

# Winchester District Gypsy Traveller and Travelling Showpeople Development Plan Document

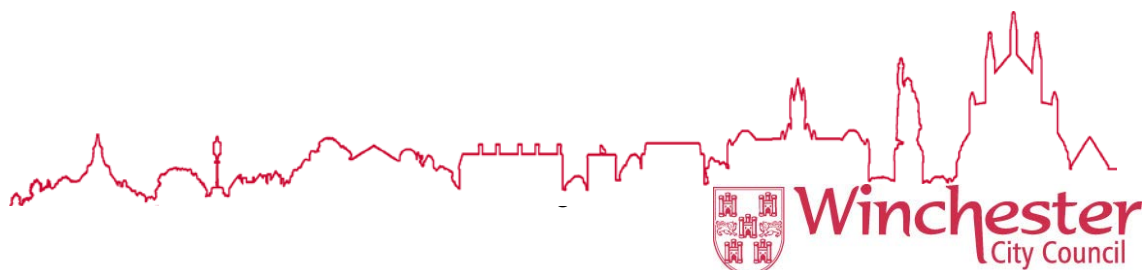
## ‘Traveller DPD’

Examination September 2018

Matter 5 – Criteria Based Policies

Winchester City Council’s Response

WCC Matter 5



# Winchester City Council

## Winchester District Gypsy and Traveller and Travelling Showpeople DPD

### WCC Response to Inspector's Matters, Issues and Questions

#### Matter 5 – Criteria Based Policies

**Question 1 – Is policy TR5 too restrictive? Should this policy be open and not make reference to sites TR1 – TR4?**

**WCC Response:**

1. Policy TR5 is intended to provide additional flexibility to permit pitches/plots through the intensification of existing authorised sites. All sites that are authorised (or proposed to be authorised) are covered by policies TR1 – TR4. This includes sites which may become authorised after the adoption of the DPD by virtue of the reference in TR1 to *'any other site that is subsequently granted a permanent planning permission for gypsy and traveller or travelling showpersons shall be safeguarded in accordance with this policy'*.
2. The Council would be concerned that making the policy more open by removing reference to policies TR1 – TR4 would have the effect of allowing intensification of unauthorised sites. Indeed it would be perverse to have a policy that allowed permission to be granted for intensification on sites which did not have planning consent to start with. Similarly, the Council would not consider it appropriate to apply policy TR5 to temporary sites, other than those that are intended to become permanent by virtue of policy TR2. Temporary sites have only been permitted previously to allow the DPD to resolve the need for sites and once the DPD is adopted there should be no reason to permit additional temporary sites.
3. Having considered the Inspector's question, it is accepted that the wording of policy TR5 and its explanatory text could be clarified/improved, as follows:

## Policy TR5

**‘The Local Planning Authority will consider proposals for additional provision of pitches/plots through intensification within sites covered by Policies TR1 – TR4 above...’**

This would clarify that the policy relates to intensification within the boundaries of the sites identified by policies TR1 – TR4.

### Paragraph 4.15

‘It is recognised that during the plan period there may be a demonstrable need for an additional pitch/plot on those sites safeguarded or allocated through this DPD, to meet the changing needs of the households on the sites.

*This includes sites which are granted permanent planning consent after the adoption of this DPD, as these are also safeguarded by policy TR1.’*

This clarifies that policy TR5 would apply to sites that receive permanent planning consent after the adoption of the DPD.

4. The Council would support the amendment of the DPD to include the above clarification but does not consider it appropriate to make other changes to make policy TR5 more open.
5. However, the Council has come across one issue through recent applications and appeals which it may be relevant to address through the criteria-based policies of the DPD or their explanatory text. This relates to the approach to be taken to planning applications where the needs identified in LPP2 policy DM4 have been met, as is now the case for gypsy and traveller sites. The PPTS expects plans to include a criteria-based policy to deal with planning applications where there is no identified need (PPTS paragraph 11).
6. The Council takes the view that the approach to traveller sites where there is no outstanding need should be consistent with the approach to ‘bricks and mortar’ housing proposals where there is no outstanding need. In these cases, residential development is permitted within the defined built up areas of the settlements listed in LPP2 policy DM1, or through infilling within a gap

in a continuously built-up frontage in other settlements listed in LPP1 policy MTRA3. Development in the defined countryside, which is subject to LPP1 policy MTRA4, is resisted other than for specific purposes such as agricultural workers dwellings.

7. The Council considers that traveller proposals should accord with the same policies (DM1, MTRA3, MTRA4) and that these are the policies that should apply in accordance with PPTS paragraph 11, where identified needs have been met. Where needs have not been met, as currently for travelling showpeople, policies CP5 and DM4 would continue to allow exceptions to countryside policies to permit sites that met the relevant policy criteria (CP5, DM4, TR6). However, PPTS paragraph 11 refers to 'criteria-based' policies whereas policies DM1, MTRA3 and MTRA4 do not specifically refer to or include criteria for traveller development.
8. While the PPTS is Government policy, its relevance has to be considered in the local context. In Winchester's case, the need for gypsy and traveller accommodation has been met so it is right that proposals for such accommodation are directed to defined settlements, in the same way as bricks and mortar housing. Any other approach would lead to traveller accommodation continuing to be permitted as an exception to countryside policies even though the identified need had been met. This would be a situation that is unequitable with the settled population and which would undermine the purpose of planning for traveller provision. Therefore, policy TR6 is the relevant criteria-based policy that PPTS paragraph 11 seeks, as it lists the criteria for permitting traveller sites and refers to those also contained in policy CP5.
9. Travellers seeking accommodation in the area now that the overall gypsy and traveller need is met would still be able to find suitable sites within policies DM1 and MTRA3 or through the turnover of existing pitches, vacancies and the scope for intensification allowed by policy TR5. If an applicant is able to demonstrate a particular need to be housed in a certain location and that it had not been possible to find a site within the other policies and opportunities

available, they may be able to justify an exceptional need. In this case, policies CP5 and DM4 would apply on the basis that there would be a demonstrated unmet need which those policies allow to be met, subject to relevant criteria.

10. Therefore, the Council's view is that there is no need for an additional criteria-based policy in order to meet the expectations of PPTS paragraph 11. It has looked for examples of such a policy in the (very few) other traveller DPDs existing/emerging, but has not identified any such policies. It may be appropriate to add to the DPD's explanatory text to explain the approach that would be taken to applications where there is no identified need, for example by adding a new sub-heading and paragraph after paragraph 4.19 of the DPD as follows:

*Planning Applications*

*Proposals for traveller accommodation should accord with the policies of this DPD and other relevant policies in Local Plans Parts 1 and 2, particularly policies CP5 and TR6. Where there is not a sufficient supply of pitches/plot to meet the needs identified by policy DM4, permission may exceptionally be granted for sites in the countryside, where residential development would not otherwise generally be permitted by policy MTRA4. Where adequate sites are available to meet identified traveller needs, such as now is the case for gypsies and travellers, no such exception is justified and proposals for traveller accommodation should be located in accordance with policies DM1 and MTRA3, in a consistent way to other housing. Proposals should continue to meet the policy criteria relevant to traveller sites, particularly those in policy TR6.*

11. Should the Inspector consider a specific policy to be necessary this could also be added here but it is considered that it would do little more than direct applicants to other existing policies.

**Question 2 – Is policy TR6 justified and effective? Are any changes needed to the policy wording?**

**WCC Response:**

12. The Council has responded to representations on policy TR6 in the Traveller Submission Background Paper (document CD14) at paragraphs 6.36 – 6.41. A Proposed Modification has been put forward to deal with matters raised by the Environment Agency, which has supported the changes. The Council has nothing to add to the Submission Background paper in relation to this question and does not consider that the representation regarding the wording of the policy raise any soundness issues.