be made available to non-family members.
- 5.28 The likelihood that any new gypsy sites will be in the Green Belt is a further material consideration in favour of the appellants' case. About 80% of the District is designated as Green Belt and land is unlikely to come forward for gypsy sites outside of the Green Belt. However, this does not release the Council from their pitch allocation responsibilities.
- 5.29 The Local Plan Review has been through its Regulation 19 consultation (December 2022) but, the Publication Plan has recently been through a further public consultation exercise before being submitted for public examination. The Council's Local Development Scheme (LDS), published in September 2023, anticipates that the Local Plan Review will not undergo its public examination until 2025 and, is likely to be adopted in the winter of 2025/26.
- 5.30 The Council's strategy for new Gypsy, Traveller and Travelling Showperson provision will be to continue to deliver privately owned sites/pitches to meet the needs of existing families. The Local Plan

Review supports an approach of looking to allocate existing temporary or unauthorised sites to permanent (subject to other planning considerations) and looking to intensify and extend existing sites to meet identified family need, rather than allocating wholly new sites that may have been suggested by landowners without any connection or agreement to meet local needs, and where deliverability is more uncertain. The Local Plan Review proposes to allocate land for a total of 37 additional pitches and, therefore, will not be sufficient to identify a five-year supply of deliverable land.

5.31 The considerable identified unmet need for sites; the absence of a five-year supply and the failure of the development plan to meet the identified need are each matters which weigh in favour of the appeal proposals: the unmet need is evidence of a current failing; the lack of a five-year supply is indicative of failing to meet that need in the future; and the failure of policy that has led to the present situation can be traced back at least to 2006. It would be possible for one or two of these factors to exist without the third and so, in the balance, each should be accorded weight where they all occur, as in this case.

Personal Circumstances

5.32 The proposed caravan site is occupied by the following households:

1. Billy and Joanne Lee;
2. Jonjo and Mary Scarrott (daughter of Billy and Joanne);
3. Nella Scarrott (mother of Jonjo), together with her daughter Chantelle (29);
4. Billy Joe Lee (Junior) and his partner, Jolene Smith, together with 3 children: Billy (5); Vienna (2); and Shelby (1).

5.33 The Lee families have previously lived on a site in Penkridge but, left to avoid conflict with another of the families living there. They have since been forced to live on the roadside or, in inappropriate bricks and mortar accommodation. The Scarrott families have had no settled base and, have been travelling from one unauthorised encampment to another. The extended family are in need of a settled base in the area to which they are local.

5.34 Mary Scarrott is expecting her first child and, needs a settled base where she can access the medical services which she and her baby will require. Billy Joe Lee and Joleen Smith have three young children. A settled base will allow them opportunity for regular schooling, whilst living in accommodation appropriate to their traveller traditions.

Human Rights

5.35 The judgment of Coulson LJ in *Bromley LBC v Persons Unknown & Ors* [2020] EWCA Civ 12, [2020] PTSR 1043, describes the position of Gypsies and Travellers as follows:

“4. Romany Gypsies have been in Britain since at least the 16th century, and Irish travellers since at least the 19th century. They are a particularly vulnerable minority. They constitute separate ethnic groups protected as minorities under the Equality Act 2010 (see *R (Moore) v Secretary of State for Communities and Local Government (Equality and Human Rights Commission intervening)* [2015] EWHC 44 (Admin); [2015] PTSR D14), and are noted as experiencing some of the worst outcomes of any minority across a broad range of social indicators (see, for example, Department for Communities and Local Government, Progress report by the ministerial working group on tackling inequalities experienced by Gypsies and Travellers (2012) and Equality and Human Rights Commission, England’s most disadvantaged groups: Gypsies, Travellers and Roma (2016)).

5. A nomadic lifestyle is an integral part of Gypsy and Traveller tradition and culture. While the majority of gypsies and travellers now reside in conventional housing, a significant number (perhaps around 25%, according to the 2011 United Kingdom census) live in caravans in accordance with their traditional way of life. The centrality of the nomadic lifestyle to the gipsy and traveller identity has been recognised by the European Court of Human Rights. In *Chapman v United Kingdom* (2001) 33 EHRR 18, the court held at para 73:

“The court considers that the applicant’s occupation of her caravan is an integral part of her ethnic identity as a Gypsy, reflecting the long tradition of that minority of following a travelling lifestyle. This is the case even though, under the pressure of development and diverse policies or from their own volition, many gypsies no longer live a wholly nomadic existence and increasingly settle for long periods in one place in order to facilitate, for example, the education of their children. Measures which affect the applicant’s stationing of her caravans therefore have a wider impact on the right to respect for home. They also affect her ability to maintain her identity as a Gypsy and to lead her private and family life in accordance with that tradition.”

6. In the UK, there is a long-standing and serious shortage of sites for gypsies and travellers. A briefing by the Race Equality Foundation found that gypsies and travellers were 7.5 times more likely than white British households to suffer from housing deprivation (Race Equality Foundation, Ethnic Disadvantage in the Housing Market: Evidence from the 2011 census, April 2015). The lack of suitable and secure accommodation includes not just permanent sites but also transit sites. This lack of housing inevitably forces many Gypsies and Travellers onto unauthorised encampments.”

5.36 There are 4 children (one as yet un-born) living on the appeal site. The Courts have established that the best interests of the children must be at the forefront of the decision-maker’s mind in cases such as this. In *Zoumbas v. Secretary of State for the Home Department*, the Court found that: the needs of the children must be treated as a primary consideration, but not always the only prime consideration; when considering the cumulative effect of other considerations, no other consideration could be treated as inherently more significant; but, that the best interests of the children might point only marginally in one, rather than another, direction. In this case, the likely outcome of a refusal of planning permission would be that the children’s social and educational development would be severely prejudiced by a roadside existence and, their best interests are clearly served by living on the proposed caravan site.

Balance of Considerations

5.37 The harm to the Green Belt by reason of inappropriateness, loss of openness and encroachment into the countryside would be clearly outweighed in this case by: the unmet need; absence of a five-year supply; lack of alternative sites; failure of the Development Plan to meet the full identified need; the likelihood that any new gypsy sites will be in the Green Belt; compliance with the Council's local specific criteria; the personal accommodation needs and personal circumstances of the appellants' extended family; and, the needs of the children. Very special circumstances therefore exist to justify the granting of planning permission in this case.

Ground (b) Appeal

5.38 Firstly, the allegation supposes that some form of agricultural use is taking place on the land. Planning permission has been granted and implemented for the construction of stables which facilitates use of the land for the keeping of horses.

5.39 Part (ii)(b) of the allegation refers to the laying of hardstanding shaded in purple on the Plan. The Site Layout Plan attached at **Appendix PBA 2** shows that this hardstanding is that approved under application No.21/00235/FUL. No further hardstanding has been laid.

6.0 LIST OF APPENDICES

Appendix PBA 1 – Planning permission No. 21/00235/FUL

Appendix PBA 2 – Approved drawings for p.p. No. 21/00235/FUL

Appendix PBA 3 – Appeal decision – Shadowbrook Lane, Hampton-in-Arden;

Appendix PBA 4 – GTAA – 2024



South Staffordshire Council

Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)

GRANT OF PLANNING PERMISSION

This permission does not carry any approval or consent which may be required under any enactment, bylaw, order or regulation (e.g. in relation to Building Regulations or the Diversion of Footpaths etc) other than Section 57 of the Town and Country Planning Act, 1990.

Application Number: 21/00235/FUL
Proposed: Change of use of land to use for the keeping of horses including erection of stables and haybarn, laying of hardstanding, construction of manege and improvement of access.
At: Land West Of Whiston Mill Whiston Road Whiston STAFFORD ST19 5QQ

In pursuance of their power under the above mentioned Act, South Staffordshire Council hereby **GRANT** planning permission for the development described above in accordance with the details given in the application numbered above,

Subject to the following condition(s):

1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which this permission is granted.
2. The development shall be carried out in accordance with the approved drawings:
Location Plan (1:1250)
Site Layout Plan (1:500)
Hay Barn - Elevations (1:50)
Hay Barn - Floor Plan (1:50)
Stable Building - Floor Plan & Elevations (1:100)
Fencing and cross section of manege (1:20)
Received 15/03/21
3. No existing trees, shrubs or hedges on the site or its boundaries shall be cut down for a period of 10 years following completion of the development without the prior consent of the Local Planning Authority. If any the existing planting is removed or dies within 5 years of completion of the development it shall be replaced with the same species (or alternative agreed with the Council) within 12 months of its removal and as close to the original position as possible (or elsewhere in a position agreed with the Council). The existing and any replacement planting shall be maintained for a period of 10 years

respectively from completion of the development or time of planting to the satisfaction of the Local Planning Authority.

4. The landscape scheme shown on the approved plan(s) shall be implemented concurrently with the development and completed within 12 months of the completion of the development. The Local Planning Authority shall be notified when the scheme has been completed. The planting, hard landscaping (and any other introduced features shown on the approved plan(s) shall be retained and maintained for a minimum period of 10 years by the property owner from the notified completion date of the scheme. Any plant failures that occur during the first 5 years of the notified completion date of the scheme shall be replaced with the same species within the next available planting season (after failure).
5. The materials for the development shall be carried out in accordance with the information on the approved plans and the application form. Unless otherwise agreed in writing by the Local Planning Authority, the hay barn shall be finished in a dark green colour.
6. The stables hereby approved shall be for personal use only and shall at no time be used for commercial purposes.
7. The development hereby permitted shall not be brought into use until the existing access to the site within the limits of the public highway has been reconstructed and completed.
8. The development hereby permitted shall not be brought into use until the access drive, parking and turning areas have been provided in accordance with the approved plans.
9. Any gates shall be located a minimum of 6.0m rear of the carriageway boundary and shall open away from the highway.

The reasons for the Council's decision to grant permission for development subject to compliance with the conditions hereinbefore specified are:-

1. The reason for the imposition of these time limits is to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. In order to define the permission and to avoid doubt.
3. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
4. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
5. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.

6. In the interest of highway safety and residential amenity.
7. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.
8. In the interests of public and highway safety and convenience and to ensure that adequate parking facilities are available to serve the development and to conform to the requirements of policy EV12 of the adopted Core Strategy.
9. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.

Proactive Statement - In dealing with the application, the Local Planning Authority has approached decision making in a positive and creative way, seeking to approve sustainable development where possible, in accordance with paragraph 38 of the National Planning Policy Framework, 2019.

The existing access to the site shall be reconstructed in accordance with the submitted layout plan. Please note that prior to the access being reconstructed you require Section 184 Notice of Approval from Staffordshire County Council. The link below provides a further link to 'vehicle dropped crossings' which includes a 'vehicle dropped crossing information pack' and an application Form for a dropped crossing. Please complete and send to the address indicated on the application Form which is Staffordshire County Council, Network Management Unit, Staffordshire Place 1, Tipping Street, Stafford. ST16 2DH. (or email to nmu@staffordshire.gov.uk)
<http://www.staffordshire.gov.uk/transport/staffshighways/licences/>

The application documents don't recognise the existence of Public BOAT (Byway Open to All Traffic) No 0.1044 Penkridge Parish which runs within the proposed development site. It runs just within/adjacent to the areas marked '6.0m corner radii' and over and across the Mill Stream. The BOAT does initially appear to be obstructed by hedging at it's southern end

The attention of the developer should be drawn to the existence of the path and to the requirement that any planning permission given does not construe the right to divert, extinguish or obstruct any part of the public path. If the path does need diverting as part of these proposals the developer would need to apply to your council under section 257 of the Town and Country Planning Act 1990 to divert the footpath to allow the development to commence. The applicants should be reminded that the granting of planning permission does not constitute authority for interference with the right of way or its closure or diversion. For further information the applicant should be advised to read section 7 of DEFRA's Rights of Way Circular (1/09).

It is important that users of the path are still able to exercise their public rights safely and that the path is reinstated if any damage to the surface occurs as a result of the

proposed development. We would ask that trees or hedges are not planted alongside the footpath unless the developer and any subsequent landowners are informed that the maintenance of the trees/hedges is their responsibility.

The County Council has not received any application under Section 53 of the Wildlife and Countryside Act 1981 to add or modify the Definitive Map of Public Rights of Way, which affects the land in question. It should be noted, however, that this does not preclude the possibility of the existence of a right of way at common law, or by virtue of a presumed dedication under Section 31 of the Highways Act 1980. It may, therefore, be necessary to make further local enquiries and seek legal advice in respect of any physically evident route affecting the land, or the apparent exercise of a right of way by members of the public.

Signed

Dated: 19 July 2021

A handwritten signature in black ink, appearing to read 'S. Smith', with a small flourish at the end.

Development Management Team Manager

Ms Joleen Smith
C/O Mr Philip Brown
74 Park Road
Rugby
Warwickshire
CV21 2QX

NOTES

APPEALS

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice [reference], if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.

If this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

Otherwise, if you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

However, if you are not sure which of these time limits applies to your decision please contact the Planning Inspectorate

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK](#).

PURCHASE NOTICE

If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or the Secretary of State for Communities and Local Government, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, she/he may serve on the Borough Council or District Council or County Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

COMPENSATION

In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

COMPLIANCE WITH CONDITIONS

In accordance with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations 2008, there is now a fee payable for the request for written confirmation of compliance with a condition or conditions attached to the grant of planning permission:

£34 for each request that relates to a permission for householder development.

£116 for all other requests relating to a permission for development

SITE LAYOUT PLAN

SCALE 1:500

SOUTH STAFFORDSHIRE DISTRICT COUNCIL

03 MAR 2021

RECEIVED

KEY:



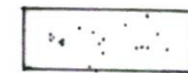
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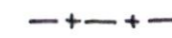
PERMEABLE STONE



SAND ARENA



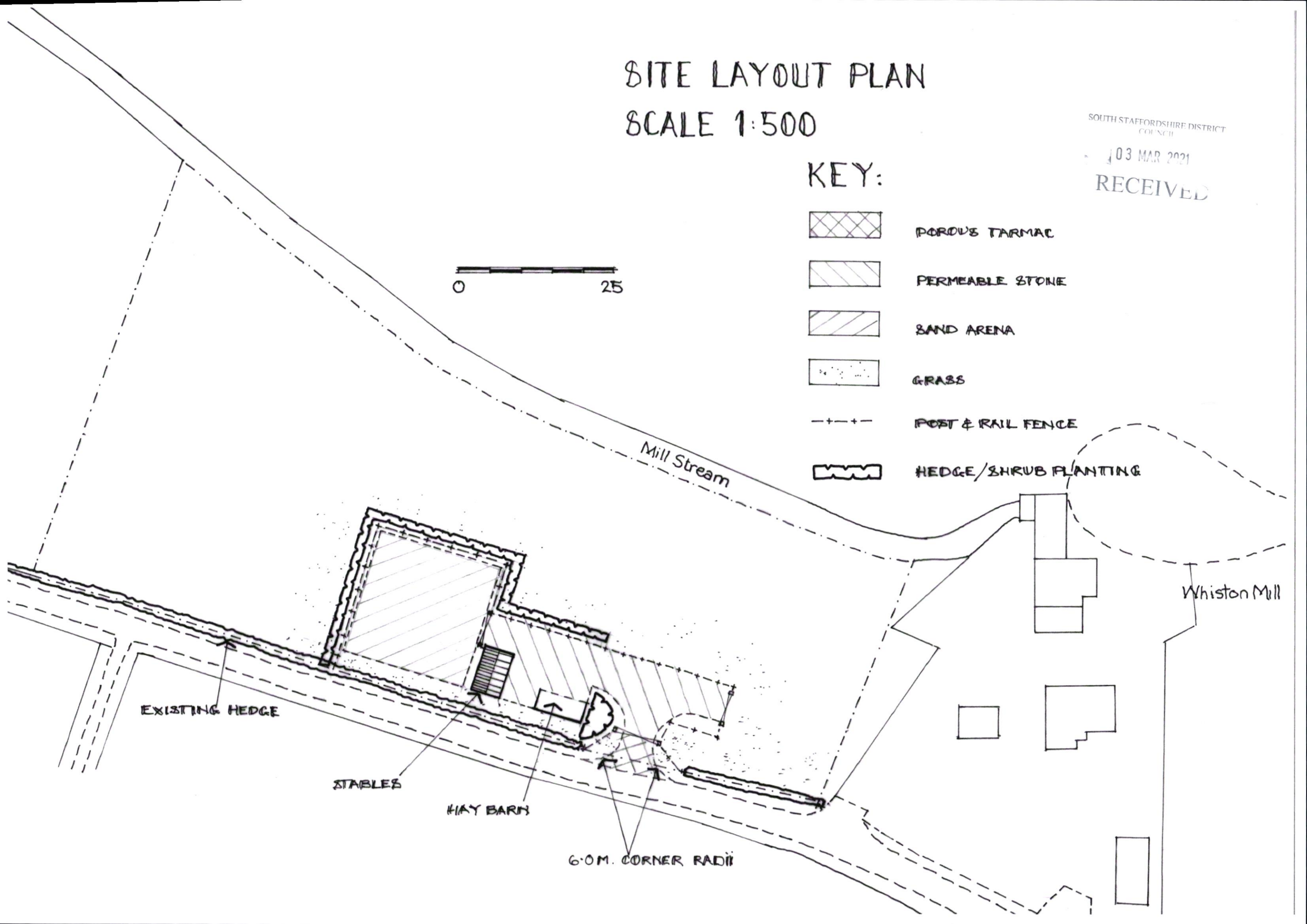
GRASS



POST & RAIL FENCE



HEDGE/SHRUB PLANTING



EXISTING HEDGE

STABLES

HAY BARN

6.0M. CORNER RADIUS

Mill Stream

Whiston Mill

Appeal Decisions

Inquiry opened on 29 November 2016

Site visit made on 2 December 2016

by Diane Lewis BA(Hons) MCD MA LLM MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 01 February 2017

Appeal Refs: APP/Q4625/C/13/2209742 and APP/Q4625/C/13/2209777 Land north side of Shadowbrook Lane, Hampton-in-Arden, Solihull, West Midlands B92 0DL

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeals are made against an enforcement notice issued by Solihull Metropolitan Borough Council.
 - **Appeal A**, ref. APP/Q4625/C/13/2209742, is by Mr Patrick Dunne and was made on the grounds set out in section 174(2)(a), (b), (f) and (g) of the Town and Country Planning Act 1990 as amended.
 - **Appeal B**, ref. APP/Q4625/C/13/2209777, is by Mr James Dunne and was made on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 as amended.
 - The enforcement notice was issued on 24 October 2013.
 - The breach of planning control as alleged in the notice is: Without planning permission and in breach of conditions attached to two Temporary Planning Permissions, use of the site as a residential caravan site together with associated operational development comprising the following specific elements:
 1. Regarding the part of the Site marked "A" on the plan ("the A land") and comprising the plots known as 'Meadow View', 'The Paddocks' and 'Hampton Court' (formerly known as "Green Acre") temporary planning permission under reference 2010/2134 was granted on 26 July 2012 for the change of use of the land to a residential caravan site with associated operational development subject to conditions. Condition 10 was that the permitted use shall be discontinued and all associated operational development including the hard surfacing, septic tanks and drainage pipes, LPG fuel tanks, fencing between the plots, and all buildings and structures shall be removed on or before 31 July 2013; this condition has not been complied with.
 2. Regarding the part of the Site marked "B" and edged blue on the plan ("the B land") and comprising the plot known as 'The Pleck' – Temporary planning permission was granted on 25 June 2008 under reference 2008/981 for the siting of two residential caravans and a day room and parking area, subject to conditions. Condition 2 required the use of the land as a residential caravan site to cease and all materials and equipment brought onto the land in connection with the use (including the amenity block approved by the planning permission) to be removed, and the land to be restored to its former condition, when the site ceased to be occupied by James Dunne and his resident dependants or at the end of 4 years from 25 June 2008 whichever shall first occur; this condition has not been complied with.
 3. Without planning permission the change of use of the part of the site hatched black and marked "C" on the plan ("the C land") to use as part of a residential caravan site with associated operational development including the laying of hard-standing formation of a lawn installation of drainage infrastructure and erection of fencing.
 - The requirements of the notice are:
 1. Stop the use of the site as a residential caravan site
 2. Remove from the site the caravans, mobile homes, vehicles and other equipment brought onto the site for the purposes of the use
-

3. Dismantle demolish take dig up and remove from the site all operational development buildings structures engineering works other structures and operations including the steps up to and brickwork around the base of the mobile homes portable toilet units sheds portacabins and amenity blocks, the fencing between the plots and around the site
 4. Dismantle demolish take dig up and remove from the site all engineering works and operations in over and under the site including septic tanks, LPG fuel tanks and drainage pipes wires and cables and disconnect and remove all connections to utility services including mains gas and water pipes and cables excluding any gas pipes
 5. Take or dig up and remove from the site the hard surfacing, all imported bricks rubble and other sub base material all imported stone and other hard surfacing material excluding the pre existing approximately 2.5 metre wide concrete track in the approximate position shown marked green on the plan and restore the site to its condition before the breaches took place by replacing with top soil so the land is level with the surrounding land and seed it with grass seed.
- The period for compliance with the requirements is 12 months.

Summary of Decisions: The appeals are allowed, following correction the enforcement notice is quashed, and planning permission is granted in Appeal A, all in the terms set out in the Decisions.

Appeal C Ref: APP/Q4625/A/13/2209776

Land at The Pleck, Shadowbrook Lane, Hampton-in-Arden Solihull West Midlands B92 0DL

- 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 James Dunne against the decision of Solihull Metropolitan Borough Council.
- The application Ref 2012/2004, dated 19 December 2012, was refused by notice dated 23 September 2013.
- The development proposed is change of use of land to form enlarged residential gypsy caravan site, including laying of hardstanding and retention of amenity building.

Summary of Decision: The appeal is allowed and planning permission granted subject to conditions set out in the Decision.

Introduction

1. This decision document is in two parts. Part 1 deals with the common procedural, factual and planning policy issues, namely the procedural matters leading to the inquiry in November 2016, the planning history of the land, the validity and wording of the enforcement notice raised through the ground (b) appeals, planning policy and principles, need and provision of traveller sites. Part 2 focusses on the planning merits of each appeal, informed by the content and conclusions in Part 1.

PART 1

Procedural matters

2. The appeals were recovered by the Secretary of State by directions dated 28 August 2014 because the appeals involved a traveller site in the Green Belt.
3. The appellants, Mr Patrick Dunne and Mr James Dunne, were represented by different agents. Requests were made for different and separate procedures to determine the respective appeals and the Council sought a joint inquiry. After consultation with all parties the appeals travelled together but were not linked.

Two separate inquiries were arranged for 9 September 2014 (Mr James Dunne) and 10, 11 September 2014 (Mr Patrick Dunne).

4. At the first inquiry, various matters were raised regarding the drafting of the enforcement notice. I ruled that a joint the inquiry should be arranged in order to ensure natural justice and fairness to both appellants and the Council. The second inquiry was opened on 10 September and the appellant was formally advised of the proposed course of action.
5. A joint inquiry was arranged to open on 17 March 2015. However, the *Moore and Coates* judgement was handed down on 21 January 2015¹. The appellant Mr Patrick Dunne issued a claim on 4 March 2015 seeking judicial review, challenging the Secretary of State's decision to recover the appeal. A request was made by Green Planning Studio (GPS) for the inquiry to be postponed. A similar request was made by Mr Brown on behalf of Mr James Dunne. On 13 March I confirmed the intention to open the inquiry as arranged. However, on 15 March, the Planning Inspectorate was informed that Mr James Dunne's barrister would be unable to attend due to illness. In the circumstances I decided that the inquiry should be postponed because to proceed would place Mr James Dunne at a substantial disadvantage and injustice would be caused.
6. On 31 March 2015 the Secretary of State revoked his directions to recover the appeals.
7. The inquiry was arranged to open on 26 July 2016 but was postponed due to the unavailability of Mr Brown for health reasons. The inquiry opened on 29 November, sat for four days and closed on 2 December 2016.

The Land and planning history

8. The history of the land includes its use as a small horticultural nursery. During a period of disuse the land became covered in vegetation and eventually came into different ownerships. The land is in the West Midlands Green Belt.
9. The western parcel of land, identified as area A on the notice plan, is divided into three traveller pitches – Meadow View occupied by Mr Patrick Dunne and his family, The Paddocks occupied by Mr David Chaulk and his family and Hampton Court occupied by Mr Terrence Smith and his family. The site was established about 8 years ago. An application for a residential caravan site was refused planning permission in November 2008. No enforcement action was taken, pending traveller site policy development and identification. A further planning application was made in 2010 and a one year temporary planning permission was granted on 26 July 2012 for a change of use of the land to use as a residential gypsy caravan site, with associated operational development (ref. 2010/2134).
10. The eastern parcel of land, marked B and C on the notice plan, is known as the Pleck. The easternmost area is an overgrown parcel of land, described by the main parties as being in incidental use. This land is crossed by a high pressure gas main which severely restricts any development. A long established curved concrete track crosses the site. Mr James Dunne moved onto area B at the beginning of 2005 and in February 2005 planning permission was sought retrospectively. Permission was refused and an enforcement notice was issued

¹ *Moore and Coates v Secretary of State for Communities and Local Government and London Borough of Bromley and Dartford Borough Council and Equality and Human Rights Commission* [2015] EWHC 44 Admin

in May 2005. On appeal, by decisions dated 20 March 2006, the enforcement notice was upheld but planning permission was granted for the siting of two residential caravans, one day room and a parking area. The use was personal to Mr Dunne and his dependants. Condition 2 required the use to cease at the end of three years or sooner if no longer occupied by Mr Dunne.

11. On 25 June 2008 the planning permission was renewed for a further 4 years. In 2010 an additional caravan was stationed on adjacent land to the west (area C). The planning application submitted in December 2012 (subject of Appeal C) sought to regularise the enlarged traveller site (areas B and C excluding the paddock) and to gain a permanent planning permission.
12. As part of the process leading to the adoption of the Gypsy and Traveller Site Allocations Plan, the Pleck caravan site and the undeveloped paddock adjacent were considered in the site assessments but were not taken forward in the draft plan. In the June 2014 Update, the suitability of the whole of the unauthorised caravan site was assessed – the Pleck and the three pitches now comprising area A. The site was rejected in 2014 because it performed poorly in terms of accessibility and its impact on the neighbouring Site of Special Scientific Interest (SSSI) and Local Wildlife Site (LWS). Furthermore, the site was identified as a potential LWS and was subject to impact from aircraft noise. The assessment recognised that rejection of the sites would require the existing families to be relocated and the enforcement notice and related appeals were noted.

Enforcement notice

Background and ground (b) appeals

13. In Appeal A, the ground (b) appeal was based on the wording of the alleged breach and more specifically questioned the opening sentence which referred to the site being without planning permission yet in breach of conditions attached to temporary planning permissions.
14. In Appeal B the validity of the enforcement notice was challenged in oral submissions at the first inquiry by the introduction of a ground (b) appeal. The main point taken on the notice (as distinct from the submissions on procedural matters) was that the notice could not cover more than 1 planning unit. The site was said to comprise at least 2 if not 4 planning units, each unit being in separate ownership, relating to different individuals and with a separate planning history.
15. At the outset, before the September 2014 inquiries, I asked whether the land was considered to be a single planning unit and why the Council had decided to issue a single enforcement notice. In response the Council explained that the site had previously been treated as two separate planning units but now considered the land was a single planning unit. In its view the gypsy/traveller caravan site comprised four pitches in a row served by a single shared access. Visually and functionally the site was one traveller caravan site, regardless of any split ownership. There were no extant permissions and the whole site was in the same unauthorised use.
16. With a view to making the notice simpler, the Council suggested removing reference to the previous temporary planning permissions and conditions which had explained why different parts of the site had become to be in breach of

planning control. As a result, the breach would be re-worded “without planning permission, the use of the site as a residential caravan site together with associated operational development”. Whilst acknowledging that this approach had the merit of simplicity, I later questioned how reference to ‘the use’ related to the breaches of planning control set out in section 171A(1) sub sections (a) and (b).

17. After the close of the inquiries on 9 and 10 September 2014 the Council made written submissions on the construction of the enforcement notice to address the matters raised by the appellants and comments I had raised in writing and at the inquiry. The Council put forward an amended version of the original notice which retained the basic construction, where the use of the land as a caravan site was stated to be in breach of conditions attached to two temporary permissions and where an unauthorised material change of use had occurred. The wording of the requirements was amended to be specific to each of the identified breaches.
18. As a result of the amended wording the ground (b) appeal was withdrawn from Appeal A.
19. In respect of Appeal B, Mr Brown confirmed in writing on 16 February 2015 that the notice correctly identified the breaches of planning control, namely non-compliance with a planning condition in relation to area B and a material change of use in relation to area C. It was also agreed that the breaches of planning control had taken place, that the re-wording of the notice to clarify the breaches could be undertaken without prejudice to Mr James Dunne and that it was not necessary to pursue an appeal on ground (b). A slight amendment was suggested to the opening of paragraph 3 of the notice, together with the deletion of the reference to the formation of a lawn from the breach. Finally the letter confirmed that Mr James Dunne would not seek to introduce any legal grounds of appeal or to question the validity of the notice.
20. Notwithstanding these written assurances, in opening submissions at the November 2016 inquiry Mr Masters indicated he wished to re-introduce a ground (b) appeal. A proposed amendment to the wording of paragraph 3.3 was submitted during the course of the inquiry. The appellant’s position was finally confirmed in closing submissions, when the wording of the notice was described as defective in that it failed to take account of the fact that the extended site (which I understand to mean the Pleck) was used as one planning unit as a caravan site. Reference was made to a new planning history being created that should be properly reflected in the breach – the use of the whole land as a caravan site. It was claimed that the appellant did not know the precise nature of the alleged breach or the deemed application and the extent to which the deemed planning application differed from Appeal C.
21. The Council gave detailed consideration to and justified the drafting of the notice and the proposed amendments in the written submissions dated 18 September 2014. The Council anticipated that a successful ground (a) appeal would lead to (i) a grant of planning permission for a residential caravan site without the need to comply with the time limit condition on the A Land and the B Land, and (ii) a grant of planning permission for a residential caravan site on the C Land. The overall effect was said to be the same as if the notice had alleged a material change of use as to the whole Site – a permanent planning permission for a residential gypsy and traveller caravan site. The Council

confirmed at the November inquiry that it was satisfied with the notice as proposed to be amended and in particular that it did not wish to describe the breach in the form suggested in Mr Master's note.

Reasons and Conclusions

22. The land is in more than one ownership and is occupied by a number of families but these factors do not prevent one enforcement notice covering the land as a whole².
23. When a planning permission granted for a limited period expires, the planning permission ceases to exist. Under such a time limited permission, no development as such takes place at the end of the authorised period of time and the continuation of the use does not fall within the meaning of development under section 55(1) of the Act³. A time limited condition requiring restoration will survive until the time for enforcement has passed. The breach of planning control falls under section 171A(1)(b) – the failure to comply with a condition subject to which a planning permission has been granted.
24. An enforcement notice is a nullity if it is so defective on its face that it is without legal effect. The notice issued in October 2013 states the matters which appear to constitute the breaches of planning control and the paragraphs of section 171A(1) that apply. It specifies the steps to be taken and the activity that is required to cease, the date on which the notice takes effect and the period for compliance. Reasons are given as to why it is considered expedient to issue the notice with reference to the relevant planning policies. The Land to which the notice applies is identified. Therefore the notice contains all the basic elements required by the legislation.⁴
25. The classic test to be applied to an enforcement notice is does the notice tell the person on whom it is served fairly what he has done wrong and what he must do to remedy it.⁵ The appellants understood that they were occupying the land without the necessary planning permissions and that if they were unsuccessful in their appeals the notice required the use as a caravan site to cease. The requirements are capable of variation, in the form indicated in the Council's amended notice.
26. I do not consider the notice is a nullity. The issue is whether the breaches of planning control are expressed in the appropriate way through the use of a single enforcement notice. The notice may be corrected to remedy any defect, error or misdescription provided no injustice would be caused to the appellants or the local planning authority (s176(1)).
27. The Council has sought to take action against 'the use of the Site as a caravan site'. However, despite the amended form of wording, I am still not satisfied that the description of the breach has been resolved satisfactorily. This stems from the fact that the alleged breach 'the use of the Site as a caravan site' is derived from three separate breaches of planning control, a combination of non compliance with conditions and the carrying out of development without planning permission. As a result the nature and scope of the deemed planning

² *Gregory and Others v Secretary of State for the Environment and Banstead Borough Council, Rawlins and Others v Secretary of State for the Environment and Tandridge District Council* [1990] 60 P & C R 413

³ *Avon Estates Ltd v Welsh Ministers* [2011] EWCA Civ 553

⁴ Section 173 of the 1990 Act and Regulation 4 of the Town and Country Planning (Enforcement Notices and Appeals) (England) Regulations 2002.

⁵ *Miller Mead v Minister of Housing and Local Government* [1963] 2 WLR 225

application(s) are not clear, a matter which none of the parties dealt with adequately. The Council's analysis on the matter does not take sufficient account of the form of a deemed planning application flowing from a breach consisting of non compliance with a condition. The simplicity the Council was seeking in respect of the Site would not be achieved with potentially at least three planning permissions resulting from success on the deemed planning application(s).

28. In addition, the taking of enforcement action is subject to a ten year time limit for non compliance with conditions and a material change of use of land. However, each separate breach occurred at a different time and therefore would have a separate time limit. Consequently the reference point for the alleged breach 'use of the site as caravan site' is not clear.
29. Turning to area C, there was no dispute that (i) a material change of use of the land and the associated operational development occurred after Mr James Dunne acquired the parcel of land around 2010, and (ii) the development did not have the benefit of planning permission. However, the change of use of area C was not carried out in isolation of the rest of Mr Dunne's ownership but was to enable the extension of his existing caravan site to form an enlarged pitch/site. This is reflected in the Council's description of the breach, where area C is for use as part of a residential caravan site. Considering the entire area of land, there was a material change of use from a mixed use to a single primary use as a caravan site.
30. In order to overcome these issues, an alternative approach based on the land edged red being a single planning unit would be to identify the breach as 'a material change of use of the land from a mixed use comprising agriculture and two residential caravan sites to use as a residential caravan site together with associated operational development'. In my view such a correction could not be made without causing injustice because the appellants may wish to raise new grounds of appeal. Moreover, in this case, the planning history of the land and its occupation are important considerations. Despite the similarity in land use and the common point of access from Shadowbrook Lane, over the last 10 years the sites subject to Appeal A and to Appeal B have had separate planning histories and have developed in different ways at different times.
31. The caravan site development as a whole, comprising the four pitches identified by the Council, was not carried through as a concerted whole with a common single purpose. The land is in different ownerships and the pitches are in separate occupation. More specifically, the area of land owned by Mr James Dunne is occupied by an extended family and there was no evidence of any social interaction with the occupiers of the land to the west. There is a clear physical boundary separating the site from area A. Significantly, the land parcel C was used to extend Mr James Dunne's caravan site, not to consolidate the use with area A. There is no physical boundary between areas B and C and there is a close visual relationship to the paddock to the east. The caravans are served by a common parking and circulation area and amenity space and a single amenity block. The use of Mr Dunne's land functions as a single caravan site.
32. The site of Appeal A (Mr Patrick Dunne) is enclosed and defined by strong boundary planting but otherwise the land is physically divided into separate pitches, each pitch with its own amenity/utility blocks, parking/circulation area

- and amenity space. A common access track links the main site access with each pitch and acts as unifying feature. All three pitches were developed and occupied about 8 years ago, although there has been some change in occupation of each pitch over time. The three families had been friends and travelled together for many years and wished to stay living together as group.
33. The physical features, the land use, ownership, occupation and functional links between the various parcels suggest that, as a matter of fact and degree, there are two planning units. The breaches should be defined to relate to each planning unit, against (i) the non compliance with condition in relation to the western part of the land (the land subject to the appeal by Mr Patrick Dunne) and (ii) in respect of Mr James Dunne's land directed at a material change of use and associated operational development to form a caravan site. This analysis suggests two separate enforcement notices should have been issued.
34. These considerations lead me to conclude that the ground (b) appeals should succeed. The enforcement notice should be corrected to deal with the breach of planning control on one of the planning units. The way forward is to delete reference to the eastern part of the Land formed by areas B and C and including the paddock. Such a course of action would not prejudice the case of Mr Patrick Dunne, which was based on a breach consistent of non-compliance with a condition in relation to area A only. The ground (a) appeal will proceed accordingly and the deemed planning application is clarified. The case on the planning merits presented for Mr James Dunne would relate solely to Appeal C. No injustice would be caused to him because the same planning merits were argued for the ground (a)/deemed application and the section 78 appeal. The Council indicated that the ground (b) appeals and the approach taken on the enforcement notice was a matter for me to sort out. Consideration of the two sites separately would result in a different planning balance on the merits compared to a single site but that would have been the case on the Council's understanding of the ground (a) appeals in any event. Cumulative environmental and social effects will be taken into account as appropriate. I am satisfied that no injustice would be caused to the Council.

Planning policy and statutory duties

Development plan and national policy

35. The relevant documents of the development plan for these appeals are the Solihull Local Plan December 2013 (the Local Plan) and the Gypsy and Traveller Site Allocations Plan December 2014 (the SADPD). Local Plan Policy P6 makes provision for gypsy and traveller sites and includes criteria to guide the determination of planning applications. Policy P17 reinforces and applies national policy in respect of the Green Belt to the Borough. Other relevant policies are P7 on accessibility and P10 on the natural environment.
36. In July 2015 the Council resolved to undertake an early review of the Local Plan, with adoption timetabled for Winter 2017. The Issues and Options stage (November 2015 – April 2016) indicated that Policy P6 would be retained in its present form, being compliant with national policy. However, the review of the policy noted that an update of the Gypsy and Traveller Accommodation Assessment (GTAA) evidence base should be pursued around 2017. The refresh of the GTAA was identified as the start of an update to the SADPD in order to ensure a supply of pitches is maintained.

37. The National Planning Policy Framework (the Framework), Planning Policy for Traveller Sites (PPTS) and National Planning Policy Guidance are material considerations.
38. Having regard to the planning history, national guidance is that it will be rarely justifiable to grant a second temporary planning permission – further permissions should be granted permanently or refused if there is clear justification for doing so. There is no presumption that a temporary planning permission should be granted permanently.

Human rights and Equality

39. There is no doubt that in these appeals the site residents' Article 8 Convention rights are engaged – the right to respect for private and family life and the home⁶. Article 8 is a qualified right that requires a balance between the rights of the individual and the needs of the wider community or state interest. In the context of Article 8, the best interests of a child must be a primary consideration and no other consideration can be treated as inherently more significant. However, a child's interest is not determinative of the planning issue and may be outweighed by the cumulative effect of other considerations. Article 8 also imposes a positive obligation to facilitate the Gypsy way of life to the extent that the vulnerable position of Gypsies as a minority group means that some special consideration should be given to their needs and different lifestyle in the regulatory planning framework and in reaching decisions in particular cases⁷.
40. In relation to the Public Sector Equality Duty (PSED) contained in the Equality Act 2010, the occupiers of the site as travellers have a protected characteristic. I will have due regard to the three equality principles in section 149 of the Equality Act in my assessment and decisions.

Need for traveller sites and local provision

Need and the GTAA

41. As set out in PPTS, Government aims in respect of traveller sites are that (a) local planning authorities should make their own assessment of need for the purposes of planning, and (b) to ensure local planning authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites.
42. Policy P6 states that the Council will meet the identified need for 38 permanent pitches to 2027 through a Gypsy and Traveller Site Allocations Development Plan Document. The identified need was established and set out in the 2012 GTAA and was divided into 3 five year tranches: 26 pitches 2012 to 2017; 6 pitches 2017 to 2022 and 6 pitches 2022 to 2027. The SADPD allocates 5 sites for Gypsy and Traveller use to deliver the required number of pitches.
43. The Inspector in his Report on the Local Plan concluded that Policy P6 was soundly based, effective, justified and appropriate for Solihull. The policy would enable the identified needs of gypsies and travellers to be met consistent with national policy and ministerial statements. More particularly, he stated the

⁶ The Human Rights Act 1998 enshrines into UK law most of the fundamental rights and freedoms contained in the European Convention on Human Rights.

⁷ *Chapman v the United Kingdom* [2001] paragraph 96

policy was based on recent and robust evidence from the Council's own 2012 GTAA which was prepared in line with national guidance. Therefore the Inspector endorsed the GTAA. In the SADPD the Inspector would not necessarily examine the GTAA because the number of additional pitches to be provided is established by Policy P6. The Council in this appeal relies on 'the tried and tested sound evidence of the GTAA'.

44. PPTS confirms that a relevant matter when considering planning applications for traveller sites is the existing level of local provision and the need for sites. The expectation is that a robust evidence base will be used to establish accommodation needs to inform the preparation of local plans and making planning decisions. The appellants have challenged the robustness of the GTAA and in the light of their evidence I will consider whether the GTAA may still be relied on in establishing the current level of need. The respective cases were, on some matters, based on similar arguments and during the course of the inquiry, elements of evidence presented by one party were adopted by the other.
45. The appellants' adverse criticisms concern (i) factual errors, and (ii) methodology. Regarding factual errors, two elements were identified, incorrect recording of families on the appeal sites and incorrect calculation of compound growth rate. The appellants' corrections results in a residential pitch need (2012-2017) of 33, 8 pitches for the period 2017-2022 and 9 pitches for the period 2022-2027, giving a total of 50. This compares to the pitch need in the GTAA for the same periods of 26, 6 and 6 giving a total of 38 pitches.
46. On the first point, the Pleck was recorded in the GTAA as giving rise to a one pitch need as a result of the end of the temporary permission, although it was noted that they were unable to consult with the sole resident of the site. The appellants maintain that this should be increased to 3 because of the 3 households occupying the pitch, Mr James Dunne, his daughter and her family and his uncle Mr Patterson. Land adjacent to and west of the Pleck, where households were interviewed, was recorded as an unauthorised development with 3 pitches. The appellants consider that there were in fact 4 households and 2 concealed households.
47. The Council recognised the general convention that a pitch accommodates a single family or household. When it became known that the Pleck was occupied by Mr Dunne and Mr Patterson living independently of one another the Council accepted that the Pleck site could constitute 2 pitches for the purposes of accommodation need⁸. As to the area in Appeal A, the Council accepted in June 2014 that the site could constitute 5 traveller pitches.
48. The GTAA defines a pitch as an area of land on a site generally home to one licensee household, which can vary in size and have varying caravan occupancy levels. It is a debateable point whether the occupancy of the sites translates into pitch need as stated by the appellants, bearing in mind the interdependence within family groups outlined in the evidence of the residents of the sites. Also, occupation has been subject to variation, as indicated by the records for the Pleck. The two concealed households on the adjacent pitches could have been accounted for in the new household formation allowed for by the GTAA. Nevertheless on the current occupation the pitch need from the site shows an increase on that recorded in the GTAA.

⁸ Ms James' proof of evidence paragraph 3.3 (evidence adopted by Mr Wigfield)

49. The application of the GTAA's 2% compound rate of household growth to the recalculated base pitch need for the three five year periods contributes to the appellants' claimed increase in pitch need for the periods 2017 to 2022 and 2022 to 2027. I am not convinced by the accuracy of the recalculation in view of the points noted above, the application of the growth rate to first period (whereas the GTAA relies on actual new households through the survey work) and the failure to address the GTAA's allowance for pitch sharing.
50. Therefore, I do not fully accept the appellants' revised figures for pitch need, but some slight increase on the figures stated in the GTAA is justified to reflect the current situation on occupancy of the appeal sites.
51. Turning to methodology, several matters were raised, primarily by GPS representing Mr Patrick Dunne but also adopted by Mr Brown on behalf of Mr James Dunne. Applying GPS's approach to the GTAA resulted in a level of need of 44 pitches 2012-2017, 13 pitches 2017 to 2022 and 15 pitches 2022 to 2027. I will concentrate on the disputed factors regarding hidden need and rate of household growth.
52. Hidden need is related to the gypsy and traveller bricks and mortar based population and the movement of households wishing to move onto a pitch set against any households on pitches wishing to move into bricks and mortar housing. The GTAA acknowledges that an accurate estimation of the number of travellers in houses is not possible on the basis of existing information sources. The report focuses on local experience and knowledge and the information available for Solihull which was considered by the authors to be the only and best source of evidence. The assessment of pitch need was also informed by local surveys of residents in bricks and mortar accommodation and site based respondents. The approach of GPS is to apply national findings and a rule of thumb that there are likely to be around 3 times the number of households living in bricks and mortar as there are in caravans. In support of this approach attention is drawn to the findings of a 2013 report An Irish Traveller Movement in Britain. The outcome is that GPS maintain an allowance should be made for a net movement of up to 10 households as opposed to the net movement of 2 households in the GTAA.
53. Data on hidden need is unlikely to be precise. I consider a local evidence based assessment is in line with policy guidance and therefore the GTAA adopted a reasonable approach to hidden need.
54. The GTAA set out why a household growth rate of 2% was adopted in preference to the standard 3% per annum compound rate, referring to data recorded from the survey. The updated GPS evidence was that a growth rate of 2.75% per annum compound should be applied, a figure based on modelling GPS has carried out. There was no explanation as to what information or parameters were used in the modelling work or why it was appropriate to Solihull. Therefore there is no good reason to depart from the locally derived rate used in GTAA.
55. Taking an overview of all the evidence, there are elements of the need requirements where the assumptions used are open to question. A merit of the approach adopted by GTAA was its direction towards the local situation and the consultation with the traveller community achieved a commendably high response rate. The pitch requirements for the period 2012-2017 may be regarded as a robust assessment on the information available at the time. The

authors of the report accepted that the pitch requirements for the 2017 to 2027 period should be seen as indicative due to the reliance on household growth figures and the largely unknown long term needs arising from traveller households in bricks and mortar accommodation.

56. The issues highlighted in this appeal are not down to any fundamental flaws or clear deficiencies of the GTAA but relate rather to evolving requirements and more accurate information coming forward on the site residents during the course of the appeal. A review after 5 years was recommended and the five year period has about passed. Not all factors would necessarily increase need, for example consideration of travelling patterns and the revised definition of the gypsies and travellers in PPTS. The implications of legislative change on the assessment of accommodation needs also would have to be considered. These appeals are not the time to re-do the GTAA. It is sufficient to recognise that the pitch need associated with the appeal sites should be revised slightly upwards and that the need for the period 2017-2027 is only an indication rather than precise and may be an underestimate.

Strategy for meeting need

57. The other side of the equation is the supply of new pitches to meet the identified need. In addition to the quantitative aspect, Mr Brown's evidence in particular raised whether the qualitative needs would be met through the proposed supply. Reference was made to an appeal decision in Tonbridge and Malling⁹ to support his case. Putting aside the very different detail in the quoted appeal, I agree that identified need and the provision to meet that need should not be confined to numbers. Account should be taken of the Government aim to promote more private traveller site provision while recognising there will always be those travellers who cannot provide their own sites. This aim reflects widening choice in the supply of homes to create sustainable, inclusive and mixed communities (paragraph 50 of the Framework).
58. The strategy of the SADPD is to maximise the opportunity for a wide variety and type of site options without relying on a single means of provision. A combination approach was adopted to meet the Borough's need following consultation on Options. A Sustainability Appraisal was carried out at each stage of the Plan, where the assessment included a range of social objectives. The Council outlined how a range of methods were used to engage and consult with stakeholders, including targeted consultation with traveller families and known organisations and agents representing traveller interests.
59. The adopted approach allows for allocation of new sites, extensions to and increasing capacity at existing authorised sites and regularising existing well established sites. A mix of tenures is proposed and small family sites are allocated. The SADPD was adopted by the Council only after the modifications recommended by the Inspector were incorporated into the plan. The Inspector was satisfied that subject to the modifications, the SADPD was sound and complied with national planning policy. The SADPD also draws attention to the fact that Policy P6 makes provision for any unmet need to be met through the planning application process. This mechanism allows for suitable small private sites of the type referred to by Mr Brown. No significant changes in policy or

⁹ Land at Orchard Farm ref. APP/H2265/A/12/2182789 dated 23 March 2013

other circumstances were identified by the appellants that lead me to question the adopted strategy for Solihull.

Five year supply

60. In response to Policy P6 and in accordance with national policy, the SADPD allocates land to address under provision and to maintain an appropriate level of supply of traveller sites.
61. The SADPD allocates 5 sites for Gypsy and Traveller use at Old Damson Lane, The Warren, The Uplands, The Haven and Canal View to deliver the 38 permanent pitches required by Policy P6 for the period 2012 to 2027. The site assessment criteria were availability, suitability based on the criteria in Policy P6, health impacts, other issues and achievability - whether there were any constraints to delivery, including viability. The SADPD identifies Phase 1 sites for the first 5 years up to 2017 to meet all sources of need as identified in the GTAA, using a range of tenure options. The sites in Phase 2 for the period 2017 to 2027 are to meet more long term need for gypsy and traveller accommodation.
62. The expectation of PPTS is that a local planning authority should be able to demonstrate an up to date supply of specific deliverable sites sufficient to provide 5 years' worth of sites against locally set targets.
63. The Council showed as at 1 January 2017 a supply figure of 38 pitches compared to a requirement of 32 pitches up to 2022. The Council's case was that as of 1 January 2017 an up to date 5 year supply is not only met but exceeded by pitches equivalent to a further 5 years supply.
64. GPS, relying on the deficiencies identified in the GTAA, argued that the Council is short of a five year supply by either 13 pitches (based on factual errors only) or 27 pitches (GPS full assessment). The 10 allocated pitches without planning permission, and with no evidence that any applications would be forthcoming, were not considered to meet the test of deliverability.
65. Mr Brown concluded in his oral evidence that there is a shortfall of 13 pitches in the 5 year deliverable supply. He also considered that the allocated 10 pitches at the three sites of The Haven, Old Damson Lane (the remaining 2 pitches) and Canal View are not deliverable and therefore cannot count in the 5 year supply.
66. PPTS states that to be considered deliverable sites should be available now, offer a suitable location for development and be achievable with a realistic prospect that development will be delivered on site within five years. In the five years to 2017 the locally target set was for 26 pitches to be delivered at Old Damson Lane Areas 2 and 3, The Uplands and The Warren (phase 1 sites allocated in the SADPD).
67. In the event, 21 pitches were actually delivered and development started on 1 pitch. Carrying forward the shortfall of 4 pitches, the target for 2017 to 2022 (based on the SADPD) is 10 pitches. Land at The Warren has planning permission (6 pitches) and therefore is able to be counted as deliverable. As to the deliverability of the remaining allocated sites, the Inspector in her Report on the SADPD observed that the SADPD seeks to meet only the exact numerical requirement for pitches through the site allocations. Therefore she considered that it was imperative that the sites identified were suitable,

available, and could accommodate the necessary number of pitches to ensure delivery. It is reasonable to assume that she must have concluded all the allocated sites were deliverable.

68. There is no up to date information about the deliverability of the remaining 2 pitches on Old Damson Lane, but delivery at this site has been good. As regards The Haven, the comment in the June 2014 Site Assessments on achievability reported that the landowner still intended to develop the site for a reduced number of pitches (31). The Inspector considered that a reduction in the number of allocated new pitches at The Haven to 6 would ensure deliverability as part of a comprehensive scheme. Mr Brown brought forward no evidence to support his claim the site was not viable. Whilst his assertion was unsubstantiated, there is no up-to-date information from the Council about when a comprehensive scheme may come forward within the Plan period to 2027. In the absence of such information I am unable to rely on sites being delivered within the next five years. No constraints were identified for Canal View and delivery of pitches was anticipated in the SADPD to be post 2017.
69. In summary, deliverable sites to count towards a 5 year supply are The Warren, Old Damson Lane and Canal View, giving a total of 10 pitches. On that basis there is a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against the locally set target. However, whilst I have not fully accepted the appellants' arguments about the deficiencies in the GTAA methodology, the current need for sites, taking account of the occupation of the appeal sites, is likely to be greater than the target set in 2012. The GTAA is in need of a refresh as the Council has indicated in the Local Plan review. Therefore, and in the absence of more detailed information on site delivery, I am unable to firmly conclude that there is a supply of specific deliverable sites sufficient to provide 5 years' worth of sites.

PART 2

APPEAL A

Reasons

Ground (b)

70. The appeal on ground (b) succeeds for the reasons set out in paragraphs 22 to 34 above. The alleged breach of planning control will be corrected to delete reference to the use of the site as a residential caravan site and to confine the description of the breach to non compliance with condition 10 attached to planning permission ref. 2010/2134.
71. There is no dispute that the use as a caravan site continued after 31 July 2013 and the associated operational development was not removed. There was a breach of the limited period condition.

Ground (a) and deemed planning application

Main Issue

72. The correction of the description of breach of planning control clarifies the deemed planning application under s177(5), which by analogy with s73A(3)(b), is for the development originally permitted but without the condition at issue,

with effect from the day following the date when the time limited period expired.

73. The main issue is whether planning permission should be granted for the use of the land as a caravan site without a planning condition that imposes a time limit on the length of the permission, requires the use to cease and the restoration of the land to its former condition.

74. The principal matters that will inform a conclusion on this issue are:

- The effect of the development on the Green Belt;
- The degree of compliance with locally specific criteria for assessment of proposed traveller sites, with particular attention to the effect on landscape character, visual impact and the ability of the occupants to access social and community facilities;
- The existing level of local provision and need for sites and the policy response to meeting need;
- The availability or lack of alternative accommodation for the occupiers of the site;
- Other relevant personal and family circumstances of the site occupiers, including the best interests of the child;
- The Green Belt balance as to whether the totality of the harm to the Green Belt, and any other harm, are clearly outweighed by other considerations so as to provide the very special circumstances needed to justify the development.
- In the event the Green Belt balance is against the development, whether requiring the use to cease would be necessary and proportionate.

75. The information about the current occupiers' travelling lifestyle, where they travel for an economic purpose, leads me to conclude they satisfy the definition of gypsies and travellers in Annex 1 to PPTS. Gypsy status was not disputed by the Council. The planning policies in respect of traveller sites apply.

Green Belt

76. Policy E of PPTS states that traveller sites are inappropriate development in the Green Belt and the appeal site at Shadowbrook Lane is no exception.

Inappropriate development is harmful to the Green Belt.

77. The essential characteristics of Green Belts are their openness and their permanence. Before the traveller site was formed the land was free of development, covered by grassland and low growing vegetation and bounded by mature trees¹⁰. In contrast, the land is now in residential use and is mainly hard surfaced with mobile homes, touring caravans and parked vehicles present. In addition there are utility blocks, a dayroom, a motorhome, sheds, fencing and residential paraphernalia. The structures, vehicles, hard surfaces and domestic activity all have a harmful effect on the attribute of openness, even allowing for the fluctuation in the numbers of caravans and vehicles on the site. Nevertheless the degree of visual intrusion on openness is contained

¹⁰ Aerial photograph dated August 2007 provided by the appellant.

by boundary vegetation and the limited height and scale of the caravans and outbuildings. A planning condition may be used to control the maximum number and the type of caravan. All matters considered, the harm to openness is significant.

78. In this instance, the small scale nature and the location of the site in relation to the settlement pattern means that encroachment into the countryside is the only conflict with the purposes of including land within the Green Belt. The degree of harm is small. Even allowing for the Pleck, the development is small scale, as found by the Council in the 2014 Site Assessment Update.

Policy P6 criteria: landscape character and visual impact

79. The Borough lies within the Arden landscape character area, described in the Warwickshire Landscape guidelines as a wooded and farmed landscape with a dispersed settlement pattern. The site is in the local landscape type Arden parklands, where the management strategy is to retain and enhance the effect of wooded enclosure. 'Solihull's Countryside' sets out a strategy for managing the many demands and conflicts placed on the Borough's countryside, identifying objectives for the various zones. The justification for Policy P10 of the Local Plan expects developers to take the strategy into account in locating and designing development.
80. Shadowbrook Lane is located in an area that is dissected by the M42 motorway corridor and is crossed by a flight path to Birmingham Airport. It is in the Motorway Corridor zone identified in the document 'Solihull's Countryside'. Having said that away from the immediate environs of the motorway a more rural character prevails defined by gently rolling countryside with an irregular field pattern, small wooded areas and belts of trees and pockets of development. There are a few farmsteads with a mix of building forms and signs of diversification including residential development at Home Farm to the east. A temporary agricultural workers dwelling, which is a rather eye-catching mobile home, has permission at the nearby Hazel Farm.
81. The caravan site with its extensive hard surfaces has replaced a soft green undeveloped area of land on the Shadowbrook Lane side of a large block of meadow, grassland and woodland that extends to the north and east. The site detracts from this distinctive landscape feature and has led to an element of 'urbanisation' in the countryside setting. The group of pitches extends in a rather regimented ribbon form along the highway served by its own internal track. The site erodes the sparsely developed character of the Lane and has not been planned or soft landscaped in such a way as to positively enhance the environment and increase openness. The adverse change gains greater significance by reason of its incremental nature when considered with the Pleck.
82. In its favour, the site is a generous single pitch depth and in general terms boundary landscape features such as hedgerows, trees and ditches have been maintained. The development has not had any effect on key landscape characteristics such as the rolling topography, the field patterns, parkland or network of country lanes.
83. Drawing these considerations together, the development is contrary to objectives for the landscape character area and the countryside. Mitigation is unable to resolve the conflicts because they are inherent in the form of

development. Nevertheless the modest size of the caravan site and its positive features contain the harm. There is scope for additional planting and green space. In term of criterion iv) of Policy P6, the harm is not so significant as to be unacceptable.

84. Visual impact is very localised due to topography, vegetation and the alignment of Shadowbrook Lane. The probability is that most views would be in the form of glimpses from passing vehicles. The mature hedgerow along the frontage, containing a good proportion of evergreens and trees, softens the appearance of the site from the highway and from the public footpath to the south. Boundary and entrance features are not fortress-like. The site is viewed together with the neighbouring farm complex and the other properties to the west, rather than as an isolated development in the countryside. The degree of harm to the appearance of the area is small. The site performs well against criterion ii) of Policy P6.

Access to services and facilities

85. Criterion vii of Policy P6 requires consideration of accessibility to local services and facilities by walking, cycling and public transport. The Council also relied on Policy P7, which identifies walking distances to public transport and key facilities. Small scale residential development within rural settlements is exempt from the criteria. The P7 distances apply to housing development and are not directly applicable to traveller caravan sites. Nevertheless the policy objectives are relevant: to reduce reliance on the car and to increase opportunities for all, especially the socially excluded, to access essential services. Furthermore, routes for use by foot, cycle and to public transport should be safe, attractive and direct.
86. There was not total agreement between the Council and the appellant on the distances between the site and the closest bus stop, a village convenience store and the nearest doctor's surgery. Even allowing for the points of disagreement, the distances to bus stops, services and so on are between 1.5 km to 2.4 km, well above comfortable walking distances bearing in mind the routes do not have footways or lighting. In theory cycling is a possibility but probably not an attractive, safe or practical option for parents, youngsters or the less physically mobile. For these reasons the car is likely to be the main means of transport for occupiers of the site. Consequently the site does not perform well against the accessibility criterion in Policy P6, especially taking account of the number of households on the site.
87. The use of sustainable forms of transport and giving people a real choice about how they travel is just one aspect of sustainability, which is recognised in the second part of criterion vii. On a broader assessment of the social role, the site provides a settled base from which the occupiers are able to have stability in health care and welfare, have access to day to day facilities and ensure children attend school on a regular basis. Living and travelling out to work from the same location, as the occupiers do, is recognised by PPTS as contributing to sustainability. On that basis there is no conflict with criterion vii.

Other criteria in Policy P6

88. The size and scale of the site and the number of caravans on the three pitches is appropriate to the size and density of the local settled community. The site is well enclosed and surrounded on three sides by open land. There are good

separation distances to the nearest residential properties. Aircraft noise was identified by the Council as having a negative effect on site residents' amenity when application ref. 2010/2134 was under consideration but has not been raised as a matter of concern in the current appeal. For these reasons there is no unacceptable adverse impact on privacy and residential amenity for both site residents and neighbouring land uses. The site is not in an area that has been identified as being prone to flooding. The site access was installed to the approved details after permission was granted on appeal for the Pleck and provides a safe and convenient access to the highway network. The site therefore performs well against criteria i, iii, v and vi.

89. The site adjoins the Greens Ward Piece Local Wildlife Site and Bickenhill Meadows SSSI is some 50 metres away. The site was identified as a potential wildlife site prior to its development. In the appraisal of the 2010 planning application the Council reported concerns of nature conservation bodies but concluded that appropriate controls were available to protect the neighbouring land. An ecological assessment was carried out in November 2013 on behalf of the appellant. Notable habitats on site were the mature trees and stream on the boundary but no protected species were recorded. Adverse impacts on the adjacent nature conservation sites were considered unlikely to result from day to day activities if no further development was carried out on site. Potential habitat for nesting birds and roosting and foraging bats was identified. Various recommendations were made for mitigation and compensation.
90. The Council has not identified harm to biodiversity or ecology and there is no evidence of the day to day activities on the caravan site causing disturbance or physical harm to the habitats and species on the designated sites. Planning conditions could reasonably address landscaping (including external lighting) and foul and surface water drainage. The site performs reasonably well against criterion iv) of Policy P6 and there is no conflict with Policy P10.

Conclusion on harm

91. The harm to the Green Belt through inappropriateness, loss of openness and encroachment has slightly more than substantial weight. The development has an adverse impact on landscape character but visual impact is small. The resultant harm has some weight. However, when assessed against the criteria in Policy P6 as a whole the development performs reasonably well. This factor provides substantial weight in favour of the caravan site and represents a change to the conclusion reached in the SADPD site assessment (2014 Update). In this appeal the submission of an ecological assessment has enabled a better informed conclusion on the effect on nature conservation designations and accessibility has been placed in a broader view of the positive social effects of development for the site occupants, as provided for in Policy P6.

Other considerations

Need, local provision of sites and policy response

92. There is an undisputed national and regional need for further permanent gypsy sites. Consequently, there is pressure on sites that do become available and land for private sites is hard to come by. However, in this appeal attention has been directed primarily towards the local need in Solihull.

93. Referring back to the earlier reasoning, within Solihull the probability is of a low level of need. Even on the GPS analysis for the Borough, the immediate need is not high, although for the families concerned the impact could be substantial. Very significantly, a known and acknowledged current need directly concerns the residents of the appeal site, who have lived in the Borough for a number of years.
94. The Council now has in place a development plan policy on traveller site provision and a SADPD. The policy position has substantially changed since the temporary planning permission was granted in 2012. New pitches have been delivered, provision made to meet longer terms needs and consideration given to refresh the GTAA and update the SADPD. The SADPD was found by the Inspector to be sufficiently flexible to ensure the accommodation needs of travellers would be met over the plan period. Consequently I do not accept the appellants' point that the slightest failure in the GTAA would amount to a failure of policy.
95. A supply of specific deliverable sites sufficient to provide 5 years' worth of sites has not been demonstrated at this moment in time, primarily because of the uncertainty over and lack of up to date information on prospects for development at The Haven. Therefore I attach a small amount of weight to this consideration, having taken into account the policy guidance in PPTS in paragraph 27. The appellant's failure of policy argument has little weight, bearing in mind the progress and success in responding to policy requirements.

Alternative sites

96. The decision to grant a temporary planning permission in 2012 was justified by a reasonable prospect of new sites becoming available. Subsequently, as a matter of fact, new sites were allocated and pitches became available, notably at Old Damson Lane.
97. Allocations of land were primarily based on performance against Policy P6 criteria to ensure the sites represented sustainable development. The policy 'control' on who lives there is by requiring occupation to be only by those persons who meet the definition of gypsies and travellers. Whether in practice the allocated sites meet a particular local need identified by the GTAA is influenced by various factors such as land ownership, affordability, selection and nomination criteria, personal choice of families, inward migration and so on. Land allocations can go only so far in facilitating provision for an individual family. The Council anticipated that the site residents would relocate to the new pitches at the Old Damson Lane sites. However all the pitches at the two sites have been taken up. Only the Lowther family, who used to live on the appeal site, has secured a pitch and moved there.
98. Development of additional allocated sites/pitches has not commenced and probably new pitches would not be available within the compliance period of 12 months. Furthermore, The Warren and Canal View are anticipated to accommodate the future growth of the families living on the adjacent lands and so even when pitches are delivered they probably would not be available to the occupiers of the Meadow View lands. The 2 additional pitches at Old Damson Lane would not be sufficient to house all the families on the appeal site. Consequently the probability is that that there are no immediately available sites for the Dunne family, the Chaulk family or the Smith family. The Council's

witness Mr Wigfield did not dispute this proposition in his evidence to the inquiry.

99. The Council accepts that traveller sites are likely to be located in the Green Belt in Solihull, which will have to be justified by very special circumstances. The SADPD process showed that options for acceptable sites are limited. Therefore an alternative site within Solihull will be difficult to find.
100. The site residents were informed on more than one occasion by the local planning authority of the availability of the Old Damson Lane pitches. The residents, in their evidence to the inquiry, confirmed that they made no attempt to contact the Council and to follow up this opportunity. One reason was that they felt unable to move near to the family occupying the Phase 1 site at Old Damson Lane. Affordability was also said to be a problem, although when explored further this did not have any substance to it. The basic reason was that they were happy at Shadowbrook Lane and wanted to stay there.
101. An appellant is entitled to await the outcome of his appeal but the failure to make any attempt to explore the possibility of an alternative site does not positively assist the appellant's case. However, the pitches at Old Damson Lane are fulfilling a need, whether from inside or outside Solihull. The outlook now for the families is very uncertain if they have to leave the appeal site. Without a settled base to move to the options for the families would appear to be doubling up on other sites or unauthorised encamping. Both options would have adverse environmental, social and economic consequences for the families concerned and the wider community. The potential impact on their home and family life is informed further by consideration of their personal circumstances.

Personal circumstances

102. Patrick and Tina Dunne live on the land at Meadow View with their eldest adult son, who travels and works with his father. Their daughter Martina and her husband also live on the pitch and she is expecting her first child in February 2017. Another daughter now lives in Wolverhampton and regularly visits with her two children.
103. The Paddocks is not only the home of David and Lily Chaulk but also of William and Scarlett Chalk and their 4 children, who have been away travelling for considerable periods of time over the last few years. Scarlett is expecting another child. The intention is for a replacement mobile home to be delivered to the site in 2017¹¹. Two of the children attended the local primary school but over the last couple of years they have obtained schooling at other locations because of their parents travelling. Mr and Mrs Chaulk's daughter Corrina lives in Stafford and visits the site regularly with her 5 children.
104. Terrence and Mandy Smith have lived at Hampton Court with their daughter Victoria and son Martin (both now adults) since 2011¹². Another of their sons lives near by and his 3 children visit their grandparents regularly. Mr and Mrs Smith look after another grandchild mid week (which allows him to go to football training) and who stays most weekends. Their daughter Charlotte lives some 6 miles away and visits very regularly with her three children.

¹¹ Mr Chaulk explained how the mobile home is to replace one that was damaged when being delivered.

¹² The pitch was formerly known as Green Acres and was occupied by the Brazil family in 2010.

105. The site enables continuity and convenient access to health services which is recognised by PPTS as being important and is a factor that promotes equality of opportunity. Also the pitches allow families to live together, which have the potential for significant positive effects. In this instance disruption to current education at a local school is not a key consideration, although the loss of the home could well affect the future schooling of William and Scarlett Chalk's 4 children. Two families will shortly have a young baby, increasing their vulnerability and need for health and welfare services. Other family members such as Mr Dunne and Mrs Chaulk are under medical care and require regular medical attention. The detail that emerged at the inquiry clearly shows that the three pitches on the site function not only as stable and settled bases but also as hubs of family life. Proximity to close family members enables visits on a very regular basis. The best interests of a number of children would be adversely affected to varying degrees if the families became homeless or had to move out of the area where they have lived for a number of years.

Green Belt balance

106. The harm to the Green Belt has slightly more than substantial weight. The adverse effect on local landscape character and the small visual impact has some weight. Reliance on the car to access to local services adds a small degree of weight against the development in view of the number of families on site.
107. Balanced against the totality of the harm, the appeal site performs reasonably well against the criteria in Policy P6 and would contribute to meeting an unmet need. Therefore the site should be considered favourably. I attach substantial weight to this positive endorsement of the site. The considerations in relation to general and local unmet need and five year supply of deliverable sites together have moderate weight. The lack of an alternative available and suitable site for the appellant and members of his family has significant weight. The likelihood of new traveller sites in the Borough being located in the Green Belt has a small amount of weight. Personal circumstances add some additional weight. Children must be recognised as rights-holders in their own right. In view of the numbers of children that rely and will on the site for their home and the numbers of children who regularly visit, their best interests have significant weight. The failure of policy has no weight.
108. The harm to the Green Belt and the additional identified harm are clearly outweighed by the combination of other considerations. These considerations are not limited to personal circumstances and unmet need. The compatibility of the development with Policy P6 is of crucial importance, supported by its ability to meet the identified local need and the social benefits of providing the site residents a settled base, equality of opportunity in accessing health, welfare and education and facilitating a traditional lifestyle. In view of these factors the effect on home and family life and the best interests of children would be disproportionate if residents were required to leave with no suitable alternative site available. Very special circumstances exist to justify the development. Accordingly there is compliance with Local Plan Policy P17.
109. The caravan site satisfies the development plan and national policy controlling development in the Green Belt. The appeal succeeds on ground (a) and planning permission should be granted on the deemed planning application for the use of the land as a caravan site without a planning condition that

imposes a time limit on the length of the permission, requires the use to cease and the restoration of the land to its former condition. By reference to s73A(3)(b), the permission shall have effect from the day following the date when the limited period granted through permission ref 2010/2134 expired.

Planning conditions

110. The enforcement notice is against a breach of a time-limited condition. Success on the ground (a) appeal/deemed planning application results in a new permission where conditions are not restricted to the conditions imposed on the time expired permission (s73A(2)(b)). I do not intend to exercise the power under s177(1)(b) in order to avoid any doubt as to whether the 2012 permission for the caravan site ref 2010/2134 still subsists without the time limiting condition.
111. The comprehensive set of planning conditions attached to permission ref. 2010/2134 and the draft list prepared by the Council indicate the matters that should be conditioned. Planning conditions have to be necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
112. Controls on the site layout, plus the number and type of caravans would ensure the site is well planned, incorporates adequate landscaping and amenity space and respects its surroundings. The number of pitches and caravans shall be the same as in the former condition in order to limit the harm to the openness of the Green Belt. The site layout shown on the plans approved in 2012 are not totally consistent with the number and type of caravans allowed and therefore a new set of plans showing a site development scheme should be submitted for approval. The scheme should also include details of landscaping, fencing, external lighting and drainage, having regard to the recommendations of the Biocensus ecological assessment to ensure protection of the ecological interest and best practice. A schedule of maintenance of the planting is justified because of the permanent nature of the permission.
113. Occupation should be restricted to gypsies and travellers in order that the development continues to provide this specific type of accommodation to facilitate a travelling lifestyle. The site would be suitable and acceptable for any gypsy or traveller meeting the planning definition. In the past a personal condition was also imposed but two separate conditions controlling occupancy could lead to future enforcement difficulties, especially with a permanent permission. Moreover, the Planning Practice Guidance anticipates a personal condition only where there is an exceptional occasion when planning permission is justified by the persons who would benefit. In this instance the crucial consideration is the acceptability on development plan policy grounds. The weight attributed to the occupiers' personal circumstances is not the determining factor.
114. The development has been assessed as a residential caravan site, with no provision for mixed use. Commercial use, the storage of materials and the parking of larger commercial vehicles should be precluded to protect the Green Belt and local amenity. A specific requirement will be included to prevent storage of any materials or equipment within two metres of the stream banks to protect habitat and water quality. A separate condition to ensure no discharge of waste or foul water onto the adjacent lands is necessary to protect

those lands' ecological interest. Control over the external materials of the existing amenity blocks is no longer necessary.

Grounds (f) and (g)

115. The appeal on ground (f) was withdrawn on the basis that the requirements would be varied in accordance the Council's amended wording for the enforcement notice. Variation of the requirements will not be necessary because the notice will be quashed. The appeal on ground (g) does not need to be considered given the success on ground (a).

Conclusion

116. The caravan site complies with the key Policies P6 (gypsy and traveller sites) and P17 (Green Belt) of the Local Plan. There is compliance with national policy in the Framework and PPTS. Sustainable development would be achieved. There are no material considerations that warrant a decision other than in accordance with the development plan. The caravan site is acceptable.
117. For the reasons given above, and having taken all other matters into account, the appeal should be allowed.

APPEAL B

Ground (b)

118. For the reasons set out in paragraphs 22 to 34 above I have concluded that the enforcement notice should be corrected by the deletion from the alleged breach of planning control the reference to the part of the site marked B and the part of the site hatched black and marked C on the plan attached to the notice. The appeal succeeds on ground (b) to this extent. I shall correct the allegation in the notice and the extent of the land affected thereby to reflect this.

Grounds (a) and (g)

119. The appellant's case related solely to that part of the site he owns and which shall be deleted from the notice. In view of the success on ground (b), the appeal under grounds (a) and (g) as set out in section 174(2) of the 1990 Act as amended and the application for planning permission deemed to have been made under section 177(5) of the 1990 Act as amended do not need to be considered.

APPEAL C

120. The appeal site consists solely of the parcel of land occupied as a traveller site and excludes the adjacent paddock to the east within Mr Dunne's ownership.
121. Mr Dunne travels extensively to earn a living through property maintenance work and Mr Patterson travels with him for part of the time to help on bigger jobs. The information about their travelling lifestyle leads me to conclude they satisfy the definition of gypsies and travellers in Annex 1 to PPTS. The indication is that Mr Dunne's daughter Eileen has ceased travelling temporarily on grounds of her family's and dependant's educational and health needs and she is very much part of the family group living on the site. Gypsy status was

not disputed by the Council. The planning policies in respect of traveller sites apply.

122. Policy E of PPTS confirms that a traveller site is inappropriate development in the Green Belt. The appellant accepted this as the starting point. Therefore the development should not be approved except in very special circumstances.

123. The main issues are:

- The effect of the development on the Green Belt;
- The degree of compliance with locally specific criteria for assessment of proposed traveller sites, with particular attention to the effect on landscape character, visual impact and the ability of the occupants to access social and community facilities;
- The existing level of local provision and need for sites and the policy response to meeting need;
- The availability or lack of alternative accommodation for the occupiers of the site;
- Other relevant personal and family circumstances of the site occupiers, including the best interests of the child;
- The Green Belt balance as to whether the totality of the harm to the Green Belt, and any other harm, are clearly outweighed by other considerations so as to provide the very special circumstances needed to justify the development;
- In the event the Green Belt balance is against the development, whether requiring the use to cease would be necessary and proportionate.

Green Belt

124. Inappropriate development is harmful to the Green Belt. The essential characteristics of Green Belts are their openness and their permanence.

125. The 2006 appeal decision describes the original caravan site as occupying the central portion of a 1.42 hectare field. The lawful use was stated to be for agricultural purposes with use in the past as a tree nursery. The extended site is now hard surfaced for circulation and parking, except for a grass amenity area on the western side. The two static caravans occupied by Mr Dunne and his daughter are towards the back of the site. Mr Dunne also has a touring caravan. A smaller caravan occupied by Mr Patterson is sited near the front boundary hedge. A small brick built amenity building has a more central position. The residential activity together with the caravans and amenity building, hard surfacing and parking have a harmful effect on the attribute of openness. The degree of visual intrusion on openness is contained by boundary vegetation and the limited height and scale of the caravans. All in all the loss of openness on the site itself is significant, although less so when compared to the adjacent caravan site and in the wider context.

126. The development has encroached into the countryside, conflicting with one of the five purposes of including land within the Green Belt. The degree of harm is limited by the small scale nature of the extended site.

Policy P6 criteria

Landscape character and visual impact

127. The surrounding area is characterised by gently rolling countryside with an irregular field pattern, small wooded areas and belts of trees. Away from the settlements, the scattered farmsteads, residential and business properties have a mix of building types. The M42 motorway corridor and flight path to Birmingham Airport are strong urban influences. The site is in the Arden parklands landscape type within the broad regional landscape character area of Arden. A general objective is to mitigate any adverse effects of development and to harness its potentially enhancing effects.
128. A property in residential use with green amenity space and an adjoining paddock is not out of keeping with the pattern of development along Shadowbrook Lane. The boundary hedgerows and trees have been maintained and provide a good degree of enclosure. Nevertheless the negative effect results from the encroachment and erosion of the open, undeveloped lands along Shadowbrook Lane. The site contributes towards the creation of ribbon development, especially when taken with the caravan site to the west.
129. In 2006 the Inspector found the site to be well screened by the existing mature hedges and trees and that remains the case, despite the extension and the formation of a new site access. Views from passing vehicles would be fleeting. Views for people on foot are short distance and limited to the public footpath that crosses the field opposite and the area around the access. The development is seen together with the neighbouring farm complex to the east and the larger (unauthorised) caravan site to the west rather than as an isolated plot in the countryside. Being part of a group does not assist in blending the site into the surroundings.
130. In summary, the small scale nature of the caravan site limits the effect of the development when placed within the wider landscape character context. Similarly in visual terms the site is not prominently located and benefits from natural screening that could be strengthened by additional planting to soften the edges. The harm associated with incremental urbanisation is small and restricted to a very local level. The cumulative adverse harm is more significant but is not at an unacceptable level. The performance against criterion iv) is reasonably good.

Access to services and facilities

131. In the site assessment for the SADPD the site was found to perform poorly in terms of accessibility. The Council has reiterated the unrealistic walking distances to local services, shops and public transport along routes that are unlit and with no footways. Whilst attention was drawn by the appellant to the facilities being within cycling distance no account was taken of the safety or practicality of cycling for the site occupants. The car is likely to be the main means of transport, which was accepted in Mr Brown's evidence. This outcome is not in accordance with the policy test. However, the site is occupied by one extended family and local trips are likely to be small in number and short in distance. The small site performs adequately against the accessibility criterion in Policy P6, when read in conjunction with Policy P7's exemption for small numbers of dwellings within rural settlements.

132. The use of sustainable forms of transport and giving people a real choice about how they travel is just one aspect of sustainability, which is recognised in the second part of criterion vii of Policy P6. On a broader assessment of the social role, the site provides a settled base from which the occupiers are able to have stability in health care and welfare, have access to day to day facilities and enables the appellant's grandchild to attend school on a regular basis. Living and travelling out to work from the same location, as Mr Dunne and Mr Patterson do, is recognised by PPTS as contributing to sustainability. All matters considered, there is no conflict with criterion vii.

Other Policy P6 criteria

133. The size and scale of the site and the number of caravans stationed there is appropriate to the size and density of the local settled community. There are adequate separation distances between the site and the nearest residential properties for the settled community on Shadowbrook Lane. Even taking the adjacent pitches into account there is no evidence of an adverse impact on privacy and residential amenity. Aircraft noise was identified by the Council as having a negative effect on site residents' amenity in the SADPD assessment and on the site visit the noise intrusion was noted. However, this is not a factor that Mr Dunne has concern about and aircraft noise would be experienced by residents in the locality. I conclude there is no unacceptable adverse impact on privacy and residential amenity for both site residents and neighbouring land uses. The site is not in an area that has been identified as being prone to flooding. The site access was installed to the approved details after temporary planning permission was granted on appeal in 2006, when visibility was fully considered. As a result there is safe and convenient access to the highway network. Therefore the site performs well against criteria i, iii, v and vi of Policy P6.

134. A short length of the northern boundary of the site adjoins Bickenhill Meadows SSSI and the Greens Ward Piece Local Wildlife Site lies to the west. The site was identified as a potential wildlife site prior to its development. The SADPD assessment concluded that the site performs poorly in terms of its impact on the neighbouring SSSI and LWS, which appeared to be based solely on proximity. The 2006 appeal decision reported concern by English Nature but the Inspector was satisfied that subject to appropriate planning conditions the development would not cause an adverse impact through indirect disturbance and damage. A representation on the current appeal stated that the SSSI has been affected but no further detail is given.

135. There is no specific evidence of the day to day activities on the caravan site having resulted in disturbance or physical harm to the habitats and species on the designated sites over the last 10 years or so. The 2012 planning application was not accompanied by an ecological assessment but the reason for refusal did not refer to impact on biodiversity or ecology in the causes of harm. Planning conditions on matters such as external lighting, boundary treatment and site drainage would assist in safeguarding the adjacent lands. Overall I conclude that the site performs adequately in respect nature conservation designations, ecology and biodiversity (criterion iv of Policy P6). There is no conflict with Policy P10.

Conclusion on harm

136. The harm to the Green Belt through inappropriateness, loss of openness and encroachment has slightly more than substantial weight. The development, when considered on its own, detracts little from the local landscape character and visual amenity and the resultant harm has limited weight. The cumulative impact has slightly more significance. Contrary to the conclusion in the SADPD site assessment, I consider the development performs reasonably well against the criteria in Policy P6 as a whole. This factor provides very significant weight in favour of the caravan site.

Other considerations

Need and alternative sites

137. The context is of a national need and need for sites in neighbouring authorities, although most attention focused on the need within Solihull and the personal need of the appellant for a site as part of the immediate local unmet need.

138. In the consideration of need in Part 1, I concluded that there is likely to be a small numerical need for pitches in the Borough and a small shortfall in the 5 year supply of deliverable sites. Furthermore, the SADPD strategy takes sufficient account of the qualitative aspects of need. The development plan process cannot be expected to deliver a site that would meet the very specific needs of all those seeking accommodation. Allocations primarily consider the acceptability of the land use. A responsibility still lies with an individual to explore and pursue the options made available. Article 8 does not in terms recognise a right to be provided with a home¹³. Policy P6 makes provision not only for site allocations but also for private sites to come forward through the planning application process.

139. In the GTAA the Pleck was identified as giving rise to a need for one pitch. With the benefit of the appellant's input, the current alternative pitch need could be 2 or 3 pitches, dependant on pitch size and household definition. To be a realistic alternative for an individual or family, sites have to be suitable, available, affordable and acceptable.

140. Mr Dunne explained that the Pleck was originally owned by his uncle and was gifted to him in order that he would have a place to live with his family. Before he moved to the site he and his family travelled around the West Midlands as part of a group of Irish travellers, camping on car parks and industrial estates. In 2006 the Inspector concluded that Mr Dunne had demonstrated clear evidence of considerable efforts to find alternative accommodation within the Borough and the wider area. A temporary permission was granted in 2006 and also in 2008 in the expectation that the Council would make progress on the provision of alternative sites and meeting gypsy accommodation needs in the area.

141. A grant of temporary planning permission should not lead to an expectation that the use would eventually be permitted permanently. Alternative site provision was delivered, primarily at Old Damson Lane. All the pitches are now occupied.

¹³ *Chapman v the United Kingdom* [2001] paragraph 99

142. As to suitability of sites, Mr Dunne explained why he is unable to live on a public site, referring back to a fatal accident in 2010 and the resultant effects on his health. A letter from his doctor and documents related to attendance at hospital were submitted as supporting evidence of his medical conditions. He has been living on the Pleck now for over 10 years and has strong links with the area. He has never lived in bricks and mortar and affordability emerged as an issue.
143. Looking to the future and potential sites that may be delivered as part of the 5 year land supply, Mr Dunne felt unable to live in close proximity to a family on the original Old Damson Lane site, in addition to his fears over his safety on public sites. The Council's expectation is that pitches at Canal View and The Warren would accommodate future growth of existing families on site. The current owner of The Haven has indicated that he would not wish to have Mr Dunne on his land. The written note was not able to be tested and the comprehensive scheme envisaged in the SADPD may involve different ownership. Nevertheless timescale on delivery is uncertain and there is nothing to suggest pitches there would be brought forward in the immediate future.
144. The circumstances affecting Mr Dunne and the constraints they place on finding an alternative site are deserving of some weight. Whilst no aversion to living in conventional housing was established, this was not contested by the Council. Given Mr Dunne's family background and travelling lifestyle the probability is that bricks and mortar would not be a suitable option. I conclude at the present time there are no suitable, available alternative sites to meet the accommodation needs of the appellant and his family and the Council did not seek to argue otherwise.
145. At the present time his daughter Eileen relies on the Pleck for a secure home. The expectation, certainly in the short term, is that she will continue to live on the same site as her father. Mr Patterson may not be so constrained on site suitability as Mr Dunne but nevertheless no alternative site was identified as being available for him.
146. The SADPD explained that all of the sites suggested through the call for sites exercise, together with all the existing authorised and unauthorised sites, are in the Green Belt. The Council in this appeal accepted that future traveller sites are likely to be located in the Green Belt in Solihull. Consequently an alternative site within Solihull will be inappropriate development in the Green Belt and will have to be justified by very special circumstances. Therefore an alternative suitable site within the locality will be difficult to find.
147. Without a settled base to move to the options for the families would appear to be doubling up on other sites, staying with family or unauthorised encamping. These options would have adverse environmental, social and economic costs for the family and the wider community.

Personal circumstances

148. The occupation and circumstances of the site residents have changed slightly since the application was made. Mr Dunne's daughter Eileen now lives on the site for much of the time and regards it as a safe haven. She has a four year old son who is due to go to the primary school in Hampton in Arden next September. Her son also spends time living with his father on a caravan site in Leicester.

149. Three of Mr Dunne's daughters took it in turns to come to stay with him after his marriage broke up and now Shelby lives with him permanently. No educational provision was identified as being in place for her. Six of his grandchildren come to visit him regularly.
150. Mr Patterson (who is not the uncle who gifted the land) is a widower and is reliant on Mr Dunne's site for a home. He acts a caretaker when Mr Dunne is away travelling, as well as helping with Mr Dunne's property maintenance business.
151. The evidence is sufficient to show that the stability provided by the site is important to the well being of Mr Dunne, his daughter Eileen and her son. The site enables Mr Dunne to have regular contact and support from other members of his family, whilst allowing children and grandchildren to benefit from regular visits. The accommodation needs of the family have become much clearer in comparison to when the GTAA was carried out in 2011/12. The loss of the home, without a suitable alternative, would be a serious interference with home and family life. The best interests of the children are a primary consideration. A poor standard of accommodation, whether by the roadside or doubling up on sites, would place at risk the welfare and educational stability for Eileen's son. The best interests of Mr Dunne's daughter Shelby, and to a lesser degree Mr Dunne's grandchildren, could reasonably be expected to be best met by the stability offered by the Pleck.

Failure of policy

152. The appellant's case on this consideration was stated to be 'many-fold'. However, the Council put in place a sound Local Plan Policy and SADPD. A small underestimate of unmet need and associated shortfall in the five year supply, which could be resolved through the intended refresh of the GTAA and regular monitoring, does not amount to a failure in policy of any significance.

Inconsistency of approach

153. The SADPD noted that the allocations at Old Damson Lane and at The Warren were consistent with planning permissions granted in November 2013. The appellant attempts to draw out an inconsistency in the approach of the Council to those sites and the appeal site. I consider there is nothing to be gained in seeking to justify the Pleck by such a comparison. The appellant's adverse criticism of the Council in bringing forward pitches on land in its ownership does not sit comfortably with the 'failure of policy' submissions.

Green Belt balance

154. The harm to the Green Belt has slightly more than substantial weight. The adverse effect on local landscape character and the slight harm to visual amenity have limited weight.
155. Balanced against the totality of the harm, Policy P6 indicates favourable consideration of the site because of the reasonably good performance against the policy criteria and its contribution to meeting unmet need. The compliance with the development plan in this respect has substantial weight. The considerations in relation to general and local unmet need and five year supply of deliverable sites together have moderate weight. The lack of an alternative available and suitable site for the appellant and members of his family has significant weight. In view of the level of weight attached to that consideration,

personal circumstances and the best interests of the child add some additional weight. The probability of new traveller sites in the Borough being located in the Green Belt has a small degree of weight. For the avoidance of doubt the failure of policy and inconsistency of approach have no weight.

156. The harm to the Green Belt and the additional identified harm are clearly outweighed by the combination other considerations. The compatibility of the development with Policy P6 is of crucial importance, supported by its ability to meet the identified local need and the social benefits of providing the residents with a settled base, equality of opportunity in accessing health, welfare and education and facilitating a traditional lifestyle. To require the occupiers to leave with no suitable alternative site available would have a disproportionate effect on their home and family life and the best interests of the children. Very special circumstances exist and the inappropriate development may be permitted in accordance with Policy P17. Development plan and national policy controlling development in the Green Belt is met and the caravan site is acceptable.

Planning conditions

157. Controls on the site layout, plus the number and type of caravans would ensure the site is well planned, incorporates adequate landscaping and amenity space and respects its surroundings. The existing site layout is shown on the submitted layout plan, with no definition of pitches and the larger static caravans towards the rear and Mr Patterson's smaller caravan towards the front boundary. In the discussion of the conditions at the inquiry the appellant agreed that the development should be in accordance with the submitted plan. A maximum of three pitches and 4 caravans, of which 3 could be statics, was proposed. I consider that three statics based on the size in the statutory definition of a caravan would not be acceptable, more especially because of the possibility of a large static caravan on the site frontage. Therefore to tie in with the site layout plan, the number of pitches will not be specified and a maximum of two static caravans will be allowed.

158. The previous temporary planning permission ref. 2008/981 was conditioned to be personal to Mr Dunne and his resident dependants, rather than requiring the site to be occupied by gypsies and travellers. Both forms of control have been put forward in respect of the extended site. However, two separate conditions controlling occupancy could lead to future enforcement difficulties, especially with a permanent permission. The Planning Practice Guidance anticipates a personal condition only where there is an exceptional occasion when planning permission is justified by the persons who would benefit. In this instance the crucial consideration is the acceptability of the gypsy caravan site on development plan policy grounds. The weight attributed to the occupiers' personal circumstances is not the determining factor. Therefore occupation should be restricted to gypsies and travellers in order that the development contributes to maintaining an appropriate level of supply of sites for the traveller community.

159. The development has been assessed as a residential caravan site, with no provision for mixed use. In order to protect amenity and the Green Belt commercial use should be precluded and a restriction placed on the parking of larger commercial vehicles.

160. The site layout plan indicated soft landscaping. Details of planting, external lighting and boundary treatment are outstanding. A good quality scheme, with a schedule of maintenance, would contribute to local character, visual amenity and biodiversity. Approval of details of foul and surface water drainage is important to prevent adverse effects on the special ecological interest of Bickenhill Meadows SSSI and Greens Ward Piece Local Wildlife Site. Referring back to the 2008 planning permission, in the interests of highway safety the visibility splays to the site access from Shadowbrook Lane should be kept free from obstruction over a height of 1 metre above the lowest point of the adjoining road level in each direction. All these matters should be brought together through the submission of a site development scheme, in compliance with a specified timetable. A separate condition to ensure no discharge of waste or foul water onto the adjacent lands is necessary to protect its ecological interest.
161. Suitably worded planning conditions on these matters are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

Conclusion

162. The caravan site complies with the key Policies P6 (gypsy and traveller sites) and P17 (Green Belt) of the Local Plan. There is compliance with national policy in the Framework and PPTS. Sustainable development would be achieved. There are no material considerations that warrant a decision other than in accordance with the development plan. The caravan site is acceptable.
163. For the reasons given above, and having taken all other matters into account, the appeal should be allowed.

DECISIONS

Appeal Refs: APP/Q4625/C/13/2209742, APP/Q4625/C/13/2209777

164. It is directed that the enforcement notice shall be corrected:
- In paragraph 1, first sentence, after the words 'because it appears to them' by the deletion of the remainder of the sentence and the substitution of the words "that there has been a breach of planning control under section 171A(1)(b) of the above Act at the land described below."
 - In paragraph 2 by the deletion of 'edged red' and the substitution of 'edged and cross hatched in black', and at the end of the sentence by the addition of the words 'comprising the pitches known as Meadow View, The Paddocks and Hampton Court'.
 - In the heading of paragraph 3 by the deletion of 'Breaches' and the substitution of 'Breach'.
 - In paragraph 3 by the deletion of the wording of the description of the alleged breach of planning control, including paragraphs 3.1, 3.2 and 3.3 and the substitution of: 'On 26 July 2012 under reference 2010/2134 planning permission was granted for a limited period for the change of use of the land to a residential caravan site with associated operational development. Condition 10 required the use permitted to be

discontinued, all associated operational development including the hard surfacing, septic tanks and drainage pipes, LPG fuel tanks, fencing between the plots and all buildings and structures to be removed and the land to be restored to its former condition on or before 31 July 2013. It appears to the Council that the condition has not been complied with in that the use as a residential caravan site continues and the associated operational development has not been removed.'

- By the substitution of the plan attached to this Decision for the plan attached to the notice.

165. Appeal ref APP/Q4625/C/13/2209742: Subject to these corrections to the enforcement notice, the appeal is allowed and the enforcement notice is quashed. Planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for a material change of use of land to use as a residential gypsy caravan site including laying of hard standing, erection of 3 no. amenity blocks, installation of 3 no. septic tanks and 3 no. LPG tanks and erection of fencing, subject to the following conditions:

1. There shall be no more than three pitches on the site. On the pitch known as Meadow View no more than three caravans shall be stationed at any time, of which only one caravan shall be a static caravan. On the pitch known as The Paddocks no more than four caravans shall be stationed at any time, of which only two caravans shall be a static caravan. On the pitch known as Hampton Court no more than two caravans shall be stationed at any time of which only one caravan shall be a static caravan. The caravans stationed on the three pitches shall be as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended.
2. 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 three 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 site development scheme shall have been submitted for the written approval of the local planning authority. The scheme shall include a layout of the site including boundaries of the pitches, the siting of static caravans, sheds, amenity buildings and any other structures, areas of hard standing and amenity space; make provision for retention of existing trees and hedgerows; detail tree, hedge and shrub planting including details of species, plant sizes and proposed numbers and densities; detail boundary treatment and any proposed and existing external lighting on the boundary of and within the site; identify the means of foul and surface water drainage of the site; and provide a timetable for implementation of the scheme.
 - ii) If within 11 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 scheme shall have been approved by the Secretary of State.
- iv) The approved site development scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved scheme specified in this condition, that scheme thereafter shall be maintained. In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition will be suspended until that legal challenge has been finally determined.

- 3. At the same time as the site development scheme required by condition 2 above is submitted to the local planning authority there shall be submitted a schedule of maintenance of the proposed planting. The schedule of maintenance shall be for a period of 5 years, the 5 year period beginning at the completion of the final phase of implementation as required by that condition. The schedule shall make provision for the replacement, in the same position, of any tree, hedge or shrub that is removed, uprooted or destroyed or dies within 5 years of planting or, in the opinion of the local planning authority, becomes seriously damaged or defective, with another of the same species and size as that originally planted. The maintenance shall be carried out in accordance with the approved schedule.
 - 4. 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).
 - 5. No commercial activities shall take place on the land, including the storage of materials. No materials or equipment shall be stored within two metres of the stream banks.
 - 6. No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.
 - 7. Foul and surface water drainage provisions shall not at any time include any outfall of waste or foul water to any adjoining land.
 - 8. All ditches and watercourses within the site shall be maintained and kept clear of obstruction at all times.
166. The planning permission shall have effect from 1 August 2013.
167. Appeal ref APP/Q4625/C/13/2209777: Subject to the corrections to the enforcement notice specified in paragraph 164 above, the appeal is allowed and the enforcement notice is quashed.

Appeal Ref: APP/Q4625/A/13/2209776

168. The appeal is allowed and planning permission is granted for a material change of use of land to form enlarged residential gypsy caravan site, including laying of hardstanding and amenity building at the Pleck, Shadowbrook Lane, Hampton-in-Arden, Solihull B92 0DL in accordance with the terms of the application, Ref 2012/2014, dated 19 December 2012, subject to the following conditions:

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: location plan scale 1:2500, site layout plan scale 1:500.
- 2) 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).
- 3) No more than four caravan(s), 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 two shall be a static caravan, shall be stationed on the site at any time.
- 4) No commercial activities shall take place on the land including the storage of materials.
- 5) No vehicle exceeding 3.5 tonnes in weight shall be parked, stationed or stored on the land.
- 6) 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 three 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 site development scheme shall have been submitted for the written approval of the local planning authority. The scheme shall make provision for retention of existing trees and hedgerows; tree, hedge and shrub planting including details of species, plant sizes and proposed numbers and densities; boundary treatment; proposed and existing external lighting on the boundary of and within the site; the means of foul and surface water drainage of the site; visibility splays at the site access; a timetable for implementation of the scheme.
 - ii) If within 11 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 scheme shall have been approved by the Secretary of State.
 - iv) The approved site development scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

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.

- 7) At the same time as the site development scheme required by condition 6 above is submitted to the local planning authority there shall be submitted a schedule of maintenance of the proposed planting for a period of 5 years, beginning at the completion of the final phase of

implementation as required by that condition. The schedule shall make provision for the replacement, in the same position, of any tree, hedge or shrub that is removed, uprooted or destroyed or dies within 5 years of planting or, in the opinion of the local planning authority, becomes seriously damaged or defective, with another of the same species and size as that originally planted. The maintenance shall be carried out in accordance with the approved schedule.

- 8) Foul and surface water drainage provisions shall not at any time include any outfall of waste or foul water to any adjoining land.

Diane Lewis
Inspector

APPEARANCES

FOR THE APPELLANT MR PATRICK DUNNE:

Mr Matthew Green	Partner, Green Planning Studio Ltd, advocate and witness
He called	
Mr Patrick Dunne	The Appellant
Mr Terrence Smith	Resident of site
Mr David Chaulk	Resident of site

FOR THE APPELLANT MR JAMES DUNNE:

Mr Alan Masters	Of Counsel, instructed by Mr Brown
He called	
Mr James Dunne	The Appellant
Mr Philip Brown BA(Hons) MRTPI	Managing Director, Philip Brown Associates Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Mr Gary Grant	Of Counsel, instructed by the Solicitor to the Council
He called	
Mr David Wigfield DipTP MRTPI	Enforcement and Conservation Manager, Solihull Metropolitan Borough Council

DOCUMENTS submitted at the inquiry

- 1 Letter of notification of the inquiry and list of people notified
- 2 Statement of common ground (Mr Patrick Dunne)
- 3 Statement of common ground (Mr James Dunne)
- 4 Appendix A4 to Mr Green's appendices
- 5 *Doncaster MBC v Secretary of State for Communities and Local Government* [2016] EWHC 2876 (Admin)
- 5A Appeal decision APP/F4410/C/15/3011312 Willow Garth Askern Doncaster
- 6 Opening submissions on behalf of the local planning authority
- 7 *Wenman v Secretary of State for Communities and Local Government* [2015] EWHC 925 (Admin)
- 8 Map of public footpaths near Shadowbrook Lane
- 9 Bundle of documents submitted by the Council to inquiry 9 September 2014
- 10 Documents and plans for application ref 2010/2134
- 11 Extract from Enforcing Planning Control: Good Practice Guide for Local Planning Authorities
- 12 *Secretary of State for Communities and Local Government v Hopkins Homes Ltd* [2016] EWCA Civ 168
- 13 *John Turner v Secretary of State for Communities and Local Government, East Dorset Council* [2016] EWCA Civ 446
- 14 Witness statement of Patrick Dunne
- 15 Witness statement of Terrence Smith

- 16 Witness statement of David Chaulk
- 17 Witness statement of James Dunne
- 18 Planning proposals Home Farm Shadowbrook Lane
- 19 Gypsy and Traveller Accommodation Needs Assessments DCLG
Guidance 2007
- 20 *Maklouf v Secretary of State for the Home Department (Northern
Ireland)* [2016] UKSC 59
- 21 GPS letter dated 12 March 2015 re local services
- 22 Decision Notice ref PL/2015/51665 Hazel Farm Shadowbrook Lane
- 23 *Jane Stevens v Secretary of State for Communities and Local
Government* [2013] EWHC 792 Admin
- 24 Proposed amendment to enforcement notice submitted by Mr
Masters
- 25 Statement by Mr Boswell re The Haven
- 26 Statement re Eileen Lee (nee Dunne)
- 27 Health information
- 28 *Collins v Secretary of State for Communities and Local
Government* [2013] EWCA Civ 1193
- 29 Closing submissions for the local planning authority
- 30 Closing submissions on behalf of Mr P Dunne
- 31 Notes to closing submissions on behalf of Mr J Dunne



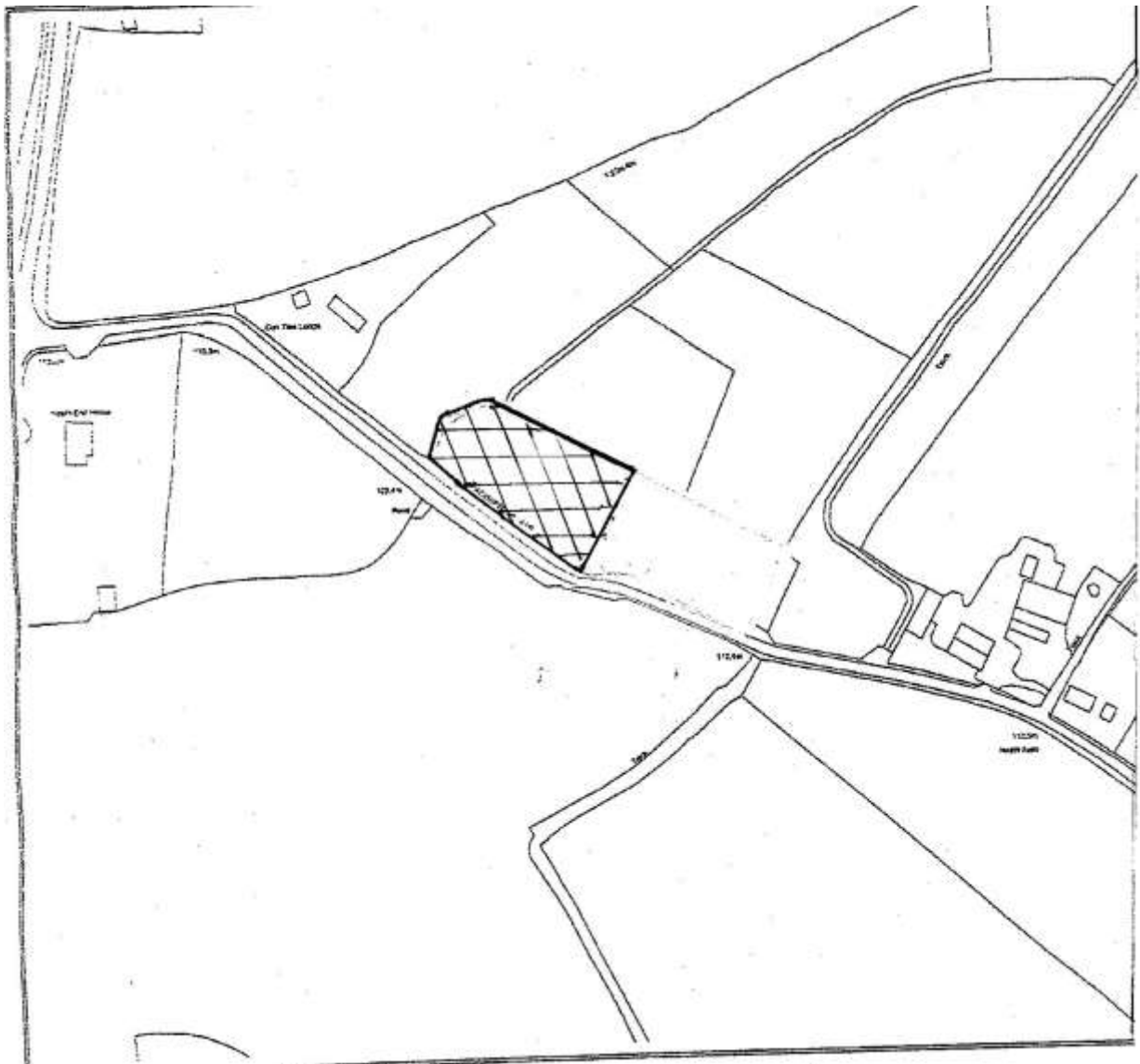
Plan

This is the plan referred to in my decision dated: 01 February 2017

by **Diane Lewis BA(Hons) MCD MA LLM MRTPI**

Land at: Shadowbrook Lane, Hampton-in-Arden, Solihull B92 0DL

Reference: APP/Q4625/C/13/2209742, APP/Q4625/C/13/2209777





South Staffordshire Council

**South Staffordshire Council
Gypsy and Traveller Accommodation
Assessment (GTAA)**

Final Report

March 2024



Opinion Research Services, The Strand, Swansea SA1 1AF

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1. EXECUTIVE SUMMARY

Introduction and Methodology

- 1.1 The primary objective of this Gypsy and Traveller Accommodation Assessment (GTAA) is to provide a robust assessment of current and future need for Gypsy, Traveller and Travelling Showpeople accommodation in South Staffordshire Council (the Council) area.
- 1.2 As well as updating previous GTAAs, the GTAA provides a credible evidence base which can be used to aid the implementation of Local Plan Policies and, where appropriate, the provision of new Gypsy and Traveller pitches and Travelling Showpeople plots for the period 2024 to 2042 to cover the Council's Local Plan period and the 15-year requirements set out in Planning Policy for Traveller Sites (PPTS). The outcomes of this study supersede the outcomes of any previous GTAAs for South Staffordshire Council.
- 1.3 The GTAA has sought to understand the accommodation needs of the Gypsy, Traveller and Travelling Showpeople population in the Council area through a combination of desk-based research, stakeholder interviews, and engagement with members of the Travelling Community living on all known sites, yards, and encampments.
- 1.4 A total of 134 interviews or proxy interviews were completed with Gypsies and Travellers living on sites in South Staffordshire. A total of 6 interviews were completed with Travelling Showpeople. In addition, a total of 3 interviews were completed with households living in bricks and mortar.
- 1.5 Stakeholder interviews were also completed with Officers from the Council and with Officers from neighbouring local authorities.
- 1.6 The fieldwork for the study and the review of previous fieldwork was completed between November 2023 and February 2024 and the baseline date for the study is February 2024.

Key Findings

Pitch Needs – Gypsies and Travellers

- 1.7 Overall, the pitch needs for Gypsies and Travellers for the period 2024-2042 are set out below. Needs are set out for those households that met the PPTS planning definition of a Gypsy or Traveller¹; for any undetermined households² where an interview was not able to be completed due to households not being present despite up to three visits to each site; and for those households that did not meet the PPTS planning definition – although this is not a requirement for a GTAA.

¹ The PPTS planning definition was updated in December 2023. See Chapter 2 for further details.

² See Chapter 3 for further information on undetermined households.

- 1.8 Only the need from those households who met the planning definition and from those from undetermined households who can subsequently demonstrate that they meet it should be formally considered as need arising from the GTAA. The need arising from households that met the planning definition should be addressed through site allocation/intensification/expansion Local Plan Policies as appropriate.
- 1.9 The Council will need to carefully consider how to address any need associated with undetermined Travellers, as it is unlikely that all this need will have to be addressed through the provision of conditioned Gypsy or Traveller pitches. In terms of Local Plan Policies, the Council should consider the use of a criteria-based policy (as suggested in PPTS) for any undetermined households, as well as to deal with any windfall applications, and need from bricks and mortar.
- 1.10 In general terms, the need for those households who did not meet the PPTS planning definition will need to be addressed as part of general housing need and through separate Local Plan Policies. This approach is specifically referenced in the National Planning Policy Framework (2023). Paragraph 62 of the NPPF sets out that in determining the minimum number of homes needed, strategic plans should be based upon a local housing need assessment conducted using the standard method in national planning guidance. Paragraph 63 then states that [emphasis added] *'Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, **travellers**, people who rent their homes and people wishing to commission or build their own homes'*. The footnote to this section states that *'Planning Policy for Traveller Sites sets out how travellers' housing needs should be assessed for those covered by the definition in Annex 1 of that document.'*
- 1.11 The findings of this report should be considered as part of future housing mix and type within the context of the assessment of overall housing need in relation to Gypsies, Travellers and Travelling Showpeople. Whilst the findings in this report are aggregated totals for the whole of South Staffordshire due to data protection issues, the Council have more detailed data to support the preparation of any future Local Plan Policies.
- 1.12 There were 159 Gypsy or Traveller households identified in South Staffordshire that met the PPTS planning definition and 31 households that did not meet the PPTS planning definition. There were 27 undetermined households that may meet the PPTS planning definition.
- 1.13 There is a need for **142 pitches households that met the planning definition**. This is made up of 22 households on unauthorised developments; 37 concealed or doubled-up households or single adults; 29 from a 5-year need from teenage children; 2 from in-migration/roadside; 2 from households on pitch with temporary planning permission; and 50 from new household formation using a rate of 1.65% derived from local demographics.
- 1.14 There is a need for **24 pitches for undetermined households**. This is made up of a modelled need of 9 concealed or doubled-up households or single adults; 5 from a modelled need for 5-year need from teenage children; and 10 from new household formation, using the ORS national formation rate of 1.50%. If the locally derived proportion of households that met the planning definition (84%) were applied, this could result in a need for 20 pitches. If the ORS national average of 30% of households that met the planning definition were applied, this could result in a need for 7 pitches.
- 1.15 Whilst not now a requirement to include in a GTAA, there is a need for **18 pitches for households that did not meet the planning definition**. This is made up of 9 concealed or doubled-up households or single adults; a need from 3 households on pitches with temporary permission; and 6 from new household formation using a rate of 1.20 derived from local demographics.

^{1.16} Figure 1 summarises the identified need and

^{1.17} Figure 2 breaks this down by 5-year periods.

Figure 1 – Need for Gypsy and Traveller households in South Staffordshire (2024-2042)

Status	2024-2042
Meet Planning Definition	142
Undetermined	24
Do not meet Planning Definition	18
TOTAL	184

Figure 2 – Need for Gypsy and Traveller households in South Staffordshire that met the Planning Definition by year periods

Year Period	Dates	Need
0 – 5	2024-28	92
6 – 10	2029-33	16
11 – 15	2034-38	19
16 – 19	2039-42	15
0 – 19	2024-42	142

Plot Needs – Travelling Showpeople

^{1.18} Overall, the plot needs for Travelling Showpeople from 2024-2042 are set out below. Needs are set out for those households that met the planning definition of a Travelling Showperson; for those undetermined households where an interview was not able to be completed who may meet the planning definition; and for those households that did not meet the planning definition (although this is not a requirement for a GTAA).

^{1.19} Only the need from those households who met the planning definition and from those of the undetermined households who may subsequently demonstrate that they meet it should be considered as need arising from the GTAA.

^{1.20} The need arising from households that met the planning definition should be addressed through yard allocation/intensification/expansion in Local Plan Policies.

^{1.21} The Council will need to carefully consider how to address any need associated with any undetermined Travelling Showpeople as it is unlikely that all of this need will have to be addressed through the provision of conditioned Travelling Showpeople plots.

^{1.22} Any need for households who did not meet the planning definition will need to be considered as part of general housing need.

^{1.23} There is a need for **4 plots for households that met the planning definition**. This is made up of 4 from new household formation, derived from the household demographics. There were no Travelling Showpeople who did not meet the planning definition and no undetermined Travelling Showpeople.

Figure 3 – Need for Travelling Showpeople households in South Staffordshire (2024-2042)

Status	2024-2042
Meet Planning Definition	4
Undetermined	0
Do not meet Planning Definition	0
TOTAL	4

Figure 4 – Need for Travelling Showpeople households that met the Planning Definition by year periods

Year Period	Dates	Need
0 – 5	2024-28	0
6 – 10	2029-33	1
11 – 15	2034-38	2
16 – 19	2039-42	1
0 – 19	2024-42	4

Transit Recommendations

- ^{1.24} Due to low historic low numbers of unauthorised encampments, and the existence of private transit pitches, it is not recommended that there is a need for a formal public transit site in South Staffordshire at this time. However, the situation relating to levels of encampments should continue to be monitored on an annual basis.
- ^{1.25} As well continuing to record information on the size and duration of the encampments, this monitoring should also continue to gather information from residents on the reasons for their stay in the local area; whether they have a permanent base or where they have travelled from; and whether they have any need or preference to settle permanently in the local area. This information could be collected as part of a Welfare Assessment (or similar).
- ^{1.26} It is recommended that a review of the evidence base relating to unauthorised encampments, including the monitoring referred to above, should be undertaken on a Staffordshire-wide basis. This will establish whether there is a need for investment in any new transit provision or emergency stopping places, or whether a managed approach is preferable.
- ^{1.27} In the short-term the Council should continue to use its current approach when dealing with unauthorised encampments and management-based approaches such as negotiated stopping agreements could also be considered.
- ^{1.28} The term ‘negotiated stopping’ is used to describe agreed short-term provision for Gypsy and Traveller caravans. It does not describe permanent ‘built’ transit sites but negotiated agreements which allow caravans to be sited on suitable specific pieces of ground for an agreed and limited period of time, with the provision of limited services such as water, waste disposal and toilets. Agreements are made between the Council and the (temporary) residents regarding expectations on both sides. See www.negotiatedstopping.co.uk for further information.
- ^{1.29} Temporary stopping places can be made available at times of increased demand due to fairs or cultural celebrations that are attended by Gypsies and Travellers. A charge may be levied as determined by the local

authority although they only need to provide basic facilities including: a cold-water supply; portaloos; sewerage disposal point and refuse disposal facilities.

2. INTRODUCTION

- 2.1 The primary objective of this Gypsy and Traveller Accommodation Assessment (GTAA), is to provide a robust assessment of current and future need for Gypsies, Travellers, and Travelling Showpeople accommodation in South Staffordshire Council.
- 2.2 The outcomes of the study will supersede any of the outcomes of the previous Gypsy, Traveller, and Travelling Showpeople Accommodation Needs Assessment (GTAA) completed in South Staffordshire Council
- 2.3 The study provides an evidence base to enable the Council to comply with their requirements towards Gypsies, Travellers and Travelling Showpeople under the Housing Act 1985, Planning Policy for Traveller Sites (PPTS) 2015 (as revised in December 2023), the Housing and Planning Act (2016), the National Planning Policy Framework (NPPF) 2023, and the Planning Practice Guidance (PPG) 2021.
- 2.4 The GTAA provides a robust assessment of need for Gypsy, Traveller and Travelling Showpeople accommodation in the study area. It is a credible evidence base which can be used to aid the implementation of the Council's District Plan Policies and the provision of Traveller pitches and plots covering the period 2024 to 2042 to meet the 15-year requirements of the PPTS and the Councils Local Plan period.
- 2.5 As well as identifying current and future permanent accommodation needs, it also seeks to identify any need for the provision of transit sites or emergency stopping places.
- 2.6 We would note at the outset that the study covers the needs of Gypsies (including English, Scottish, Welsh and Romany Gypsies), Irish Travellers, New (Age) Travellers, and Travelling Showpeople, but for ease of reference we have referred to the study as a Gypsy and Traveller (and Travelling Showpeople) Accommodation Assessment (GTAA).
- 2.7 The baseline date for the study is February 2024 which was when the household interviews were completed or reviewed.

Definitions

The planning definition for a Gypsy, Traveller or Travelling Showperson is set out in PPTS (2015 – as revised in December 2023). The previous definition set out in the Housing Act (2004) was repealed by the Housing and Planning Act (2016).

The Planning Definition in PPTS (2015)

- 2.8 For the purposes of the planning system, the definition was changed in PPTS (2015 – as revised in December 2023). The planning definition is set out in Annex 1 and states that:

For the purposes of this planning policy “gypsies and travellers” means:

Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

In determining whether persons are “gypsies and travellers” for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:

a) Whether they previously led a nomadic habit of life.

b) The reasons for ceasing their nomadic habit of life.

c) Whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.

For the purposes of this planning policy, “travelling showpeople” means:

Members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). This includes such persons who on the grounds of their own or their family’s or dependants’ more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily or permanently, but excludes Gypsies and Travellers as defined above.

(Planning Policy for Traveller Sites, Department for Communities and Local Government (DCLG), August 2015 (as revised in December 2023)

^{2.9} The key change that was made to both definitions in the December 2023 revision to PPTS was the reintroduction of those who have ceased to travel permanently.

Definition of Travelling

^{2.10} One of the most important questions that GTAA’s will need to address in terms of applying the planning definition is *what constitutes travelling?* This has been determined through case law that has tested the meaning of the term ‘nomadic’.

^{2.11} **R v South Hams District Council (1994)** – defined Gypsies as “persons who wander or travel for the purpose of making or seeking their livelihood (not persons who travel from place to place without any connection between their movements and their means of livelihood.)” This includes ‘born’ Gypsies and Travellers as well as ‘elective’ Travellers such as New Age Travellers.

^{2.12} In **Maidstone BC v Secretary of State for the Environment and Dunn (2006)**, it was held that a Romany Gypsy who bred horses and travelled to horse fairs at Appleby, Stow-in-the-Wold and the New Forest, where he bought and sold horses, and who remained away from his permanent site for up to two months of the year, at least partly in connection with this traditional Gypsy activity, was entitled to be accorded Gypsy status.

^{2.13} In **Greenwich LBC v Powell (1989)**, Lord Bridge of Harwich stated that a person could be a statutory Gypsy if he led a nomadic way of life *only seasonally*.

^{2.14} The definition was widened further by the decision in **R v Shropshire CC ex p Bungay (1990)**. The case concerned a Gypsy family that had not travelled for some 15 years in order to care for its elderly and infirm parents. An aggrieved resident living in the area of the family’s recently approved Gypsy site sought judicial review of the Local Authority’s decision to accept that the family had retained their Gypsy status even though they had not travelled for some considerable time. Dismissing the claim, the judge held that a person could remain a Gypsy even if he or she did not travel, provided that their nomadism was held in abeyance and not abandoned.

- ^{2.15} That point was revisited in the case of **Hearne v National Assembly for Wales (1999)**, where a traditional Gypsy was held not to be a Gypsy for the purposes of planning law as he had stated that he intended to abandon his nomadic habit of life, lived in a permanent dwelling and was taking a course that led to permanent employment.
- ^{2.16} **Wrexham County Borough Council v National Assembly of Wales and Others (2003)** determined that households and individuals could continue to lead a nomadic way of life with a permanent base from which they set out from and return to.
- ^{2.17} The implication of these rulings in terms of applying the planning definition is that it will only include those who travel for work purposes, or for seeking work, and in doing so stay away from their usual place of residence. It can include those who have a permanent site or place of residence, but that it will not include those who have never travelled for work, or those who have never travelled. It will not cover those who commute to work daily from a permanent place of residence (**see APP/E2205/C/15/3137477**).
- ^{2.18} It may also be that within a household some family members travel for nomadic purposes on a regular basis, but other family members stay at home to look after children in education, or other dependents with health problems etc. In these circumstances the household unit would be defined as travelling under the planning definition.
- ^{2.19} Households will also fall under the planning definition if they can demonstrate that they have ceased to travel temporarily or permanently as a result of their own or their family's or dependants' educational, health needs or old age. In order to have ceased to travel temporarily or permanently these households will need to demonstrate that they have travelled for work, or for seeking work, in the past.
- ^{2.20} This approach was endorsed by a Planning Inspector in Decision Notice for an appeal in East Hertfordshire (**Appeal Ref: APP/J1915/W/16/3145267**) that was issued in December 2016. A summary can be seen below.

Case law, including the R v South Hams District Council ex parte Gibb (1994) judgment referred to me at the hearing, despite its reference to 'purposive activities including work' also refers to a connection between the travelling and the means of livelihood, that is, an economic purpose. In this regard, there is no economic purpose... This situation is no different from that of many landlords and property investors or indeed anyone travelling to work in a fixed, pre-arranged location. In this regard there is not an essential connection between wandering and work... Whilst there does appear to be some connection between the travel and the work in this regard, it seems to me that these periods of travel for economic purposes are very short, amounting to an extremely small proportion of his time and income. Furthermore, the work is not carried out in a nomadic manner because it seems likely that it is done by appointment... I conclude, therefore, that XX does not meet the definition of a gypsy and traveller in terms of planning policy because there is insufficient evidence that he is currently a person of a nomadic habit of life.

- ^{2.21} This was further reinforced in a more recent Decision Notice for an appeal in Norfolk that was issued in February 2018 (**Ref: APP/V2635/W/17/3180533**) that stated:

As discussed during the hearing, although the PPTS does not spell this [the planning definition] out, it has been established in case law (R v South Hams DC 1994) that the nomadism must have an economic purpose. In other words, gypsies and travellers wander or travel for the purposes of making or seeking their livelihood.

Legislation and Guidance for Gypsies and Travellers

^{2.22} Decision-making for policy concerning Gypsies, Travellers and Travelling Showpeople sits within a complex legislative and national policy framework and this study must be viewed in the context of this legislation and guidance. For example, the following key pieces of legislation and guidance are relevant when developing policies relating to Gypsies, Travellers and Travelling Showpeople:

- » The Housing Act, 1985
- » Planning Policy for Traveller Sites (PPTS), 2015 (as revised in December 2023)
- » The Housing and Planning Act, 2016
- » National Planning Policy Framework (NPPF), 2023
- » Planning Practice Guidance³ (PPG), 2021

^{2.23} In addition, Case Law, Ministerial Statements, the outcomes of Local Plan Examinations and Planning Appeals, and Judicial Reviews need to be taken into consideration. Relevant examples have been included in this report.

^{2.24} The primary guidance for undertaking the assessment of housing need for Gypsies, Travellers and Travelling Showpeople is set out in the PPTS (2015). It should be read in conjunction with the National Planning Policy Framework (NPPF) 2023. In addition, the Housing and Planning Act (2016) makes provisions for the assessment of need for those Gypsy, Traveller and Travelling Showpeople households living on sites and yards who do not meet the planning definition – through the assessment of all households living in caravans.

Planning Policy for Traveller Sites (PPTS) 2015 (as revised in December 2023)

^{2.25} PPTS (2015), sets out the direction of Government policy. As well as introducing the planning definition of a Traveller, PPTS is closely linked to the NPPF. Among other objectives, the aims of the policy in respect of Traveller sites are (PPTS Paragraph 4):

- » Local planning authorities should make their own assessment of need for the purposes of planning.
- » To ensure that local planning authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites.
- » To encourage local planning authorities to plan for sites over a reasonable timescale.
- » That plan-making and decision-taking should protect Green Belt from inappropriate development.
- » To promote more private Traveller site provision while recognising that there will always be those Travellers who cannot provide their own sites.
- » That plan-making and decision-taking should aim to reduce the number of unauthorised developments and encampments and make enforcement more effective.
- » For local planning authorities to ensure that their Local Plan includes fair, realistic and inclusive policies.
- » To increase the number of Traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply.
- » To reduce tensions between settled and Traveller communities in plan-making and planning decisions.

³ With particular reference to the sections on Housing needs of different groups (May 2021).

- » To enable provision of suitable accommodation from which Travellers can access education, health, welfare, and employment infrastructure.
- » For local planning authorities to have due regard to the protection of local amenity and local environment.

^{2.26} In practice, the document states that (PPTS Paragraph 9):

- » Local planning authorities should set pitch targets for Gypsies and Travellers and plot targets for Travelling Showpeople, which address the likely permanent and transit site accommodation needs of Travellers in their area, working collaboratively with neighbouring local planning authorities.

^{2.27} PPTS goes on to state (Paragraph 10) that in producing their Local Plan, local planning authorities should:

- » Identify and annually update a supply of specific deliverable sites sufficient to provide five years' worth of sites against their locally set targets.
- » Identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15.
- » Consider production of joint development plans that set targets on a cross-authority basis, to provide more flexibility in identifying sites, particularly if a local planning authority has special or strict planning constraints across its area (local planning authorities have a Duty-to-Cooperate on strategic planning issues that cross administrative boundaries).
- » Relate the number of pitches or plots to the circumstances of the specific size and location of the site and the surrounding population's size and density.
- » Protect local amenity and environment.

^{2.28} Local Authorities now have a duty to ensure a 5-year land supply to meet the identified needs for Traveller sites. However, PPTS also notes in Paragraph 11 that:

- » Where there is no identified need, criteria-based policies should be included to provide a basis for decisions in case applications nevertheless come forward. Criteria-based policies should be fair and should facilitate the traditional and nomadic life of Travellers, while respecting the interests of the settled community.

National Planning Policy Framework (2023)

^{2.29} The most recent version of the National Planning Policy Framework was issued in December 2023. Paragraph 62 of the NPPF sets out that in determining the minimum number of homes needed, strategic plans should be based upon a local housing need assessment conducted using the standard method in national planning guidance.

^{2.30} Paragraph 63 then states that [emphasis added] *'Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, **travellers**, people who rent their homes and people wishing to commission or build their own homes'*. The footnote to this section states that *'Planning Policy for Traveller Sites sets out how travellers' housing needs should be assessed for those covered by the definition in Annex 1 of that document.'*

- ^{2.31} This essentially sets out that the needs of households that meet the planning definition should be assessed under the PPTS and that the needs of households that are not found to meet the planning definition should be assessed as part of the wider housing needs of an area.
- ^{2.32} In an Appeal Decision that was published in March 2020 for an appeal in Central Bedfordshire (**APP/P0240/C/18/3213822**) the Inspector concluded in relation to the then Paragraph 61 of the NPPF (now paragraph 63) that:
- » It seems to me that this wording makes clear that it is only those meeting that definition that should be included in an assessment of need for 'planning definition' travellers and that gypsies who have ceased travelling should be counted and provided for elsewhere and this is the approach proposed in the emerging Local Plan.
 - » This does not, of course mean that these gypsies should be allocated 'bricks and mortar' type housing. They will also need a suitable supply of caravan sites to meet their needs.

Levelling-up and Regeneration Act (2023)

- ^{2.33} Among other things, this Act seeks to make provision about town and country planning. The Act received Royal Assent in October 2023. Whilst there is currently no specific reference to changes to policy and guidance for Gypsies and Travellers, the Council may need to consider the outcomes of any changes to planning legislation that may impact on the accommodation needs of Gypsies and Travellers. In addition, the Act has also abolished the Duty to Cooperate that was introduced by the Localism Act in 2011.

Lisa Smith v The Secretary of State for Levelling Up, Housing & Communities and others [2022]

- ^{2.34} In October 2022 the Court of Appeal handed down judgment in *Lisa Smith v The Secretary of State for Levelling Up, Housing & Communities [2022] EWCA Civ 1391*. The case was a challenge to a specific appeal decision and concerned whether the planning definition of Gypsies and Travellers contained in Annex 1 of the PPTS (2015) is discriminatory against Travellers who are settled and who no longer travel for work due to old age or disability. The Court of Appeal allowed the appeal and quashed the Inspectors decision from 2018 and referred the case back to The Secretary of State for redetermination.
- ^{2.35} Whilst certain parts of the PPTS planning definition of a Traveller were found to be discriminatory, as the PPTS 2015 itself was not the subject of the case it has not been quashed or declared unlawful at this time.
- ^{2.36} As a result of the Lisa Smith Judgement to Government made changes to the PPTS in December 2023 to reintroduce those who have ceased to travel permanently under the definition.

3. METHODOLOGY

Background

- ^{3.1} Over the past 10 years, ORS has continually refined a methodology for undertaking robust and defensible Gypsy, Traveller and Travelling Showpeople Accommodation Needs Assessments. This has been updated in light of changes to PPTS 2015 (as revised in December 2023), the Housing and Planning Act (2016) the NPPF (2023), and the PPG (2021). It has also responded to changes set out by Planning Ministers, with particular reference to new household formation rates. This is an evolving methodology that has been adaptive to changes in planning policy as well as the outcomes of Local Plan Examinations and Planning Appeals.
- ^{3.2} PPTS contains a number of requirements for local authorities which must be addressed in any GTAA methodology. This includes the need to pay particular attention to early and effective community engagement with both settled and traveller communities (including discussing travellers' accommodation needs with travellers themselves); identification of permanent and transit site accommodation needs separately; working collaboratively with neighbouring local planning authorities; and establishing whether households fall within the planning definition for Gypsies, Travellers and Travelling Showpeople.
- ^{3.3} ORS would note that the ORS GTAA methodology has been repeatedly found to be sound and robust, including through Local Plan Examinations in Bedford, Brentwood, Cambridge, Castle Point, Central Bedfordshire, Cheltenham, Cotswold, Daventry, East Hertfordshire, Gloucester, Maldon, Milton Keynes, Newham, Runnymede, South Cambridgeshire, South Northamptonshire, Tewkesbury, and Waverley.
- ^{3.4} An Appeal Decision for a Hearing in Central Bedfordshire (**APP/P0240/C/18/3213822**) that was issued in March 2020 concluded:

'...whilst there have been some queries in previous appeal decisions over the conclusions of other GTAAs produced by ORS, the methodology, which takes into account the revisions made in 2015 to the Government's Planning Policy for Traveller Sites (PPTS), has nevertheless been accepted by Inspectors in a considerable number of Local Plan Examinations.'

- ^{3.5} The Inspector for the East Herts District Plan also found the evidence base in relation to Gypsies and Travellers to be sound in her Inspection Report that was issued in July 2018. She concluded:

'The need of the travelling community has been carefully and robustly assessed and locations to meet identified needs have been allocated for the plan period. Policy HOU9 sets out the need for 5 permanent pitches for Gypsies and Travellers... the approach to the provision of housing is comprehensive, positively prepared, appropriate to the needs of the area and consistent with national policy.'

- ^{3.6} The stages below provide a summary of the methodology that was used to complete this study. More information on each stage is provided in the appropriate sections of this report.

Glossary of Terms/Acronyms

^{3.7} A Glossary of Terms/Acronyms can be found in **Appendix B: Glossary of Terms / Acronyms Used**.

Desk-Based Review

^{3.8} ORS collated a range of secondary data that was used to support the study. This included:

- » Census data.
- » Traveller Caravan Count data.
- » Records of unauthorised sites/encampments.
- » Information on planning applications/appeals.
- » Information on enforcement actions.
- » Existing Needs Assessments and other relevant local studies.
- » Existing national and local policy, guidance, and best practice.

Stakeholder Engagement

^{3.9} Engagement for the previous GTAA (also completed by ORS) was undertaken with key Council Officers from the Council through telephone interviews. Whilst no formal interviews were completed for this GTAA Update, detailed discussions were held with key Council Officers to determine any changes since the previous GTAA was completed.

Working Collaboratively with Neighbouring Planning Authorities

^{3.10} In order to explore issues relating to cross-boundary working, ORS interviewed a Planning Officer from the following neighbouring local authorities during the preparation of the previous GTAA. These responses were reviewed during the preparation of the GTAA Update for South Staffordshire.

- » Bromsgrove
- » Cannock Chase
- » Dudley
- » Shropshire
- » Staffordshire
- » Wyre Forest

Survey of Travelling Communities

^{3.11} As this is an update of Gypsy and Traveller Needs for South Staffordshire, a 3-stage approach was taken to update the household interviews.

- » **Stage 1:** Review of 2021 baseline for the previous GTAA.
- » **Stage 2:** Completion of new household interviews where required.
- » **Stage 3:** Review of previous household interviews.

Stage 1: Review of 2021 Baseline

- ^{3.12} ORS worked closely with the Council to review the Gypsy and Traveller Needs for the plan area by constructing a new baseline to determine if there had been any changes on existing sites and yards (i.e. additional pitches or plots), and to identify any new sites or yards that have been granted planning permission or that have been allowed at appeal. In addition, this review also looked at planning applications that have been refused or dismissed at appeal where the sites are currently occupied unlawfully.

Stage 2: New Household Interviews

- ^{3.13} Following the review of the 2021 baseline, it was identified that new household interviews would need to be completed on a total of 7 Gypsy and Traveller sites, comprising 67 pitches. These were on a combination of sites that were not included in the 2021 GTAA baseline or on sites where it was not possible to complete interviews for the previous GTAA. The sites that were revisited were Clee Park, Fishponds Caravan Park, Hospital Lane, Oak Tree Caravan Park, Pool House Barn, Land at Teddesley Road, and Land off Malthouse Lane.
- ^{3.14} In addition, a review was completed of sites that were the subject of new planning applications and appeals since the baseline date for the 2021 GTAA. These were Fair Haven, land rear of Horden Lodge, The Willows, and Land off Micklewood Lane.
- ^{3.15} ORS worked closely with the Council to ensure that the interviews would collect all the necessary information to support the study and used the site interview questions that were used for the 2021 GTAA (See **Appendix F**). These take into account of past changes to PPTS and collect the information ORS feel necessary to apply the planning definition of a Traveller. All interviews were completed by members of our dedicated team of experienced Researchers who work on our GTAA studies across England and Wales. Researchers also sought to identify contacts living in bricks and mortar to interview, as well as an overall assessment of each site to determine any opportunities for intensification or expansion to meet future needs.
- ^{3.16} Researchers also sought information from residents on the type of pitches they may require in the future – for example private or socially rented, together with any features they may wish to be provided on a new pitch or site.
- ^{3.17} Where it was not possible to undertake an interview, Researchers sought to capture as much information as possible about each pitch through a proxy interview from sources including neighbouring residents and site management (if present).

Stage 3: Review of previous household interviews

- ^{3.18} ORS worked closely with the Council to review the outcomes of the interviews that were completed to support the 2021 GTAA, where there have been no known changes to pitch numbers and where ownership and occupancy is understood to be the same. This involved discussions with Officers responsible for dealing with planning applications and appeals for Travellers; with Officers responsible for completing the Traveller Caravan Count; and with Officers responsible for enforcement. The purpose of this stage of the study was to determine whether there have been changes to site composition. This also involved an uplift of the population base for households, and modelling for new births for the period 2021-2024.

Engagement with Bricks and Mortar Households

- 3.19 The 2021 Census recorded 31 households who identified as either Gypsies or Irish Travellers, or Roma who lived in a house or bungalow in South Staffordshire and 7 living in a flat or maisonette.
- 3.20 ORS apply a rigorous approach to making contact with bricks and mortar households as this is a common issue raised at Local Plan Examinations and Planning Appeals. Contacts were sought through a range of sources including the interviews with people on existing sites and yards; intelligence from the stakeholder interviews; information from housing registers; and other local knowledge from stakeholders. Through this approach the GTAA endeavoured to do everything to give households living in bricks and mortar the opportunity to make their views known.
- 3.21 As a rule, ORS do not make any assumptions on the overall needs from household in bricks and mortar based on the outcomes of any interviews that are completed, as in our experience this leads to a significant over-estimate of the number of households wishing to move to a site or a yard. ORS work on the assumption that all those wishing to move will make their views known to us based on the wide range of publicity put in place.

Timing of the Fieldwork

- 3.22 ORS are fully aware of the transient nature of many travelling communities and subsequent seasonal variations in site and yard occupancy. ORS would normally aim to complete fieldwork during the non-travelling season, and also to avoid days of known local or national events. The fieldwork for the study and the review of previous fieldwork was completed between November 2023 and February 2024.

Applying the PPTS Planning Definition

- 3.23 The primary change to PPTS in December 2023 in relation to the assessment of need was the change to the definition of a Gypsy, Traveller or Travelling Showperson for planning purposes to now include those who have ceased to travel permanently. Through the new site interviews ORS sought to collect information necessary to assess each household against the planning definition. There are a number of relevant appeal decisions have been issued by the Planning Inspectorate on how the planning definition should be applied (see Paragraphs 2.20 and 2.21 for examples) – these support the view that households need to be able to demonstrate that they travel for work purposes, or for seeking work, to meet the planning definition, and stay away from their usual place of residence when doing so, or have ceased to travel for work purposes temporarily or permanently due to education, ill health or old age.
- 3.24 In addition, household interviews for households that were not interviewed for the GTAA Update were also reviewed against the revised planning definition of a Traveller.
- 3.25 The household survey included a structured section of questions to record information about the travelling characteristics of household members. This included questions on the following key issues:
- » Whether any household members have travelled in the past 12 months.
 - » Whether household members have ever travelled.
 - » The reasons for travelling.
 - » Where household members travelled to and for how long.

- » The times of the year that household members travelled.
 - » Where household members stay when they are away travelling.
 - » When household members stopped travelling.
 - » The reasons why household members stopped travelling.
 - » Whether household members intend to travel again in the future.
 - » When and the reasons why household members plan to travel again in the future.
- 3.26 When the household interviews were completed, the answers from the questions on travelling were used to determine the status of each household against the planning definition in PPTS. Through a combination of responses, households need to provide sufficient information to demonstrate that household members travel for work purposes, or for seeking work, and in doing so stay away from their usual place of residence, or that they have ceased to travel temporarily or permanently due to education, ill health or old age. The same definition applies to Travelling Showpeople as to Gypsies and Travellers. This included information on the type of work that is undertaken; which family members travelled for work; the times of the year that family members travelled for work; the duration of the trips for work; and where the family members stay when travelling away from home for work.
- 3.27 Households that need to be formally considered in the GTAA fall under one of three classifications. Only those households that meet, or may meet, the planning definition will form the components of need to be formally included in the GTAA:
- » Households that travel under the planning definition.
 - » Households that have ceased to travel temporarily or permanently under the planning definition.
 - » Households where an interview was not possible who may fall under the planning definition.
- 3.28 Whilst the needs of those households that do not meet the planning definition do not need to be included in the GTAA, they have been assessed to provide the Council with components of need to consider as part of their work on wider housing needs assessments. This is consistent with the requirements of the NPPF (2023).

Undetermined Households

- 3.29 As well as calculating need for households that meet the planning definition, a GTAA has to consider the needs of any households where an interview was not able to be completed (either due to refusal to be interviewed or households that were not present during the fieldwork period). Whilst there is no law or guidance that sets out how the needs of these households should be addressed; an approach has been taken that sought an estimate of potential need from these households. This will be an additional need figure over and above the need identified for households that meet the planning definition.
- 3.30 The estimate seeks to identify potential current and future need from any pitches known to be temporary or unauthorised, and through new household formation. As the demographics of any undetermined households are unknown, the ORS national household formation rate of 1.50% has been used. In addition, need from concealed/doubled-up households and from teenagers has been modelled based on the outcomes from completed interviews.

- 3.31 ORS believe it would not be appropriate when producing a robust assessment of need to make any firm assumptions about whether households where an interview was not completed meet the planning definition based on the outcomes of households where an interview was completed.
- 3.32 However, data that has been collected from over 5,500 household interviews that have been completed by ORS since the changes to PPTS in 2015 suggests that overall, approximately 30% of households who have been interviewed meet the planning definition (this rises to 70% for Travelling Showpeople based on over 500 interviews that have been completed) – and in some local authorities, no households meet the planning definition.
- 3.33 ORS are not implying that this is an official national statistic - rather a national statistic based on the outcomes of our fieldwork since the introduction of PPTS (2015). It is estimated that there are 14,000 Gypsy and Traveller pitches in England and ORS have spoken with households on approximately 40% of them at a representative range of sites. Approximately 30% meet the planning definition. It is ORS' view therefore that this is the most comprehensive national statistic in relation to households that meet the planning definition in PPTS (2015) and should be seen as a robust statistical figure.
- 3.34 This would also suggest that it is likely that only a proportion of any potential need identified from undetermined households would need conditioned Gypsy and Traveller pitches, and that the needs of the majority will need to be addressed through separate Local Plan Policies.
- 3.35 In addition, the locally identified percentage of households that met the planning definition has also been considered as it was significantly higher than the ORS national figure.
- 3.36 The ORS methodology to address the need arising from undetermined households was supported by the Planning Inspector for a Local Plan Examination for Maldon District Council, Essex. In his Report that was published on 29th June 2017 he concluded:

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.

Households that Do Not Meet the Planning Definition

- 3.37 Households who do not travel for work, or have never travelled, still fall outside of the PPTS planning definition of a Traveller. However Romany Gypsies, Irish and Scottish Travellers may be able to claim a right to culturally appropriate accommodation under the Equality Act (2010) as a result of their protected characteristics. In addition, provisions set out in the Housing and Planning Act (2016) now include a duty (under Section 8 of the 1985 Housing Act that covers the requirement for a periodical review of housing needs) for local authorities to consider the needs of people residing in or resorting to their district with respect to the provision of sites on which caravans can be stationed, or places on inland waterways where houseboats can be moored. Draft Guidance⁴ related to this section of the Act has been published setting

⁴ Draft guidance to local housing authorities on the periodical review of housing needs for caravans and houseboats. DCLG (March 2016).

out how the government would want local housing authorities to undertake this assessment and it is the same as the GTAA assessment process. The implication is therefore that the housing needs of any Gypsy and Traveller households who do not meet the planning definition of a Traveller will need to be assessed as part of the wider housing needs of the area and will form a subset of the wider need arising from households residing in caravans. This is echoed in the NPPF (2023).

^{3.38} Paragraph 63 of the NPPF states that [emphasis added]:

‘Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes’. The footnote to this section states that ‘Planning Policy for Traveller Sites sets out how travellers’ housing needs should be assessed for those covered by the definition in Annex 1 of that document.’

Calculating the Current and Future Need

^{3.39} To identify need, PPTS requires an assessment for current and future pitch requirements but does not provide a methodology for this. However, as with any housing assessment, the underlying calculation can be broken down into a relatively small number of factors. In this case, the key issue is to compare the supply of pitches available for occupation with the current and future needs of the population.

Supply of Pitches

^{3.40} The first stage of the assessment sought to determine the number of occupied, vacant, and potentially available supply in the study area:

- » Current vacant pitches.
- » Pitches currently with planning consent due to be developed within 5 years.
- » Pitches vacated by people moving to housing.
- » Pitches vacated by people moving from the study area (out-migration).

^{3.41} It is important when seeking to identify supply from vacant pitches that they are in fact available for general occupation – i.e. on a public or social rented site, or on a private site that is run on a commercial basis with anyone being able to rent a pitch if they are available. Typically, vacant pitches on small private family sites are not included as components of available supply but can be used to meet any current and future need from the family living on the site.

Current Need

^{3.42} The second stage was to identify components of current need, which is not necessarily the need for pitches because they may be able to be addressed by space already available in the study area. It is important to address issues of double counting:

- » Households on unauthorised developments for which planning permission is not expected.
- » Concealed, doubled-up or over-crowded households (including single adults).
- » Teenage children in need of a pitch of their own in the next 5 years.

- » In-migration/roadside.
- » Households in bricks and mortar needing to move to sites.
- » Households in need on waiting lists for public sites.

Future Need

^{3.43} The final stage was to identify components of future need. This includes the following four components:

- » Households living on sites with temporary planning permission.
- » New household formation.

^{3.44} Household formation rates are often the subject of challenge at appeals or examinations. ORS firmly believe that any household formation rates should use a robust local evidence base, rather than simply relying on national precedent. The approach taken is set out in more detail in Chapter 6 of this report.

^{3.45} ORS are also increasingly identifying households and adult household members who have been forced to leave sites due to over-crowding or exceeding planning conditions on the number of caravans permitted on sites. These households are typically living on the roadside or doubling-up on pitches in neighbouring local authorities. ORS include these households as components of hidden need and term them displaced in-migration.

^{3.46} All of these components of supply and need are presented in tabular format which identify the overall net need for current and future accommodation for Gypsies, Travellers and Travelling Showpeople. This has proven to be a robust model for identifying needs. The residential and transit pitch needs for Gypsies and Travellers and Travelling Showpeople are identified separately, and the needs are to 2042.

Pitch Turnover

^{3.47} Some assessments of need make use of pitch turnover as an ongoing component of supply. ORS do not agree with this approach or about making any assumptions about annual turnover rates. This approach frequently ends up significantly under-estimating need as, in the majority of cases, vacant pitches on sites are not available to meet any local need. The use of pitch turnover has been the subject of a number of Inspectors Decisions, for example **APP/J3720/A/13/2208767** found a GTAA to be unsound when using pitch turnover and concluded:

West Oxfordshire Council relies on a GTAA published in 2013. This identifies an immediate need for 6 additional pitches. However, the GTAA methodology treats pitch turnover as a component of supply. This is only the case if there is net outward migration, yet no such scenario is apparent in West Oxfordshire. Based on the evidence before me I consider the underlying criticism of the GTAA to be justified and that unmet need is likely to be higher than that in the findings in the GTAA.

^{3.48} In addition, Best Practice for Assessing the Accommodation Needs of Gypsies and Travellers⁵ produced jointly in June 2016 by organisations including Friends, Families and Travellers, the London Gypsy and Traveller Unit, the York Travellers Trust, the Derbyshire Gypsy Liaison Group, Garden Court Chambers and Leeds GATE concluded that:

⁵ See www.londongypsiesandtravellers.org.uk/resources/ for details.

Assessments involving any form of pitch turnover in their supply relies upon making assumptions, a practice best avoided. Turnover is naturally very difficult to assess accurately and in practice does not contribute meaningfully to additional supply so should be very carefully assessed in line with local trends. Mainstream housing assessments are not based on the assumption that turnover within the existing stock can provide for general housing needs.

^{3.49} As such, other than current vacant pitches on sites that are known to be available, or pitches that are known to become available through the household interviews, pitch turnover has not been considered as a component of supply in this GTAA.

Transit Provision

^{3.50} GTAA studies require the identification of demand for transit provision. While the majority of Gypsies and Travellers have permanent bases either on Gypsy and Traveller sites or in bricks and mortar and no longer travel, other members of the community either travel permanently or for part of the year. Due to the mobile nature of the population a range of sites can be developed to accommodate Gypsies and Travellers as they move through different areas.

- » **Transit sites** - full facilities where Gypsies and Travellers might live temporarily (for up to three months) – for example, to work locally, for holidays or to visit family and friends.
- » **Emergency stopping places** - more limited facilities.
- » **Temporary sites and stopping places** - only temporary facilities to cater for an event.
- » **Negotiated stopping places** - agreements which allow caravans to be sited on suitable specific pieces of ground for an agreed and limited period of time.

^{3.51} Transit sites serve a specific function of meeting the needs of Gypsy and Traveller households who are visiting an area or who are passing through on the way to somewhere else. A transit site typically has a restriction on the length of stay of usually around 12 weeks and has a range of facilities such as water supply, electricity, and amenity blocks.

^{3.52} An alternative to or in addition to a transit site is an emergency stopping place. This type of site also has restrictions on the length of time for which someone can stay on it but has much more limited facilities with typically only a source of water and chemical toilets provided.

^{3.53} Another alternative is 'negotiated stopping'. The term 'negotiated stopping' is used to describe agreed short-term provision for Gypsy and Traveller caravans. It does not describe permanent 'built' transit sites but negotiated agreements which allow caravans to be sited on suitable specific pieces of ground for an agreed and limited period of time, with the provision of limited services such as water, waste disposal and toilets. Agreements are made between the authority and the (temporary) residents regarding expectations on both sides.

^{3.54} Temporary stopping places can be made available at times of increased demand due to fairs or cultural celebrations that are attended by Gypsies and Travellers. A charge may be levied as determined by the local authority although they only need to provide basic facilities including: a cold-water supply; portaloos; sewerage disposal point and refuse disposal facilities.

^{3.55} The Criminal Justice and Public Order Act 1994 (Section 62a) is particularly important with regard to the issue of Gypsy and Traveller transit site provision. Section 62a of the Act allows the police to direct trespassers to

remove themselves and their vehicles and property from any land where a suitable transit pitch on a relevant caravan site is available within the same local authority area (or within the county in two-tier local authority areas).

- ^{3.56} Consideration will also have to be given to the Police, Crime, Sentencing and Courts Act which came in to force in June 2022. Part 4 of the Act gives the Police additional powers to deal with unauthorised encampments through new offences relating to residing on land without consent in or with a vehicle and new powers in relation to the seizure of property.
- ^{3.57} In order to investigate the potential need for transit provision when undertaking work to support the study, ORS sought to undertake analysis of any records of unauthorised sites and encampments, as well as information from the Department for Levelling Up, Housing and Communities (DLUHC)⁶ Traveller Caravan Count. The outcomes of the Stakeholder Interviews with Council Officers and with Officers from neighbouring planning authorities were also taken into consideration when determining this element of need in the study area.

⁶ Formerly the Ministry for Housing, Communities and Local Government (MHCLG).

4. GYPSY, TRAVELLER & TRAVELLING SHOWPEOPLE SITES AND POPULATION

Introduction

- ^{4.1} One of the main considerations of this study is to provide evidence to support the provision of pitches and plots to meet the current and future accommodation needs of Gypsies, Travellers and Travelling Showpeople. A pitch is an area normally occupied by one household, which typically contains enough space for one or two caravans but can vary in size⁷. A site is a collection of pitches which form a development exclusively for Gypsies and Travellers. For Travelling Showpeople, the most common descriptions used are a plot for the space occupied by one household and a yard for a collection of plots which are typically exclusively occupied by Travelling Showpeople. Throughout this study the main focus is upon how many extra pitches for Gypsies and Travellers and plots for Travelling Showpeople are required in the study area.
- ^{4.2} The public and private provision of mainstream housing is also largely mirrored when considering Gypsy and Traveller accommodation. One common form of a Gypsy and Traveller site is the publicly provided residential site, which is provided by a Local Authority or by a Registered Provider (usually a Housing Association). Pitches on public sites can be obtained through signing up to a waiting list, and the costs of running the sites are met from the rent paid by the tenants (similar to social housing).
- ^{4.3} The alternative to a public residential site is a private residential site and yard for Gypsies, Travellers and Travelling Showpeople, respectively. These result from individuals or families buying areas of land and then obtaining planning permission to live on them. Households can also rent pitches on existing private sites. Therefore, these two forms of accommodation are the equivalent to private ownership and renting for those who live in bricks and mortar housing. Generally, the majority of Travelling Showpeople yards are privately owned and managed.
- ^{4.4} The Gypsy, Traveller and Travelling Showpeople population also has other types of sites due to its mobile nature, as described more fully in Chapter 3 above. Transit sites tend to contain many of the same facilities as a residential site, except that there is a maximum occupancy period of residence which can vary from a few days or weeks to a period of months. An alternative to a transit site is an emergency or negotiated stopping place. This type of site also has restrictions on the length of time someone can stay on it but has much more limited facilities. Both of these two types of site are designed to accommodate, for a temporary period, Gypsies, Travellers and Travelling Showpeople whilst they travel. A number of authorities also operate an accepted encampments policy where short-term stopovers are tolerated without enforcement action.
- ^{4.5} Further considerations for the Gypsy and Traveller population are unauthorised developments and encampments. Unauthorised developments occur on land which is owned by the Gypsies and Travellers or with the approval of the landowner, but for which they do not have planning permission to use for residential purposes. Unauthorised encampments occur on land which is not owned by the Gypsies and Travellers.

⁷ Whilst it has now been withdrawn, *Government Guidance on Designing Gypsy and Traveller Sites* recommended that, as a general guide, an average family pitch must be capable of accommodating an amenity building, a large trailer [a static caravan or park home for example] and touring caravan, parking space for two vehicles and a small garden area.

Sites and Yards

- 4.6 In the area on the base date for the GTAA, there were
- » No public sites.
 - » 22 private sites with permanent planning permission (133 pitches);
 - » 1 private site with temporary planning permission (5 pitches);
 - » 1 site that is tolerated for planning purposes (1 pitch);
 - » 11 unauthorised sites (22 pitches);
 - » 1 Travelling Showmen’s yard (6 plots).
 - » There were no public transit sites identified.
- 4.7 See **Appendix E: Site and Yard List** for further details.

Figure 5 - Total amount of provision in South Staffordshire (February 2024)

Category	Sites/Yards	Pitches/Plots
Public sites	0	0
Private with permanent planning permission	22	133
Private with temporary planning permission	1	5
Tolerated sites	1	1
Unauthorised sites	11	22
Public transit sites	0	0
Travelling Showpeople yards – with permanent planning permission	1	6
TOTAL	36	167

DLUHC Traveller Caravan Count

- 4.8 Another source of information available on the Gypsy, Traveller and Travelling Showpeople population is the bi-annual Traveller Caravan Count which is conducted by each Local Authority in England on a specific date in January and July of each year and reported to DLUHC. This is a statistical count of the number of caravans on both authorised and unauthorised sites across England. With effect from July 2013, the Gypsy and Traveller Caravan Count was renamed the Traveller Caravan Count due to the inclusion of information on Travelling Showpeople caravans.
- 4.9 As this count is of caravans and not households, it makes it more difficult to interpret for a study such as this because it does not count pitches or resident households. The count is merely a ‘snapshot in time’ conducted by the Local Authority on a specific day, and any unauthorised sites or encampments which occur on other dates will not be recorded. Likewise, any caravans that are away from sites on the day of the count will not be included. As such it is not considered appropriate to use the outcomes from the Traveller Caravan Count in the calculation of current and future need as the information collected during the site visits is seen as more robust and fit-for-purpose. However, the Caravan Count data has been used to support the identification of the need to provide for transit provision and this is set out later in this report.
- 4.10 The most recent Traveller Caravan Count in July 2023 recorded no caravans on socially rented sites; 130 caravans on sites with permanent permissions; and 14 tolerated caravans on unauthorised sites owned by Travellers.

5. SURVEY OF TRAVELLING COMMUNITIES

Interviews with Gypsies and Travellers

- 5.1 One of the major components of this study was a detailed survey of the Gypsy and Traveller population living in the study area, and also efforts to engage with the bricks and mortar community.
- 5.2 In South Staffordshire at the base date for the GTAA, there were no public Gypsy and Traveller sites; 22 privately owned sites with permanent planning permission; 1 site with temporary planning permission; 1 site that is tolerated for planning purposes; 11 unauthorised sites; and 1 authorised Travelling Showmen's yard. See **Appendix E: Site and Yard List** for further details.
- 5.3 In addition, it was possible to complete interviews 3 households living in bricks and mortar.
- 5.4 Overall this represents a very robust response rate of 85% (there were 2 sites where owners refused access to complete interviews).
- 5.5 The tables below set out the number of pitches/plots, the number of interviews that were completed, and any reasons why interviews were not able to be completed.

Figure 6 – Interviews completed in South Staffordshire

Site Status	Pitches/ Plots	Interviews	Reasons for not completing interviews/additional interviews
Public Sites			
None	-	-	-
Private Sites			
Anvil Park (south of Brickyard Cottage)	2	2	-
Brickyard Cottage, Essington	8	8	-
Brinsford Bridge, Coven Heath	2	2	-
Clee Park, Newtown	15	12	2 x no contact, 1 x refusal
Fair Haven, Coven Heath	4	4	-
Fishponds Caravan Park, Featherstone	5	0	5 x site inaccessible
Glenside, Cross Green	2	2	-
High House, Hatherton	5	5	-
Hospital Lane Site, Cheslyn Hay	10	4	6 x no contact
Kingswood Colliery, Great Wyrley	14	14	-
Land at rear of Hordon Park, Coven Heath	2	2	-
Land off Malthouse Lane, Calf Heath	6	0	6 x refusals
Long Lane, Newtown (Walsall Road)	4	4	-
New Stables, Hatherton	1	1	-
Oak Tree Caravan Park, Featherstone	23	23	-
Pool House Barn, Slade Heath	7	0	7 x refusals
Rose Meadow Farm, Prestwood	2	2	-

St. James Caravan Park, Featherstone	9	9	-
The Bungalow, Coven	6	4	2 x not developed
The Spinney, Slade Heath	1	1	-
The Stables, Upper Landywood	4	6	-
The Willows, Land west of Dark Lane	1	1	-
Temporary Sites			
New Acres Stables, Penkridge	5	5	-
Tolerated Sites			
1a Stafford Road, Coven Heath	1	1	-
Unauthorised Sites			
59a Long Lane	1	1	-
Brinsford Bridge, Coven Heath	1	1	-
Glenside, Cross Green	1	1	-
High House, Hatherton	1	1	-
New Stables, Hatherton	4	4	-
Land off Micklewood Lane, Penkridge	4	4	-
Land at Teddesley Road, Penkridge	2	2	-
Pool House Road (Park Lodge)	1	1	-
Rear of 122 Streets Lane, Great Wyrley	4	4	-
Rear of Squirrels Rest	1	1	-
The Spinney, Slade Heath	2	2	-
Public Transit Sites			
None	-	-	-
TSP – Authorised			
Dobsons Yard, Featherstone	6	6	-
TSP – Unauthorised			
None	-	-	-
B&M			
Dobsons Yard, Featherstone	6	6	-
Dobsons Yard, Featherstone	6	6	-
Dobsons Yard, Featherstone	6	6	-
TOTAL	170	143	

6. CURRENT AND FUTURE PITCH PROVISION

Introduction

- ^{6.1} This section focuses on the pitch provision which is needed in the study area currently and to 2042. This includes both current unmet need and need which is likely to arise in the future⁸. This time period allows for robust forecasts of the requirements for future provision, based upon the evidence contained within this study and also secondary data sources. Whilst the difficulty in making accurate assessments beyond 5 years has been highlighted in previous studies, the approach taken in this study to estimate new household formation has been accepted by Planning Inspectors as the most appropriate methodology to use.
- ^{6.2} We would note that this section is based upon a combination of the on-site surveys, a review of previously completed interviews, planning records and stakeholder interviews. In many cases, the survey data is not used in isolation, but instead is used to validate information from planning records or other sources.
- ^{6.3} This section concentrates not only upon the total provision, which is required in the area, but also whether there is a need for any transit sites and/or emergency stopping place provision.

New Household Formation Rates

- ^{6.4} Nationally, a household formation and growth rate of 3.00% net per annum⁹ has been commonly assumed and widely used in local Gypsy and Traveller assessments, even though there is no statistical evidence of households growing so quickly. The result has been to inflate both national and local requirements for pitches unrealistically. In this context, ORS prepared a Technical Note on Gypsy and Traveller Household Formation and Growth Rates in 2015 and updated it in June 2020. The main conclusions are set out here and the full paper is in **Appendix G: Technical Note on Household Formation and Growth Rates**.
- ^{6.5} Those seeking to provide evidence of high annual net household growth rates for Gypsies and Travellers have sometimes sought to rely on increases in the number of caravans, as reflected in caravan counts. However, caravan count data is unreliable and erratic – so the only proper way to project future population and household growth is through demographic analysis.
- ^{6.6} The Technical Note concludes that in fact, the growth in the national Gypsy and Traveller population may be as low as 1.25% per annum – much less than the 3.00% per annum often assumed, but still greater than in the settled community. Even using extreme and unrealistic assumptions, it is hard to find evidence that net Gypsy and Traveller population and household growth rates are above 2.00% per annum nationally.
- ^{6.7} The often assumed 3.00% per annum net household growth rate is unrealistic and would require clear statistical evidence before being used for planning purposes. In practice, the best available evidence supports a national net household growth rate of 1.50% per annum for Gypsies and Travellers (in addition research by ORS has identified a national growth rate of 1.00% for Travelling Showpeople) and this has also been adjusted locally based on site demographics.

⁸ See Paragraphs 3.41 and 3.42 for details of components on current and future need.

⁹ Page 25, *Gypsy and Traveller Accommodation Needs Assessments – Guidance* (DCLG – 2007) Now withdrawn.

- 6.8 This view has been supported by Planning Inspectors in a number of Decision Notices. The Inspector for an appeal in Doncaster that was issued in November 2016 (**Ref: APP/F4410/W/15/3133490**) where the agent acting on behalf of the appellant claimed that a rate closer to 3.00% should be used concluded:

In assessing need account also needs to be taken of likely household growth over the coming years. In determining an annual household growth rate, the Council relies on the work of Opinions Research Services (ORS), part of Swansea University. ORS's research considers migration, population profiles, births & fertility rates, death rates, household size data and household dissolution rates to determine average household growth rates for gypsies and travellers. The findings indicate that the average annual growth rate is in the order of 1.50% but that a 2.50% figure could be used if local data suggest a relatively youthful population. As the Council has found a strong correlation between Doncaster's gypsy and traveller population age profile and the national picture, a 1.50% annual household growth rate has been used in its 2016 GTANA. Given the rigour of ORS's research and the Council's application of its findings to the local area I accept that a 1.50% figure is justified in the case of Doncaster.

- 6.9 Another more recent case was in relation to an appeal in Guildford that was issued in March 2018 (**Ref: APP/W/16/3165526**) where the agent acting on behalf of the appellant again claimed that a rate closer to 3.00% should be used. The Inspector concluded:

There is significant debate about household formation rates and the need to meet future growth in the district. The obvious point to make is that this issue is likely to be debated at the local-plan examination. In my opinion, projecting growth rates is not an exact science and the debate demonstrates some divergence of opinion between the experts. Different methodologies could be applied producing a wide range of data. However, on the available evidence it seems to me that the figures used in the GTAA are probably appropriate given that they are derived by using local demographic evidence. In my opinion, the use of a national growth rate and its adaptation to suit local or regional variation, or the use of local base data to refine the figure, is a reasonable approach.

- 6.10 ORS assessments take full account of the net local household growth rate per annum calculated on the basis of demographic evidence from the site surveys, and the 'baseline' includes all current authorised households, all households identified as in current need (including concealed households, movement from bricks and mortar and those on waiting lists not currently living on a pitch or plot), as well as households living on tolerated unauthorised pitches or plots who are not included as current need. The assessments of future need also take account of modelling projections based on birth and death rates, household dissolution, and in-/out-migration.
- 6.11 Overall, the household growth rate used for the assessment of future needs is informed by local evidence. This local demographic evidence is usually used to adjust the ORS national growth rate of 1.50% up or down based on the proportion of those aged under 18 (by planning status).
- 6.12 However, in certain circumstances where the numbers of households and children are low, or the population age structure cohorts are skewed by certain age groups, it is not appropriate to apply a percentage rate for new household formation. In these cases, a judgement is made on likely new household formation based on the age and gender of the children. This is based on the assumption that 50% of households likely to form will stay in the area. This is based on evidence from other GTAAs that ORS have completed across England and Wales.

- 6.13 The following approaches have been applied in South Staffordshire for these reasons:
- » For Gypsy and Traveller households that met the planning definition 40% of those interviewed were aged under 18. As such the ORS national growth rate of 1.50% has been uplifted to 1.65%.
 - » For Gypsy and Traveller households that did not meet the planning definition 29% of those interviewed were aged under 18 so the ORS national growth rate of 1.50% has been reduced to 1.20%.
 - » For Travelling Showpeople, due to the low numbers of children aged under 18 a judgement has been made based on the age and gender of the children living on the yard.
- 6.14 In addition, the ORS national rate of 1.50% has been used to estimate growth for undetermined Travellers, based on the best available evidence due to lack of local demographic evidence for undetermined Traveller households.
- 6.15 New household formation has been calculated from year 6 of the GTAA period onwards. New household formation for years 0-5 of the GTAA period is from teenagers in need of a pitch in the next 5 years who have been identified as components of need in the household interviews. This eliminates any double counting in the assessment of need.

Breakdown by 5 Year Bands

- 6.16 In addition to tables which set out the overall need for Gypsies and Travellers, the overall need has also been broken down by 5-year bands as required by PPTS. The way that this is calculated is by including all current need (from unauthorised pitches, pitches with temporary planning permission, concealed and doubled-up households, 5 year need from teenage children, and net movement from bricks and mortar) in the first 5 years. In addition, the total net new household formation is split across the GTAA period based on the compound rate of growth that was applied rather than being split equally over time.

Applying the PPTS Planning Definition

- 6.17 The outcomes from the household interviews were used to determine the status of each household against the planning definition in PPTS. This assessment was based on the responses to the questions given to Researchers. Only those households that met the planning definition or those who demonstrated that they have ceased to travel temporarily or permanently (due to education, ill health, or old age) form the components of need in the GTAA that will need to be addressed through a Gypsy and Traveller Local Plan Policy.
- 6.18 In addition, households where an interview was not completed who may meet the planning definition have also been included as a potential additional component of need from undetermined households. Whilst they do not need to be formally considered in the GTAA, need from households that did not meet the planning definition has also been assessed to provide the Council with information on levels of need that will have to be considered as part of the wider housing needs of the area and through separate Local Plan Policies.
- 6.19 The information used to assess households against the planning definition included information on whether households have ever travelled; why they have stopped travelling; the reasons that they travel; and whether they plan to travel again in the future and for what reasons. The table below sets out the planning status of households that were interviewed or for the interview that were reviewed for the GTAA. This includes any

hidden households that were identified during the household interviews including concealed and doubled-up households or single adults and accepted in-migration.

Figure 7 – Planning status of households in South Staffordshire

Status	Meet Planning Definition	Do Not Meet Planning Definition	Undetermined
Gypsies and Travellers			
Public Sites	-	-	-
Private Sites	117	25	27
Temporary Sites	4	5	-
Tolerated Sites	1	-	-
Unauthorised Sites	33	-	-
B&M	2	1	-
Roadside/In-migration	2	-	-
Sub-Total	159	31	27
Travelling Showpeople			
TSP – Private	6	-	-
Sub-Total	6	-	-
TOTAL	165	31	27

^{6.20} Figure 7 shows that for Gypsies and Travellers in South Staffordshire 159 Gypsy and Traveller households met the planning definition of a Traveller, and 6 Travelling Showmen’s households met the definition in that they were able to demonstrate that household members travel for work purposes, or for seeking work, and stay away from their usual place of residence or have ceased to travel temporarily or permanently.

^{6.21} 31 Gypsy and Traveller households did not meet the planning definition as they were not able to demonstrate that they have travelled for work in the past or have never travelled.

^{6.22} It was not possible to make contact with 27 Gypsy and Traveller households during the fieldwork period as households either refused to take part in an interview or were not present during the fieldwork period. These households are recorded as Undetermined for the purposes of the GTAA.

Interviews with Gypsies and Travellers in Bricks and Mortar

^{6.23} Following all of the efforts that were made it was possible to identify and interview 3 households living in bricks and mortar.

Migration/Roadside

^{6.24} The study also sought to identify any need from households who have been forced to move from sites due to overcrowding and who are currently living on the roadside or on sites in other local authorities – and who have strong family links with households in South Staffordshire These are referred to as roadside households or displaced in-migration.

- ^{6.25} Evidence drawn from stakeholder and household interviews has been considered alongside assessments of need that have been completed in other nearby local authorities. The household interviews identified 2 households living on roadside predominantly in South Staffordshire with a need to move to a permanent pitch area.
- ^{6.26} ORS have found no firm evidence from other local studies that have been completed recently of any households wishing to move to South Staffordshire. Therefore, other than the 2 referred to above, net migration to the sum of zero has been assumed for the GTAA – which means that net pitch requirements are driven by locally identifiable need rather than speculative modelling assumptions.
- ^{6.27} It is important to note that any applications for new sites or additional pitches as a result of in-migration should be seen as windfall need and should be dealt with by Criteria-Based Local Plan Policies.

Waiting Lists for Public Sites

- ^{6.28} There are no public sites in South Staffordshire so there is no waiting list.

Gypsy and Traveller Needs

Pitch Needs – Gypsies and Travellers that met the Planning Definition

^{6.29} Analysis of the household interviews indicated that there is a need from 22 unauthorised pitches; for 37 concealed or doubled-up households or single adults; for 29 teenagers who will be in need of a pitch of their own in the next 5 years; from 2 household from in-migration; from 2 pitches with temporary planning permission; and for 50 from new household formation using a formation rate of 1.65% derived from the household demographics. Therefore, the overall level of need for those households who met the planning definition of a Gypsy or Traveller in South Staffordshire is for 142 pitches over the GTAA period.

Figure 8 – Need for Gypsy and Traveller households in South Staffordshire that met the Planning Definition

Gypsy & Traveller – Meeting Planning Definition	Pitches
Supply of Pitches	
Available supply from vacant public and private pitches	0
Available supply from pitches on new sites	0
Pitches vacated by households moving to bricks and mortar	0
Pitches vacated by households moving away from the study area	0
Total Supply	0
Current Need	
Households on unauthorised developments	22
Households on unauthorised encampments	0
Concealed households/Doubling-Up/Over-Crowding	37
5 year need from teenage children	29
Households on pitches with temporary planning permission	2
Movement from bricks and mortar	0
In-Migration/Roadside	2
Households on waiting lists for public sites	0
Total Current Need	92
Future Need	
New household formation	50
<i>(Household base 182 and formation rate 1.65%)</i>	
Total Future Need	50
Net Plot Need = (Current and Future Need – Total Supply)	142

Figure 9 – Need for Gypsy and Traveller households in South Staffordshire that met the Planning Definition by year periods

Year Period	Dates	Need
0 – 5	2024-28	92
6 – 10	2029-33	16
11 – 15	2034-38	19
16 – 19	2039-42	15
0 – 19	2024-42	142

Pitch Needs – Undetermined Gypsies and Travellers

- ^{6.30} The assessment identified a need for up to 24 pitches for undetermined households. This is made up of a modelled need for 9 pitches from concealed or doubled-up households or single adults; a modelled need of 5 pitches from teenagers in need of a pitch of their own in the next 5 years; and for 10 households from new household formation, using the ORS national formation rate of 1.50%.
- ^{6.31} If the ORS national proportion of 30% of households that meet the planning definition were to be applied this would result in 7 pitches for households meeting the planning definition. If the local proportion of 84% were to be applied this would result in 20 pitches for households meeting the planning definition.
- ^{6.32} See **Appendix C: Undetermined households** for further details.

Pitch Needs – Gypsies and Travellers that do not meet the Planning Definition

- ^{6.33} It is not now a requirement for a GTAA to include an assessment of need for households that did not meet the planning definition. However, this assessment is included for illustrative purposes, to help fulfil the requirements of the Housing Act (1985)¹⁰ and the NPPF (2023) and to provide the Council with information on levels of need that will have to be addressed through separate Local Plan Policies.
- ^{6.34} On this basis, it is evident that whilst any needs from the households who did not meet the planning definition will represent only a very small proportion of the overall housing need, the Council will still need to ensure that arrangements are in place to properly address these needs – especially as many identified as Irish and Romany Gypsies and may claim that the Council should meet their housing needs through culturally appropriate housing.
- ^{6.35} The assessment identified a need for 18 pitches for households that did not meet the planning definition. This is made up of 9 concealed or doubled-up households or single adults; 3 pitches with temporary planning permission; and 6 from new household formation using a rate of 1.20% derived from the household demographics.
- ^{6.36} See **Appendix D: Households that did not meet the Planning Definition** for further details.

¹⁰ See Paragraph 3.34 for details.

Travelling Showpeople Needs

Plot Needs – Travelling Showpeople

^{6.37} Analysis of the household interviews indicated that there is a need for 4 plots from new household formation, derived from the households demographics. Therefore, the overall level of need for those households who met the planning definition of a Travelling Showperson in South Staffordshire is for 4 plots over the GTAA period.

Figure 10 – Need for Travelling Showpeople households in South Staffordshire that met the Planning Definition

Travelling Showpeople – Meeting Planning Definition	Plots
Supply of Plots	
Available supply from vacant public and private plots	0
Available supply from plots on new yards	0
Plots vacated by households moving to bricks and mortar	0
Plots vacated by households moving away from the study area	0
Total Supply	0
Current Need	
Households on unauthorised developments	0
Households on unauthorised encampments	0
Concealed households/Doubling-Up/Over-Crowding	0
5 year need from teenage children	0
Households on plots with temporary planning permission	0
Movement from bricks and mortar	0
In-Migration/Roadside	0
Total Current Need	0
Future Need	
New household formation <i>(Formation from demographics)</i>	4
Total Future Need	4
Net Plot Need = (Current and Future Need – Total Supply)	4

Figure 11 – Need for Travelling Showpeople households in South Staffordshire that met the Planning Definition by year periods

Year Period	Dates	Need
0 – 5	2024-28	0
6 – 10	2029-33	1
11 – 15	2034-38	2
16 – 19	2039-42	1
0 – 19	2024-42	4

Transit Requirements

^{6.38} When determining the potential need for transit provision the assessment has looked at data from the DLUHC Traveller Caravan Count; the outcomes of the stakeholder interviews; and records on numbers of unauthorised encampments.

DLUHC Traveller Caravan Count

^{6.39} Whilst it is considered to be a comprehensive national dataset on numbers of authorised and unauthorised caravans across England, it is acknowledged that the Traveller Caravan Count is a count of caravans and not households. It also does not record the reasons for unauthorised caravans. This makes it very difficult to interpret in relation to assessing future need because it does not count pitches or resident households. The count is also only a twice yearly (January and July) 'snapshot in time' conducted by local authorities on a specific day, and any caravans on unauthorised sites or encampments which occur on other dates are not recorded. Likewise, any caravans that are away from sites on the day of the count are not included. As such it is not considered appropriate to use the outcomes from the Traveller Caravan Count in the assessment of future transit provision. It does however provide valuable historic and trend data on whether there are instances of unauthorised caravans in local authority areas.

^{6.40} Data from the Traveller Caravan Count shows that there have been no unauthorised caravans on land not owned by Travellers recorded in the study area in recent years.

Stakeholder Interviews and Local Data

^{6.41} Whilst there is currently no public transit provision in South Staffordshire, the fieldwork identified a small number of private sites where there are private transit pitches.

^{6.42} Information from the stakeholder interviews identified that there are occasional encampments, but that these are household passing through and that they are dealt with effectively by the Councils Enforcement Team.

Transit Recommendations

^{6.43} Due to low historic low numbers of unauthorised encampments, and the existence of private transit pitches, it is not recommended that there is a need for a formal public transit site in South Staffordshire at this time. However, the situation relating to levels of unauthorised encampments should be monitored on an annual basis.

^{6.44} As well as information on the size and duration of the encampments, this monitoring should also seek to gather information from residents on the reasons for their stay in the local area; whether they have a permanent base or where they have travelled from; and whether they have any need or preference to settle permanently in the local area. This information could be collected as part of a Welfare Assessment (or similar).

^{6.45} It is recommended that a review of the evidence base relating to unauthorised encampments, including the monitoring referred to above, should be undertaken on a Staffordshire-wide basis. This will establish

whether there is a need for investment in any new transit provision or emergency stopping places, or whether a managed approach is preferable.

- ^{6.46} In the short-term the Council should continue to use its current approach when dealing with unauthorised encampments and management-based approaches such as negotiated stopping agreements could also be considered.
- ^{6.47} The term 'negotiated stopping' is used to describe agreed short-term provision for Gypsy and Traveller caravans. It does not describe permanent 'built' transit sites but negotiated agreements which allow caravans to be sited on suitable specific pieces of ground for an agreed and limited period of time, with the provision of limited services such as water, waste disposal and toilets. Agreements are made between the Council and the (temporary) residents regarding expectations on both sides. See www.negotiatedstopping.co.uk for further information.
- ^{6.48} Temporary stopping places can be made available at times of increased demand due to fairs or cultural celebrations that are attended by Gypsies and Travellers. A charge may be levied as determined by the local authority although they only need to provide basic facilities including: a cold-water supply; portaloos; sewerage disposal point and refuse disposal facilities.

7. CONCLUSIONS

7.1 This study provides a robust evidence base to enable the Council to assess the housing needs of the Travelling Community as well as complying with their requirements towards Gypsies, Travellers and Travelling Showpeople under the Housing Act 1985, Planning Policy for Traveller Sites 2015 (as amended in 2023), the Housing and Planning Act 2016, the National Planning Policy Framework 2023, and Planning Practice Guidance 2021. It also provides the evidence base which can be used to support Local Plan Policies.

Gypsies and Travellers

- 7.2 In summary, in South Staffordshire for the GTAA period 2024-2042, there is a need for:
- » 142 pitches for Gypsy and Traveller households that met the planning definition.
 - » Up to 24 pitches for undetermined Gypsy and Traveller households that may meet the planning definition.
 - » 18 pitches for Gypsy and Traveller households who did not meet the planning definition.
- 7.3 Under the requirements of Paragraph 10 of the PPTS the Council have to identify and update annually a supply of deliverable sites suitable to provide 5 years' worth of sites against their locally set targets; and to identify a supply of specific, deliverable sites, or broad locations for growth for years 6-10, and where possible for years 11-15.
- 7.4 In general terms need identified in a GTAA is seen as need for pitches. As set out in Chapter 4 of this report, the now withdrawn *Government Guidance on Designing Gypsy and Traveller Sites* recommended that, as a general guide, an average family pitch must be capable of accommodating an amenity building, a large trailer and touring caravan, parking space for two vehicles and a small garden area.
- 7.5 The Council will also need to carefully consider how to address any needs from undetermined households; from households seeking to move to South Staffordshire (in-migration); or from households currently living in bricks and mortar who may wish to move to a site. In terms of the Local Plan Policies, the Council should continue to use Local Plan Criteria-Based Policies (as suggested in PPTS) for any undetermined households, as well as to deal with any windfall applications, need from in-migration, and need from bricks and mortar.
- 7.6 Regarding need from households that did not meet the planning definition, in general terms, it is the Government's intention that any need for households that do not fall within the PPTS planning definition should be met as a part of general housing need, as set out in Paragraph 63 of the NPPF, through separate Local Plan Policies.
- 7.7 Future need from new household formation could also be met through natural turnover of pitches over time.
- 7.8 Whilst the findings in this report are aggregated totals for the whole of South Staffordshire due to data protection issues, the Council have more detailed data to enable an accurate review of Local Plan allocations to be made.

Travelling Showpeople

7.9 In summary, in South Staffordshire for the GTAA period 2024-2042, there is a need for:

- » 4 plots for Travelling Showpeople households that met the planning definition
- » No plots for undetermined Travelling Showpeople households that may meet the planning definition.
- » No plots for Travelling Showpeople households who did not meet the planning definition.

Transit Provision

- 7.10 Due to low historic low numbers of unauthorised encampments, and the existence of private transit pitches, it is not recommended that there is a need for a formal public transit site in South Staffordshire at this time. However, there is a need for a more strategic approach to transit provision across Staffordshire to consider the establishment of a network of emergency stopping places to enable the Police to use their powers to move household on.
- 7.11 In the short-term the Council should continue to use its current approach when dealing with unauthorised encampments and management-based approaches such as negotiated stopping agreements could also be considered.

Summary of Need to be Addressed – Gypsies and Travellers

- 7.12 Taking into consideration all of the elements of need that have been assessed, together with the assumptions on the proportion of undetermined households that are likely to meet the planning definition, the table below sets out the likely number of pitches that will need to be addressed either as a result of the GTAA, or through separate Local Plan Policies.
- 7.13 Total need from Gypsy and Traveller households that meet the planning definition, both known and undetermined, is for 142 pitches between 2024 and 2042, and from households that do not meet the planning definition is for 18 pitches between 2024 and 2042. There is also need for 24 pitches from undetermined households.
- 7.14 The tables below break total need down by:
- » The number that met the planning definition;
 - » The likely proportion of need from undetermined households that will meet the planning definition. It does this by taking 30% (the ORS national average of Gypsies and Travellers that meet the planning definition) of need from undetermined households and 84% (the locally derived proportion that meet the planning definition);
 - » The number that did not meet the planning definition; and
 - » The likely proportion of need from undetermined households that will not meet the planning definition. It does this by taking 70% (the ORS national average of Gypsies and Travellers that do not meet the planning definition) of need from undetermined households and 16% (the locally derived proportion that did not meet the planning definition);
- 7.15 Need from households that meet the planning definition (both known and undetermined) will need to be addressed through a Gypsy and Traveller Local Plan Policy through a combination of site allocations and through a Criteria-Based Policy.
- 7.16 Need for households that did not meet the planning definition will need to be met through other Local Plan Housing Policies.

Figure 12 – Need for Gypsy and Traveller households broken down by Local Plan Policy Type – ORS National %

Delivery Status	Gypsy and Traveller Policy	Housing Policy	TOTAL
Meet Planning Definition	142	-	142
30% Undetermined Need (ORS %)	7	-	7
Do Not Meet Planning Definition	-	18	18
70% Undetermined Need (ORS %)	-	17	17
TOTAL	149	35	184

Figure 13 – Need for Gypsy and Traveller households broken down by Local Plan Policy Type – Local %

Delivery Status	Gypsy and Traveller Policy	Housing Policy	TOTAL
Meet Planning Definition	142	-	142
84% Undetermined Need (Local %)	20	-	20
Do Not Meet Planning Definition	-	18	18
16% Undetermined Need (Local %)	-	4	4
TOTAL	162	22	184

^{7.17} The table below breaks down this need by site and types of need for the first 5 years of the GTAA from 2024-28 for households that meet the planning definition in order to assist the Council with detailed site allocations. It is not possible to break down need from undetermined households by site.

Figure 14 – 5-Year Need for Pitches by Site for Gypsies and Travellers Meeting the PPTS Planning Definition

Site Name	Planning Status	Current Need ¹¹	5-Year Need ¹²	Unauthorised Pitches	Temporary Pitches
Brickyard Cottage, Essington	Private	1	3	0	0
Brinsford Bridge, Coven Heath	Private	4	2	0	0
Clee Park, Newtown	Private	5	5	0	0
High House, Hatherton	Private	0	2	0	0
Hospital Lane Site, Cheslyn Hay	Private	2	1	0	0
Kingswood Colliery, Great Wyrley	Private	8	1	0	0
Long Lane, Newtown	Private	1	3	0	0
Oak Tree Caravan Park, Featherstone	Private	5	3	0	0
Rose Meadow Farm, Prestwood	Private	0	1	0	0
St. James Caravan Park, Featherstone	Private	0	1	0	0

¹¹ Including concealed households and single adults, doubled-up households and single adults, and in-migration.

¹² From teenagers.

The Bungalow, Coven	Private	3	2	0	0
The Stables, Upper Landywood	Private	3	0	0	0
New Acres Stables, Penkridge	Temporary	2	0	0	2
59a Long Lane	Unauthorised	4	2	1	0
Brinsford Bridge, Coven Heath [unauthorised pitch]	Unauthorised	0	0	1	0
Glenside, Cross Green [unauthorised pitch]	Unauthorised	0	2	1	0
High House, Hatherton [unauthorised pitch]	Unauthorised	0	0	1	0
New Stables, Hatherton [unauthorised pitches]	Unauthorised	0	0	4	0
Land off Micklewood Lane, Penkridge	Unauthorised	0	0	4	0
Land at Teddesley Road, Penkridge	Unauthorised	0	1	2	0
Pool House Road, Wombourne (Park Lodge)	Unauthorised	1	0	1	0
Rear of 122 Streets Lane, Great Wyrley	Unauthorised	0	0	4	0
Rear of Squirrels Rest	Unauthorised	0	0	1	0
The Spinney, Slade Heath [unauthorised pitches]	Unauthorised	0	0	2	0
TOTAL		39	29	22	2

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Appendix B: Glossary of Terms / Acronyms Used

Glossary

Amenity block meaning a building where basic plumbing amenities are provided. This could include a bath, a shower, a WC and a sink.

Bricks and mortar is used to describe mainstream housing.

Caravan is used to describe mobile living vehicle used by Gypsies and Travellers. Also referred to as trailers.

Concealed household is used to describe households living within other households.

Doubling-Up refers to there being more than the permitted number of caravans on a pitch or plot.

Emergency Stopping Place is a temporary site with limited facilities to be occupied by Gypsies and Travellers while they travel.

Green Belt refers to a land use designation used to check the unrestricted sprawl of large built-up areas; prevent neighbouring towns from merging into one another; assist in safeguarding the countryside from encroachment; preserve the setting and special character of historic towns; and assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Household Formation is the process in which individuals form separate households. This is normally though adult children setting up their own household.

In-migration refers to movement of households into a region or community.

Local Plans are Local Authority spatial planning documents that can include specific policies and/or site allocations for Gypsies, Travellers and Travelling Showpeople.

Out-migration refers to the Movement from one region or community in order to settle in another.

Pitch/plot is an area of land on a site or development generally home to one household. Can be varying sizes and have varying caravan numbers. Pitches refer to Gypsy and Traveller sites and Plots to Travelling Showpeople yards.

Private site is an authorised site owned privately. This can be owner-occupied, rented or a mixture of owner-occupied and rented pitches.

Site refers to an area of land on which Gypsies, Travellers and Travelling Showpeople are accommodated in caravans, chalets, or vehicles. Can contain one or multiple pitches or plots.

Social/Public/Council Site is an authorised site owned by either the local authority or a Registered Housing Provider.

Temporary planning permission refers to a private site with planning permission for a fixed period of time.

Tolerated site/yard refers to long-term tolerated sites or yards where enforcement action is not expedient, and a certificate of lawful use would be granted if sought.

Transit provision refers to a site intended for short stays and containing a range of facilities. There is normally a limit on the length of time residents can stay.

Unauthorised Development refers to caravans on land owned by Gypsies and Travellers and without planning permission.

Unauthorised Encampment refers to caravans on land not owned by Gypsies and Travellers and without planning permission.

Waiting list is a record held by the local authority or site managers of applications to live on a site.

Yard is a name often used by Travelling Showpeople to refer to a site.

Acronyms and Initials

- GTAA** Gypsy and Traveller Accommodation Assessment
- LPA** Local Planning Authority
- DLUHC** Department for Levelling Up, Housing and Communities
- NPPF** National Planning Policy Framework
- ORS** Opinion Research Services
- PPG** Planning Practice Guidance
- PPTS** Planning Policy for Traveller Sites

Appendix C: Undetermined households

Figure 15 – Need for undetermined Gypsy and Traveller households in South Staffordshire

Gypsy & Traveller – Undetermined	Pitches
Supply of Pitches	
Available supply from vacant public and private pitches	0
Available supply from pitches on new sites	0
Pitches vacated by households moving to bricks and mortar	0
Pitches vacated by households moving away from the study area	0
Total Supply	0
Current Need	
Households on unauthorised developments	0
Households on unauthorised encampments	0
Concealed households/Doubling-Up/Over-Crowding (modelled)	9
5 year need from teenage children (modelled)	5
Households on pitches with temporary planning permission	0
Movement from bricks and mortar	0
In-Migration/Roadside	0
Households on waiting lists for public sites	0
Total Current Need	14
Future Need	
New household formation	10
<i>(Household base 41 and formation rate 1.50%)</i>	
Total Future Need	10
Net Plot Need = (Current and Future Need – Total Supply)	24

Figure 16 – Need for undetermined Gypsy and Traveller households in South Staffordshire by year periods

Year Period	Dates	Need
0 – 5	2024-28	14
6 – 10	2029-33	3
11 – 15	2034-38	4
16 – 19	2039-42	3
0 – 19	2024-42	24

Figure 17 – Need for undetermined Travelling Showpeople households in South Staffordshire

Travelling Showpeople – Undetermined	Plots
Supply of Pitches	
Available supply from vacant public and private plots	0
Available supply from plots on new sites	0
Plots vacated by households moving to bricks and mortar	0
Plots vacated by households moving away from the study area	0
Total Supply	0
Current Need	
Households on unauthorised developments	0
Households on unauthorised encampments	0
Concealed households/Doubling-Up/Over-Crowding	0
5 year need from teenage children	0
Households on plots with temporary planning permission	0
Movement from bricks and mortar	0
In-Migration/Roadside	0
Total Current Need	0
Future Need	
New household formation	0
<i>(No undetermined Travelling Showpeople)</i>	
Total Future Need	0
Net Plot Need = (Current and Future Need – Total Supply)	0

Figure 18 – Need for undetermined Travelling Showpeople households in South Staffordshire by year periods

Year Period	Dates	Need
0 – 5	2024-28	0
6 – 10	2029-33	0
11 – 15	2034-38	0
16 – 19	2039-42	0
0 – 19	2024-42	0

Appendix D: Households that did not meet the Planning Definition

Figure 19 – Need for Gypsy and Traveller households in South Staffordshire that did not meet the Planning Definition

Gypsy & Traveller – Not Meeting Planning Definition	Pitches
Supply of Pitches	
Available supply from vacant public and private pitches	0
Available supply from pitches on new sites	0
Pitches vacated by households moving to bricks and mortar	0
Pitches vacated by households moving away from the study area	0
Total Supply	0
Current Need	
Households on unauthorised developments	0
Households on unauthorised encampments	0
Concealed households/Doubling-Up/Over-Crowding	9
5 year need from teenage children	0
Households on pitches with temporary planning permission	3
Movement from bricks and mortar	0
In-Migration/Roadside	0
Households on waiting lists for public sites	0
Total Current Need	12
Future Need	
New household formation	6
<i>(Household base 32 and formation rate 1.20%)</i>	
Total Future Need	6
Net Pitch Need = (Current and Future Need – Total Supply)	18

Figure 20 – Need for Gypsy and Traveller households in South Staffordshire that did not meet the Planning Definition by year periods

Year Period	Dates	Need
0 – 5	2024-28	12
6 – 10	2029-33	2
11 – 15	2034-38	2
16 – 19	2039-42	2
0 – 19	2024-42	18

Figure 21 – Need for Travelling Showpeople households in South Staffordshire that did not meet the Planning Definition

Travelling Showpeople – Not Meeting Planning Definition	Plots
Supply of Pitches	
Available supply from vacant public and private plots	0
Available supply from plots on new sites	0
Plots vacated by households moving to bricks and mortar	0
Plots vacated by households moving away from the study area	0
Total Supply	0
Current Need	
Households on unauthorised developments	0
Households on unauthorised encampments	0
Concealed households/Doubling-Up/Over-Crowding	0
5 year need from teenage children	0
Households on pitches with temporary planning permission	0
Movement from bricks and mortar	0
In-Migration/Roadside	0
Total Current Need	0
Future Need	
New household formation	0
<i>(No Travelling Showpeople not meeting planning definition)</i>	
Total Future Need	0
Net Plot Need = (Current and Future Need – Total Supply)	0

Figure 22 – Need for Travelling Showpeople households in South Staffordshire that did not meet the Planning Definition by year periods

Year Period	Dates	Need
0 – 5	2024-28	0
6 – 10	2029-33	0
11 – 15	2034-38	0
16 – 19	2039-42	0
0 – 19	2024-42	0

Appendix E: Site and Yard List

Site/Yard	Tenure	Authorised	Unauthorised
Anvil Park (south of Brickyard Cottage)	Private	2	-
Brickyard Cottage, Essington	Private	8	-
Brinsford Bridge, Coven Heath	Private	2	-
Clee Park, Newtown	Private	15	-
Fair Haven, Coven Heath	Private	4	-
Fishponds Caravan Park, Featherstone	Private	5	-
Glenside, Cross Green	Private	2	-
High House, Hatherton	Private	5	-
Hospital Lane Site, Cheslyn Hay	Private	10	-
Kingswood Colliery, Great Wyrley	Private	14	-
Land at rear of Hordon Park, Coven Heath	Private	2	-
Land off Malthouse Lane, Calf Heath	Private	6	-
Long Lane, Newtown (Walsall Road)	Private	4	-
New Stables, Hatherton	Private	1	-
Oak Tree Caravan Park, Featherstone	Private	23	-
Pool House Barn, Slade Heath	Private	7	-
Rose Meadow Farm, Prestwood	Private	2	-
St. James Caravan Park, Featherstone	Private	9	-
The Bungalow, Coven	Private	6	-
The Spinney, Slade Heath	Private	1	-
The Stables, Upper Landywood	Private	4	-
The Willows, Land west of Dark Lane	Private	1	-
New Acres Stables, Penkridge	Temporary	5	-
1a Stafford Road, Coven Heath	Tolerated	-	1

59a Long Lane	Unauthorised	-	1
Brinsford Bridge, Coven Heath	Unauthorised	-	1
Glenside, Cross Green	Unauthorised	-	1
High House, Hatherton	Unauthorised	-	1
New Stables, Hatherton	Unauthorised	-	4
Land off Micklewood Lane, Penkrige	Unauthorised	-	4
Land at Teddesley Road, Penkrige	Unauthorised	-	2
Pool House Road, (Park Lodge)	Unauthorised	-	1
Rear of 122 Streets Lane, Great Wyrley	Unauthorised	-	4
Rear of Squirrels Rest	Unauthorised	-	1
The Spinney, Slade Heath	Unauthorised	-	2
Total Pitches		138	23
Dobsons Yard, Featherstone	Private	6	-
Total Plots		6	0
TOTAL		144	23

Appendix F: Questionnaire

GTAA Questionnaire 2019



INTERVIEWER: Good Morning/afternoon/evening. My name is < > from Opinion Research Services, working on behalf of XXXX Council.

The Council are undertaking a study of Gypsy, Traveller and Travelling Showpeople accommodation needs assessment in this area. This is needed to make sure that accommodation needs are properly assessed and to get a better understanding of the needs of the Travelling Community.

The Council need to try and speak with every Gypsy, Traveller and Travelling Showpeople household in the area to make sure that the assessment of need is accurate.

Your household will not be identified and all the information collected will be anonymous and will only be used to help understand the needs of Gypsy, Traveller and Travelling Showpeople households.

ORS is registered under the Data Protection Act 1998. Your responses will be stored and processed electronically and securely. This paper form will be securely destroyed after processing. Your household will not be identified to the council and only anonymous data and results will be submitted, though verbatim comments may be reported in full, and the data from this survey will only be used to help understand the needs of Gypsy, Traveller and Travelling Showpeople households

A General Information

A1 Name of planning authority:
INTERVIEWER please write in

A2 Date/time of site visit(s): DD/MM/YY TIME
INTERVIEWER please write in

A3 Name of interviewer:
INTERVIEWER please write in

A4 Address and pitch number:
INTERVIEWER please write in

A5 Type of accommodation: *INTERVIEWER please cross one box only*

Council	Private rented	Private owned	Unauthorised	Bricks and Mortar
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

A6 Name of Family:
INTERVIEWER please write in

A7 Ethnicity of Family: *INTERVIEWER please cross one box only*

Romany Gypsy	Irish Traveller	Scots Gypsy or Traveller	Show Person
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
New Traveller	English Traveller	Welsh Gypsy	Non-Traveller
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (please specify)			<input style="width: 100%;" type="text"/>

A8 Number of units on the pitch: *INTERVIEWER please write in*

Mobile homes	Touring Caravans	Day Rooms	Other (please specify)
<input style="width: 25%;" type="text"/>	<input style="width: 25%;" type="text"/>	<input style="width: 25%;" type="text"/>	<input style="width: 25%;" type="text"/>

A9 Is this site your main place of residence? If not where is?
INTERVIEWER: Please cross one box only

Yes No

A10 How long have you lived here? If you have moved in the past 5 years, where did you move from? *INTERVIEWER: Please write in below*

Years	Months	If you have moved in the past 5 years, where did you move from? Include ALL moves
-------	--------	---

A11 Did you live here out of your own choice or because there was no other option? If there was no other option, why? *INTERVIEWER: Please cross one box only*

Choice No option

A12 Is this site suitable for your household? If so why and if not why not? (For example close to schools, work, healthcare, family and friends etc.)
INTERVIEWER: Please cross one box only

Yes No

A13 How many separate families or unmarried adults live on this pitch?
INTERVIEWER: Please cross one box only

1 2 3 4 5 6 7 8 9 10

B Demographics

B1 Demographics — Household 1 *INTERVIEWER: Please write-in*

Person 1		Person 2		Person 3	
Sex	Age	Sex	Age	Sex	Age

Complete additional forms for each household on pitch *INTERVIEWER: Please write-in*

Person 4		Person 5		Person 6		Person 7		Person 8	
Sex	Age	Sex	Age	Sex	Age	Sex	Age	Sex	Age

C Accommodation Needs

C1 How many families or unmarried adults living on this pitch are in need of a pitch of their own in the next 5 years? *INTERVIEWER: Please cross one box only*

INTERVIEWER: AN ADULT IS DEFINED AS 16+

1 2 3 4 5 6 7 8 9 10

Other *Please specify*

C2 How many of your children will need a home of their own in the next 5 years? If they live here now, will they want to stay on this site? If not, where would they wish to move? (e.g. other site, in bricks and mortar etc.) If they do not live on this site, where do they currently live and would they want to move on to this site or another local site if they could get a pitch? *INTERVIEWER: Please cross one box only*

1 2 3 4 5 6 7 8 9 10

Other *Please specify*

Details (Please specify)

D **Waiting List**

D1 Is anyone living here on the waiting list for a pitch in this area?
INTERVIEWER: Please cross one box only

Yes —————> Continue to D2
 No —————> Go to D4

D2 How many people living here are on the waiting list for a pitch in this area?
INTERVIEWER: Please cross one box only

1 2 3 4 5 6 7 8 9 10

Other *(Please specify)*

Details (Please specify)

D3 How long have they been on the waiting list? *INTERVIEWER: Please cross one box only*

0-3 months 3-6 months 6-12 months 1-2 years 2+ years

Other *(Please specify)*

Details (Please specify)

D4 If they are not on the waiting list, do any of the people living here want to be on the waiting list? (*INTERVIEWER* if they do - please take their contact details)
INTERVIEWER: Please cross one box only

1 2 3 4 5 6 7 8 9 10

No Other *(Please specify)*

Details (Please specify) and take contact details)

E Future Accommodation Needs

E1 Do you plan to move from this site in the next 5 years? If so, why?
INTERVIEWER: Please cross one box only

Yes *If yes* → Continue to E2
 No *If no* → Go to E5

If so, why? (please specify)

E2 Where would you move to? *INTERVIEWER: Please cross one box only*

Another site in this area <i>(specify where)</i>	A site in another council area <i>(specify where)</i>	Bricks and mortar in this area <i>(specify where)</i>	Bricks and mortar in another council area <i>(specify where)</i>	Other (e.g. land they own elsewhere) <i>(Please specify)</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please specify where they would move to
 if they own land elsewhere - probe for details

E3 If you want to move would you prefer to buy a private pitch or site, or rent a pitch on a public or private site? *INTERVIEWER: Please cross one box only*

Private buy <input type="checkbox"/>	Private rent <input type="checkbox"/>	Public rent <input type="checkbox"/>
---	--	---

E4 Can you afford to buy a private pitch or site? *INTERVIEWER: Please cross one box only*

Yes <input type="checkbox"/>	No <input type="checkbox"/>
---------------------------------	--------------------------------

E5 Are you aware of, or do you own any land that could have potential for new pitches? *INTERVIEWER: Please cross one box only*

Yes <input type="checkbox"/>	No <input type="checkbox"/>
---------------------------------	--------------------------------

Please ask for details on where land/site is located and who owns the land/site?

F
Travelling

F1 How many trips, living in a caravan or trailer, have you or members of your family made away from your permanent base in the last 12 months?
INTERVIEWER: Please cross one box only

0 1 2 3 4 5+

↓ Go to F6a } Continue to F2

F2 If you or members of your family have travelled in the last 12 months, which family members travelled?
INTERVIEWER: Please cross one box only

All the family Adult males Other

F3 What were the reasons for travelling?
INTERVIEWER: Please cross all that apply

Work Holidays Visiting family Fairs Other

Details / specify if necessary. If fairs—probe for whether this involves work

F4 At what time of year do you or family members usually travel? And for how long?
INTERVIEWER: Please cross one box only

All year Summer Winter

And for how long?

F5 Where do you or family members usually stay when they are travelling?
INTERVIEWER: Please cross all boxes that apply

LA transit sites Private transit sites Roadside Friends/family Other

INTERVIEWER: Ask F6a — F8 ONLY if F1 = 0. Otherwise, go to F9

F6a Are there any reasons why you don't you travel at the moment?

F6b Have you or family members ever travelled?
INTERVIEWER: Please cross one box only

Yes —————> Continue to F7
 No —————> Go to F9

F7a When did you or family members last travel?
INTERVIEWER: Please write in

Details

F7b What were the reasons for travelling?
INTERVIEWER: Please cross all that apply

Work Holidays Visiting family Fairs Other

Details / specify if necessary. If fairs—probe for whether this involves work

F8 Why do you not travel anymore? *INTERVIEWER: Cross all boxes that apply & probe for details*

- | | | | | | | |
|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Children
in school | Ill health | Old age | Settled now | Nowhere
to stop | No work
opportunities | Other |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

If other, please specify

Details about children in school, types of ill health, or looking after relative with poor health, and specific problems/issues relating to old age

F9 Do you or other family members plan to travel in the future?

INTERVIEWER: Please cross one box only

- | | | | |
|------------|--------------------------|---|-----------------|
| Yes | <input type="checkbox"/> | → | Continue to F10 |
| No | <input type="checkbox"/> | → | Go to G1 |
| Don't know | <input type="checkbox"/> | → | Go to G1 |

F10 When, and for what purpose do you/they plan to travel?

Details

F11 Is there anything else you would like to tell us about your travelling patterns?

Details

G	Any other information
G1	<p>Any other information about this site or your accommodation needs? <i>INTERVIEWER: Please write in</i></p> <p>Details (e.g. can current and future needs be met by expanding or intensifying the existing site?)</p>
G2	<p>Site/Pitch plan? Any concerns? <i>INTERVIEWER: Please sketch & write in</i></p> <p>Sketch of Site/Pitch — any concerns?</p> <p>Are any adaptations needed?</p> <p>Why does the current accommodation not meet the household's needs; and could their needs could be addressed in situ e.g. extra caravans. This could cover people wanting to live with that household but who cannot currently</p>

H Bricks & Mortar Contacts	
H1 Contacts for Bricks and Mortar interviews? <i>INTERVIEWER: Please write in</i>	
Details	
Council contact?	
Would you like the council to contact you about any of the issues raised in this interview? Please note that although ORS will pass on your contact details to the Council we cannot guarantee when they will contact you?	
<i>INTERVIEWER: Please cross one box only</i>	
Yes <input type="checkbox"/>	No <input type="checkbox"/>
<i>INTERVIEWER: Can I confirm your name and telephone number so that we can pass them on to the Council for this purpose only. Your details will only be used for this purpose and will not be passed onto anyone else.</i>	
Respondent's Name.....	<input type="text"/>
Respondent's Telephone.....	<input type="text"/>
Respondent's Email.....	<input type="text"/>
Interview log	
<i>INTERVIEWER: Please record the date and time that the interview was carried out</i>	
Date.....	<input type="text"/>
Time of interview.....	<input type="text"/>

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Appendix G: Technical Note on Household Formation and Growth Rates



Technical Note

Gypsy and Traveller Household Formation and Growth Rates

June 2020

Opinion Research Services



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Household Growth Rates

Abstract and Conclusions

1. National and local household formation and growth rates are important components of Gypsy and Traveller accommodation assessments, but until 2013 little detailed work had been done to assess their likely scale. ORS undertook work in 2013 to assess the likely rate of demographic growth for the Gypsy and Traveller population and concluded that the figure could be as low 1.25% per annum, but that best available evidence supports a national net household growth rate of 1.50% per annum.
2. This analysis was produced as a separate document in 2013 and then updated in 2015 (www.opinionresearch.co.uk/formation2015) in light of comments from academics, planning agents and local authorities. The 2015 document was complex because there was still serious dispute as to the level of demographic growth for Gypsies and Travellers in 2015. However, ORS now consider these disputes have largely been resolved at Planning Appeals and Local Plan Examinations, so we consider that much of the supporting evidence is now no longer required to be in the document.
3. This current document represents a shortened re-statement to our findings in 2015 to allow for easier comprehension of the issues involved. It contains no new research and if reader wishes to see further details of the supporting information, they should review the more detailed 2015 report.

Introduction

4. Compared with the general population, the relative youthfulness of many Gypsy and Traveller populations means that their birth rates are likely to generate higher-than-average population growth, and proportionately higher *gross* household formation rates. However, while their *gross* rate of household growth might be high, Gypsy and Traveller communities' future accommodation needs are, in practice, affected by any reduction in the number of households due to dissolution and/or by movements in/out of the area and/or by transfers into other forms of housing. Therefore, the *net* rate of household growth is the *gross* rate of formation *minus* any reductions in households due to such factors.

Modelling Population and Household Growth Rates

5. The basic equation for calculating the rate of Gypsy and Traveller population growth seems simple: start with the base population and then calculate the average increase/decrease by allowing for births, deaths, in-/out-migration and household dissolution. Nevertheless, deriving satisfactory estimates is difficult because the evidence is often tenuous – so, in this context in 2013, ORS modelled the growth of the national Gypsy and Traveller population based on the most likely birth and death rates, and by using PopGroup (the leading software for population and household forecasting). To do so, we supplemented the available national statistical sources with data derived from our own surveys.

Migration Effects

6. Population growth is affected by national net migration and local migration (as Gypsies and Travellers move from one area to another). In terms of national migration, the population of Gypsies and Travellers is relatively fixed, with little international migration. It is in principle possible for Irish Travellers (based in Ireland) to move to the UK, but there is no evidence of this happening to a significant extent and the vast majority of Irish Travellers were born in the UK or are long-term residents.

Population Profile

7. The main source for the rate of Gypsy and Traveller population growth is the UK 2011 Census. The ethnicity question in the 2011 Census included for the first time 'Gypsy and Irish Traveller' as a specific category. While non-response bias probably means that the size of the population was underestimated, the age profile the Census provides is not necessarily distorted and matches the profile derived from ORS's extensive household surveys.

Table 1 - Age Profile for the Gypsy and Traveller Community in England (Source: UK Census of Population 2011)

Age Group	Number of People	Cumulative Percentage
Age 0 to 4	5,725	10.4
Age 5 to 7	3,219	16.3
Age 8 to 9	2,006	19.9
Age 10 to 14	5,431	29.8
Age 15	1,089	31.8
Age 16 to 17	2,145	35.7
Age 18 to 19	1,750	38.9
Age 20 to 24	4,464	47.1
Age 25 to 29	4,189	54.7
Age 30 to 34	3,833	61.7
Age 35 to 39	3,779	68.5
Age 40 to 44	3,828	75.5
Age 45 to 49	3,547	82.0
Age 50 to 54	2,811	87.1
Age 55 to 59	2,074	90.9
Age 60 to 64	1,758	94.1
Age 65 to 69	1,215	96.3
Age 70 to 74	905	97.9
Age 75 to 79	594	99.0
Age 80 to 84	303	99.6
Age 85 and over	230	100.0

Birth and Fertility Rates

8. The table above provides a way of understanding the rate of population growth through births. The table shows that surviving children aged 0-4 years comprise 10.4% of the Gypsy and Traveller population – which means that, on average, 2.1% of the total population was born each year (over the last 5 years). The same estimate is confirmed if we consider that those aged 0-14 comprise 29.8% of the Gypsy and Traveller population – which also means that almost exactly 2% of the population was born each year.
9. The total fertility rate (TFR) for the whole UK population is just below 2 – which means that on average each woman can be expected to have just less than two children who reach adulthood. We know of only one estimate of fertility rates of the UK Gypsy and Traveller community, in *'Ethnic identity and inequalities in*

Britain: The dynamics of diversity by Dr Stephen Jivraj and Professor Ludi Simpson (published May 2015). The authors use the 2011 Census data to estimate the TFR for the Gypsy and Traveller community as 2.75.

10. ORS used our own multiple survey data to investigate the fertility rates of Gypsy and Traveller women. The ORS data shows that on average Gypsy and Traveller women aged 32 years have 2.5 children (but, because the children of mothers above this age point tend to leave home progressively, full TFRs were not completed). On this basis it is reasonable to infer an average of 3 children per woman during her lifetime, which is broadly consistent with the estimate of 2.75 children per woman derived from the 2011 Census.

Death Rates

11. Although the above data imply an annual growth rate through births of about 2%, the death rate has also to be taken into account. Whereas the average life expectancy across the whole population of the UK is currently just over 80 years, a Sheffield University study found that Gypsy and Traveller life expectancy is about 10-12 years less than average (Parry et al (2004) *'The Health Status of Gypsies and Travellers: Report of Department of Health Inequalities in Health Research Initiative'*, University of Sheffield).
12. Therefore, in our population growth modelling we used a conservative estimate of average life expectancy as 72 years – which is entirely consistent with the lower-than-average number of Gypsies and Travellers aged over 70 years in the 2011 Census (and also in ORS's own survey data).

Modelling Outputs

13. If we assume a TFR of 3 and an average life expectancy of 72 years for Gypsies and Travellers, then the modelling, undertaken in PopGroup, projects the population to increase by 66% over the next 40 years – implying a population compound growth rate of 1.25% per annum. If we assume that Gypsy and Traveller life expectancy increases to 77 years by 2050, then the projected population growth rate rises to nearly 1.50% per annum. To generate an 'upper range' rate of population growth, we assumed an implausible TFR of 4 and an average life expectancy rising to 77 over the next 40 years – which then yields an 'upper range' growth rate of 1.90% per annum.

Household Growth

14. In addition to population growth influencing the number of households, the size of households also affects the number. Hence, population and household growth rates do not necessarily match directly, mainly due to the current tendency for people to live in smaller childless or single person households.
15. Because the Gypsy and Traveller population is relatively young and has many single parent households, a 1.25%-1.50% annual population growth could yield higher-than-average household growth rates, particularly if average household sizes fall or if younger-than-average households form. However, while there is evidence that Gypsy and Traveller households already form at an earlier age than in the general population, the scope for a more rapid rate of growth, through even earlier household formation, is limited.
16. Based on the 2011 Census, the table below compares the age of household representatives in English households with those in Gypsy and Traveller households – showing that the latter has many more household representatives aged under-25 years. In the general English population 3.60% of household representatives are aged 16-24, compared with 8.70% in the Gypsy and Traveller population. ORS's survey data shows that about 10% of Gypsy and Traveller households have household representatives aged under-25 years.

Table 2 - Age of Head of Household (Source: UK Census of Population 2011)

Age of household representative	Number of households - England	Percentage households - England	Number of households – Gypsy and Traveller	Percentage households – Gypsy and Traveller
Age 24 and under	790,974	3.6%	1,698	8.7%
Age 25 to 34	3,158,258	14.3%	4,232	21.7%
Age 35 to 49	6,563,651	29.7%	6,899	35.5%
Age 50 to 64	5,828,761	26.4%	4,310	22.2%
Age 65 to 74	2,764,474	12.5%	1,473	7.6%
Age 75 to 84	2,097,807	9.5%	682	3.5%
Age 85 and over	859,443	3.9%	164	0.8%
Total	22,063,368	100%	19,458	100%

17. The following table shows that the proportion of single person Gypsy and Traveller households is not dissimilar to the wider population of England; but there are more lone parents, fewer couples without children, and fewer households with non-dependent children amongst Gypsies and Travellers

Table 3 - Household Type (Source: UK Census of Population 2011)

Household Type	Number of households - England	Percentage households - England	Number of households – Gypsy and Traveller	Percentage households – Gypsy and Traveller
Single person	6,666,493	30.3%	5,741	29.5%
Couple with no children	5,681,847	25.7%	2345	12.1%
Couple with dependent children	4,266,670	19.3%	3683	18.9%
Couple with non-dependent children	1,342,841	6.1%	822	4.2%
Lone parent: Dependent children	1,573,255	7.1%	3,949	20.3%
Lone parent: All children non-dependent	766,569	3.5%	795	4.1%
Other households	1,765,693	8.0%	2,123	10.9%
Total	22,063,368	100%	19,458	100%

18. The key point, though, is that since 20% of Gypsy and Traveller households are lone parents with dependent children, and up to 30% are single persons, there is limited potential for further reductions in average household size to increase current household formation rates significantly – and there is no reason to think that earlier household formations or increasing divorce rates will in the medium term affect household formation rates. While there are differences with the general population, a 1.25%-1.50% per annum Gypsy and Traveller population growth rate is likely to lead to a household growth rate of 1.25%-1.50% per annum

Summary Conclusions

19. The best available evidence suggests that the net annual Gypsy and Traveller household growth rate is 1.50% per annum. Some local authorities might allow for a household growth rate of up to 2.50% per annum, to

provide a 'margin' if their populations are relatively youthful; but in areas where on-site surveys indicate that there are fewer children in the Gypsy and Traveller population, lower estimates should be used.

20. The outcomes of this Technical Note can be used to provide an estimate of local new household formation rates by adjusting the upper national growth rate of 1.50% based on local demographic characteristics.
21. In addition, in certain circumstances where the numbers of households and children are higher or lower than national data has identified, or the population age structure is skewed by certain age groups, it may not be appropriate to apply a percentage rate for new household formation. In these cases, a judgement should be made on likely new household formation based on the age and gender of the children identified in local household interviews. This should be based on the assumption that 50% of households likely to form will stay in any given area and that 50% will pair up and move to another area, while still considering the impact of dissolution. This is based on evidence from over 140 GTAAAs that ORS have completed across England and Wales involving over 4,300 household interviews.