

APPEALS BY OWNERS AND OCCUPIERS OF CAROUSEL PARK

PROOF OF EVIDENCE OF BRIAN WOODS BA(TP) MRTPI Appendices

regarding three Enforcement Notices served by Winchester City
Council

at Carousel Park, Basingstoke Road, Micheldever, Winchester

August 2023

Our Ref: J004151
LPA Ref: None
PINS Ref: APP/L1765/C/22/3296767

WS Planning & Architecture

enquiries@wspa.co.uk | wspa.co.uk

Reg Office: 5 Pool House, Bancroft Road, Reigate Surrey, RH2 7RP

Company No. GB3763487 | WS Planning & Architecture is a trading name of Woods, Sanders & Co Ltd

Managing Director: Mr B Woods BA TP MRTPI

Planning Director: Mr S Copping BA (Hons) DipTP MRTPI

Architectural Director: Mr L Barker BA (Hons) BArch (Hons) RIBA

Surrey Office

5 Pool House
Bancroft Road
Reigate
Surrey RH2 7RP
+44 (0)1737 225 711

London Office

No. 1 Croydon
11th Floor
12-16 Addiscombe Rd
Croydon CR0 0XT
+44 (0)20 3828 1180

Kent Office

Brouard Architects
83 High Street
Farnborough Village
Kent BR6 7BB
+44 (0)1689 857 253



APPENDICES

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APPENDIX 1



Mr Maurice Black
2/3 Carousel Park
Basingstoke Road
Micheldever
Winchester
Hampshire
SO21 3BW

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

GRANT OF PLANNING PERMISSION

Case No: 05/01605/FUL

W Ref No: W05589/15

Grid Ref: 454108 141899

Erection of fences (RETROSPECTIVE)

Carousel Park Basingstoke Road Micheldever Winchester Hampshire

In pursuance of its powers under the above mentioned Act, the Council, as the Local Planning Authority, hereby GRANTS permission for the above development(s) in accordance with the plans and particulars submitted with your application received on 28 June 2005 and subject to compliance with the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

2. The two separate pitches which are the subject of this application shall only be occupied by one family each.

Reason: To control the use of the site and to prevent the sub-division of pitches in the interests of local amenity.

Informatives:

1. This permission is granted for the following reasons:

The development is in accordance with the Policies and Proposals of the Development Plan set out below, and other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted.

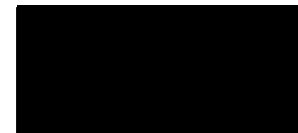


2. The Local Planning Authority has taken account of the following development plan policies and proposals:-

Hampshire County Structure Plan Review: C1, C2

Winchester District Local Plan Proposals: C1, C2, C7, C16, C23, EN5

Emerging Development Plan- WDLP Review Deposit and Revised Deposit: DP3 DP6, C1, C6, C9, C26



Director of Development
10 October 2005

Carousel Park,

Basingstoke Road, Micheldever

**WINCHESTER CITY COUNCIL
PLANNING DEPARTMENT**

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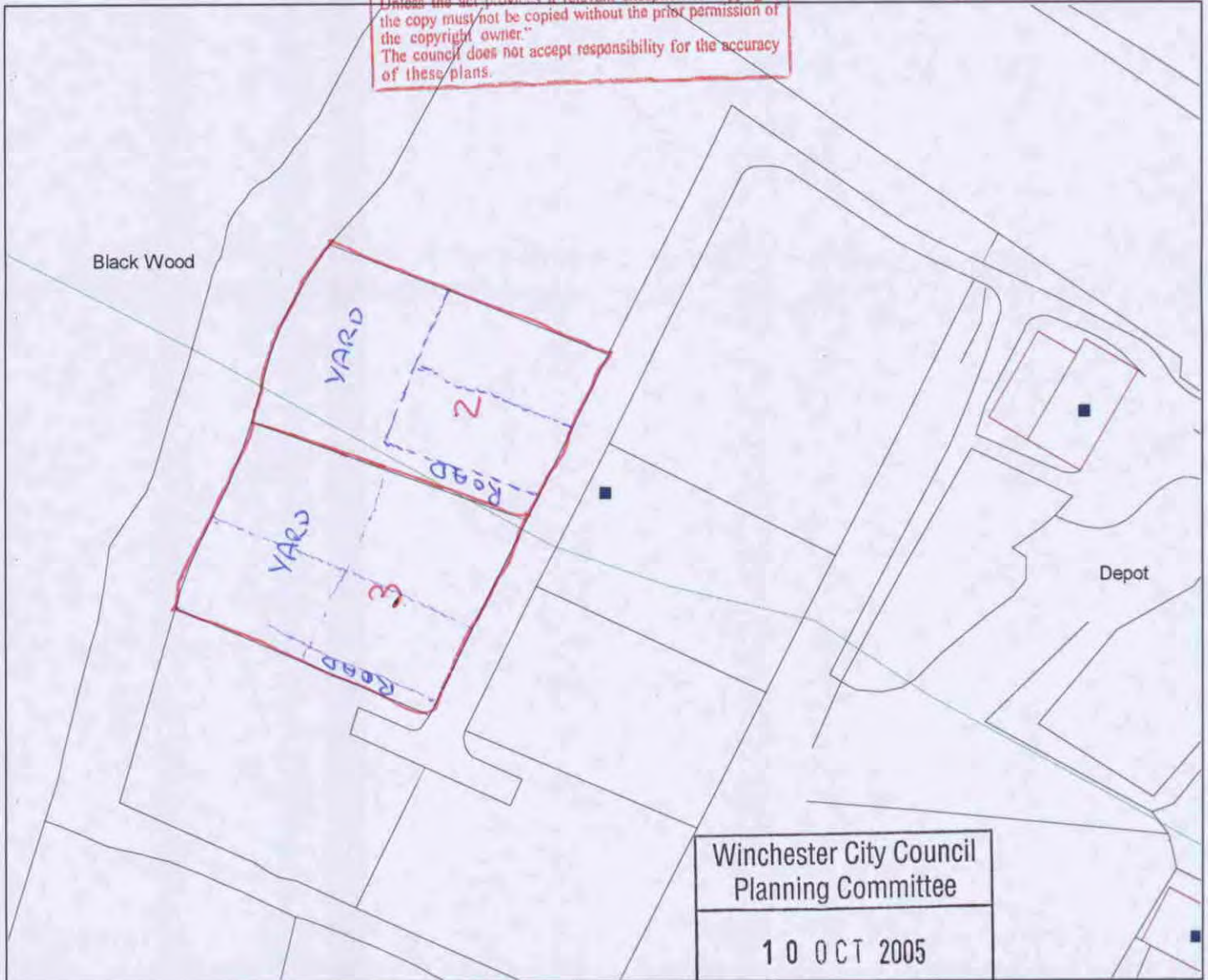
26 JUL 2005



Winchester
City Council

W05589/15

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Winchester City Council
Planning Committee

10 OCT 2005

PERMISSION GRANTED
SUBJECT TO CONDITIONS



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Legend

SCANNED
02 AUG 2005

Scale: 1:1250

Organisation	Winchester City Council
Department	Development Services
Comments	UPRN: 010000028754
Date	14 July 2005
SLA Number	00018301

APPENDIX 2

Mr P Burton
c/o Brimble Lea And Partners
Wessex House
High Street
Gillingham
Dorset SP8 4AG

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

GRANT OF PLANNING PERMISSION

Case No: 02/01022/FUL
W Ref No: W05589/12
Grid Ref: 454108 141899

Change of use of agricultural land to travelling showpeoples' site

Land Rear Drivers Diner Micheldever Winchester Hants

In pursuance of its powers under the above mentioned Act, the Council, as the Local Planning Authority hereby GRANT permission for the above development(s) in accordance with the plans and particulars submitted with your application received on 18 April 2002 as amended by plans received on 6 January 2003 and subject to compliance with the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990.

2. A detailed scheme for landscaping, tree and/or shrub planting shall be submitted to and approved in writing by the Local Planning Authority before development commences. The scheme shall include a method statement demonstrating that the scheme can be implemented without damage to existing trees and shall specify species, density, planting, size and layout. The scheme approved shall be carried out in the first planting season following the occupation of the building or the completion of the development whichever is the sooner. If within a period of 5 years from the date of planting, any trees, shrubs or plants die, are removed or, in the opinion of the Local Planning Authority, become seriously damaged or defective, others of the same species and size as that originally planted shall be planted at the same place, in the next planting season, unless the Local Planning Authority gives its written consent to any variation.

Reason: To improve the appearance of the site in the interests of visual amenity.

3. No development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Landscape maintenance shall be carried out in accordance with the approved schedule.

Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by landscape features of communal, public, nature conservation and historic significance.

4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan for each pitch indicating the positions, design, materials and type of boundary treatment and gates to be erected, the position of all areas of hardstanding and storage, the position and sizes of all residential caravans and any other temporary or permanent structures or buildings and the areas of open amenity space. Development shall be carried out in accordance with the approved details before the pitches are first occupied.

Reason: In the interests of the visual amenities of the area and to control and define the use of the site.

5. No vehicles, equipment, caravans, mobile homes or other structures on the site are to exceed 4.5 metres in height above ground level.

Reason: In the interests of the visual amenity of the area.

6. Details of any floodlighting to be provided on the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The floodlighting shall be installed, operated and maintained in accordance with the approved scheme.

Reason: In the interests of the amenities of the occupants of nearby properties.

7. No maintenance, repairs or testing of equipment or vehicles shall be carried out other than between the hours of 0730 and 1800 Monday to Friday and 0730 and 1800 Saturdays and at no time on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of the occupiers of nearby properties.

8. The access road shall be constructed in accordance with details to be first submitted to and approved in writing by the Local Planning Authority and shall thereafter be retained for the access and turning of vehicles and for no other purpose.

Reason: In order to protect the amenities of the locality.

9. The site shall not be occupied until drainage works have been carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure satisfactory provision of foul and surface water drainage.

10. There shall be a maximum of three caravans or mobile homes occupied for residential purposes on each pitch. Any additional touring caravans used by the travelling showpeople may be stored within the defined storage areas but may not be occupied for residential purposes at any time.

Reason: To control the number of residential mobile homes and caravans on the site in the interest of the amenity of the area.

11. There shall be no more than 9 family pitches on the site and the pitches may not be sub-divided at any time.

Reason: To control the use of the site and to prevent the sub-division of pitches in the interests of local amenity.

12. There shall be no open storage within the pitches other than within the approved storage areas. The defined storage areas shall not exceed 50% of the area of each pitch.

Reason: In order to protect the amenities of the locality.

13. In the event that the site ceases to be used for the purposes of travelling showpeople, it shall be restored to its former condition. All structures, hardstandings, equipment, vehicles and materials brought onto the site in connection with the use shall be permanently removed from the land within 12 months of the use ceasing.

Reason: To protect the local environment from unnecessary development should the use cease in the future, in an area of countryside where development is only permitted for exceptional reasons.

14. The bunds and ditches shall be constructed in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The works shall be completed before the site is first occupied.

Reason: In the interests of the visual amenity of the area.

15. No more than 50 people shall occupy the site at any time.

Reason: To control the number of people occupying the site in the interest of the amenity of the area.

Informatives:

1. The Local Planning Authority has taken account of the following development plan policies and proposals:-

Hampshire County Structure Plan Review: C1, C2, T5, E6, E8

Winchester District Local Plan Proposals: C1, C2, C7, C16, C23, EN4, EN5, EN7, EN15, T8, T9

Emerging Development Plan- WDLP Review Deposit and Revised Deposit: DP1, DP3, DP5, DP6, DP14, C1, C6, C9, C26, T2, T4



Director of Development Services
2 October 2003

**PLANS WERE
HERE IN THIS
DOCUMENT.
THEY HAVE BEEN
SCANNED AND
INDEXED AS
'PLANS'.**

APPENDIX 3

Aerial Image Dated 01/01/2000



12/2000

© 2023 Infoterra Ltd & Bluesky

Google Earth

Imagery Date: 1/1/2000 51°10'25.71" N 1°13'34.37" W elev 113 m eye alt 650 m

Aerial Image Dated 01/01/2005



12/2005

Image © 2023 Getmapping plc

Google Earth

Imagery Date: 1/1/2005 51°10'25.71" N 1°13'34.37" W elev 113 m eye alt 650 m

Aerial Image Dated 26/04/2008



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Google Earth

Imagery Date: 4/26/2008 51°10'31.14" N 1°13'50.33" W elev 111 m eye alt 650 m

Aerial Image Dated 09/04/2017



Aerial Image Dated 02/09/2018



Image © 2023 CNES / Airbus

Google Earth

Imagery Date: 9/2/2018 51°10'31.75" N 1°13'49.87" W elev 112 m eye alt 650 m

Aerial Image Dated 21/09/2019



Image © 2023 CNES / Airbus

Google Earth

Imagery Date: 9/21/2019 51°10'25.71" N 1°13'34.37" W elev 113 m eye alt 650 m

Aerial Image Dated 26/06/2020



Image © 2023 CNES / Airbus

Google Earth

Imagery Date: 6/26/2020 51°10'31.29" N 1°13'49.88" W elev 111 m eye alt 650 m

Aerial Image Dated 30/07/2020



Google Earth

Imagery Date: 7/30/2020 51°10'25.71" N 1°13'34.37" W elev 113 m eye alt 650 m

Aerial Image Dated 26/04/2022



Image © 2023 CNES / Airbus

Google Earth

Imagery Date: 4/26/2022 51°10'31.62" N 1°13'48.19" W elev 110 m eye alt 650 m

APPENDIX 4

Neutral Citation Number: [2009] EWHC 3841 (Admin)

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

ADMINISTRATIVE COURT

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: Friday, 18 December 2009

Before :

David Elvin QC

(sitting as a Deputy High Court Judge)

Between :

THE QUEEN

**ON THE APPLICATION OF
EAST SUSSEX COUNTY COUNCIL**

Claimant

and

**(1) SECRETARY OF STATE FOR COMMUNITIES
AND LOCAL GOVERNMENT**

(2) MICHAEL ROBINS

(3) GARY ROBINS

Defendants

Computer-Aided Transcript of the Stenograph Notes of
WordWave International Limited
A Merrill Communications Company
165 Fleet Street London EC4A 2DY
Tel No: 020 7404 1400 Fax No: 020 7831 8838
(Official Shorthand Writers to the Court)

Miss L Busch (instructed by Sharpe Pritchard) appeared on behalf of the Claimant
Mr J Clay (instructed by Heringtons) appeared on behalf of the Second and Third
Defendants

APPPROVED JUDGMENT

The Deputy Judge (David Elvin QC):

1. This is an application under section 289 of the Town and Country Planning Act 1990 (“the 1990 Act”) for permission to challenge an enforcement appeal decision of the Secretary of State's inspector given by letter dated 7th August 2009 (“the decision letter”), allowing an appeal against an enforcement notice served by the applicant, East Sussex County Council (“the County Council”), which notice was dated 19th November 2008 (“the Notice”). At the hearing Miss Busch represented the applicant County Council and Mr Clay represented the second and third defendants, Mr Michael and Mr Gary Robins, who were the successful appellants against the enforcement notice before the inspector. The Secretary of State was not represented.
2. While this is a permission hearing, this concerns an appeal following an enforcement inquiry which turned substantially on a point of law and evidence was not called. Although the issue before me may be considered susceptible of argument up to a point, I have formed a clear view on the legal issue which lies at the heart of this application. Since I have concluded that the inspector was plainly correct as a matter of law, the challenge must fail. I therefore will refuse permission but, given the circumstances, it seems appropriate that I should explain in a little more detail than usual for a permission hearing why I have reached this decision.
3. The enforcement notice relates to a site at Robins of Herstmonceux, Sandbanks, Chilsham Lane, Herstmonceux in East Sussex, shown on a plan attached to the enforcement notice comprising two parcels lettered A and B. Although it is not material to this application the site lies in the countryside forming part of the High Weald Area of Outstanding Natural Beauty which is subject to highly restrictive planning policies protective of its visual amenity and nationally important landscape qualities.
4. The Notice was issued under section 171A(1) (a) of the 1990 Act and, having described the land, it recited that:

“**This notice** is issued by the Council because it appears to them that there has been a breach of planning control within paragraph (a) of Section 171A(1) of the above Act, at the land. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations.”

5. The Notice alleged the following breach of planning control:

“Without planning permission there has been an unauthorised change of use of the land to a mixed use of land including for the importation, deposit, processing and storage of waste materials.”

6. It then stated the reasons its issue, which related to adverse effect on the AONB and through traffic in narrow country lanes, and then set out the steps to be taken in order to restore matters and remedy the breaches of planning control:

"What are you required to do:

1. Cease the use of the land (Areas A and B) for the importation, deposit, storage and processing of waste material. The term 'waste

materials' includes, but is not exclusively, concrete, bricks, paving slabs, hardcore, road planings, tyres, plastics, metals and cable.

The time for compliance: one day after this Notice takes effect."

7. Two further steps were specified, both with their own times for compliance, three in all, but like reason 1, which I have quoted, all related to removing the effects of waste activities -- if I can put it that crudely -- on the site and restoring the land.
8. The notice was said to take effect on 20th December 2008, unless it was appealed. The attached plan shows two areas of land, but it is common ground before me, as it was before the inspector, that the areas of land comprised a single planning unit over which it was alleged there had been a single breach of planning control, namely a material change of use to a mixed use relating to waste as set out above.
9. The Robinses appealed the Notice, thus suspending its effect, on grounds (b), (d), (f) and (g) set out in section 174(2) of the 1990 Act. It is important to note the following matters which were common ground between the parties. Firstly, as I have already mentioned, although two areas were shown on the plan attached to the Notice it was common ground that they formed a single planning unit. Secondly, the breach of planning control was a breach caused by the material change to a single though mixed use comprising waste and related uses. Thirdly, the mixed use comprised matters which were both "county matters", i.e. matters within the scope of the powers and duties of the county council as planning authority and also matters within the scope of the powers of the district council as local planning authority within section 1 of the 1990 Act (which I will refer to as "district matters" for convenience). The definition of what is a "county matter" is found in s. 1(5)(c) and Schedule 1 to the 1990 Act. It is at the heart of the issue before me that the mixed use was a single composite use although it comprised what might be termed both county and district elements. Section 1(5)(c) excepts from the general allocation in section 1 of planning functions between local and county planning authorities those functions which are specified in Schedule 1.
10. The County Council maintains that at no time (save in respect of a minor issue recorded at paragraph 19 of the decision letter) has it sought to under-enforce in respect of the breach of planning control specified in the Notice. On that basis, certain elements of the mixed use which were not the subject of the required remedial action by the Notice would receive deemed planning permission under section 173(11) of the 1990 Act. The County Council's case was that the county and district elements of the mixed use should both be enforced against but, since the County Council only had power to enforce against county matters, it was possible to "decouple", or separate, the county and district elements of the breach of planning control and enforce only against the county matters, that is to say those relating to waste activities.
11. Miss Busch confirmed that it had been made it clear to the inspector that the intention of the County Council was simply to decouple the district matters from the enforcement notice so as to avoid the deeming effect of section 173(11) in respect of them in reliance on what was perceived to be the effect of the Court of Appeal's judgment in **Fidler v The First Secretary of State** (2005) 1 P & CR 12.
12. Mr Michael Robins and Mr Gary Robins appealed to the Secretary of State and alleged that the notice was fatally flawed having regard to the requirements of section

173 of the 1990 Act and the guidance in Section 2 of the Annex to Circular 10/97 "Enforcing Planning Control". The Robinses' planning witness, Mr Noel (who also provided a witness statement in the proceedings), made it clear in his proof of evidence (section 6 in particular), exchanged in advance of the inquiry, that the Notice failed to specify the various elements of the alleged change of use to a mixed use and set out in some detail and discussed what the elements might be and why they were objectionable.

13. As the inspector stated in paragraph 3 of the parallel costs decision letter, which was issued with the decision letter on the enforcement appeal on 7th August 2009:

"The appellants' evidence gave clear notice of the issues that would be advanced with regard to the contents of the notice and the letter from the Planning Inspectorate dated 24 July 2009 also drew attention to the eventual outcome of the appeal as one of the options likely to be available. The County Council accepts that the points put in relation to its interpretation at paragraphs 2.10 and 2.11 of *Circular 10 of 97, Enforcing Planning Control: Legislative Provisions and Procedural Requirements*, which would require an explicit departure from established national policy, are uncertain."

14. As that passage notes, PINS had written a letter at the inspector's request on 24th July, although I accept, as Miss Busch stated, that the letter was received only one working day prior to the commencement of the inquiry. Nonetheless the position had been made clear, as the inspector found, from the appellant's planning evidence.
15. At the appeal the inspector heard submissions regarding the form of the Notice and the allegations of the breach and the consequences of correction of the Notice and submissions which appear to be substantially along the lines of those that were advanced to me by Miss Busch today – in other words, that it was possible to decouple county and district matters so that the County Council could enforce against county matters only and avoid engaging section 173(11) and deeming planning permission for the district elements of the breach.
16. The inspector allowed the appeal and directed that the Notice be quashed and made an award of costs against the County Council. He did so, rejecting Miss Busch's submissions, because of what he identified as defects in the Notice which he considered could not be cured by amendment without causing prejudice to the appellants.
17. In paragraph 2 of the decision letter the inspector noted that the inquiry had proceeded solely on the basis of submissions and that evidence had not been called. Exceptionally, the inspector had announced his decision at the inquiry and at paragraph 3 noted that it was not necessary to carry out a site visit because of his decision. At paragraphs 5 and 6 he set out the background to his decision, including the following:

"6. Having reviewed the submitted evidence, a letter to the parties from the Planning Inspectorate dated 24 July 2009 expressed my view that, having regard to the advice in *Circular 10/97 Enforcing Planning Control: Legislative Provisions and Procedural Requirements*, the allegation was uncertain and that it would have to be corrected to

enable a proper consideration of the grounds (d) appeal."

18. At paragraphs 7 to 12 he recorded the evidence and the submissions of both sides. In particular, he recorded the submissions of Miss Busch at paragraphs 10 and 11 that **Fidler v The First Secretary of State** permitted a planning authority to distinguish between breaches of planning control and to avoid taking enforcement action which amounted to under-enforcement with the effect of deeming the grant of planning permission as a result of section 173(11). He also noted the submission that paragraph 2.10 of the Annex Circular 10/97 had to be read in the light of that analysis and the fact that under-enforcement was permitted as Carnwath LJ had noted in the **Fidler** case. He referred to the fact that there had been some to-ing and fro-ing over the course of the inquiry, considering various forms of amendment to the notice which had been proposed. At paragraphs 13 to 22 the inspector set out his decision and conclusions:

"13. The form of words used in any notice is a matter for the local planning authority. However, the principle established in *Miller-Mead v Minister of Housing and Local Government* [1963] 2 QB 196 is that the person to whom the notice is issued must be told fairly what he had done wrong and what he must do to remedy it from within the four corners of the document. In my opinion, the notice that is the subject of this appeal does not meet that test. In particular, the use of the word 'including' in the allegation confirms that not all the components of the mixed use alleged have been identified. Furthermore, requirement (ii) as set out above seeks to protect activities which are not specified in the allegation. Therefore, the issue for me to consider is whether the notice may be corrected and/or varied using the power available under S176(1) of the Act without causing injustice to either party.

14. The effect of S173(11) is also material to my consideration. This provides that where an enforcement notice could have required buildings or works to be removed, or an activity to cease, but has stipulated some lesser requirement, (under-enforcement), which has been complied with, then planning permission shall be deemed to be granted under S73A for that operation or use once the notice has been fully complied with.

15. Whether a particular notice 'could have required' something is contingent upon the terms of the allegation. Where there are allegedly unlawful activities or works on the land but they are not referred to in the allegation, the notice could not have required them to cease or be removed and S173(11) does not impact upon them except where they are integral to and/or facilitate the material change of use. My understanding of the section of the EPL referred to me by Miss Busch is that it does no more than confirm this principle.

16. Where it emerges during an appeal that they have inadvertently omitted any component of the mixed use from the allegation local planning authorities are advised in paragraph 2.11 of Circular 10/97 how they might avoid planning permission being granted under S173(11) in mixed use cases, such as that before me. In short, that

advice is to withdraw the notice and issue another.

17. In my opinion, this paragraph and the passages in the EPL read together highlight the potential consequences of an incomplete description of an alleged mixed use and reinforce the importance of an accurate specification in the notice as set out in paragraph 2.10 of Circular 10/97. For this reason I do not accept the construction that Miss Busch placed upon these passages in her submission and disagree with her that the provisions of paragraph 2.10 of Circular 10/97 do not apply in this case.

18. Moreover, I appreciate that the County Council has focussed on those matters within its remit in drafting the notice and, in that respect, believe that the omission of other components of the mixed use to be intentional rather than inadvertent. Nevertheless, in the County Council's written evidence there is also the suggestion that the District Council is investigating the appropriateness of enforcement action being taken in respect of another aspect of the use of the site. This illustrates the difficulty faced by the appellants in responding to the notice. As Mr Clay stated, a full description of the alleged mixed use could have given rise to an appeal on other grounds, including (c) and/or (a)

19. Although I do not consider that the County Council's final suggested allegation would materially alter the position for the appellants, I believe that the revised allegation suggested by Mr Clay and initially accepted in general terms by Miss Busch in her opening submissions may have allowed the defects identified to be addressed. However, in Document 1, the County Council confirms that it is only willing to under-enforce to the extent of allowing the agricultural contracting and supply activities (including the provision of agricultural lime and topsoil supplies) in Area A to continue. This would still leave some components of the appellants' revised allegation untouched by the requirements as drafted and set out above.

20. The potential consequences of S173(11) for the County Council could therefore only be avoided by widening the scope of the requirements to include the cessation and/or removal of other elements of the alleged mixed use. Paragraph 2.11 of Circular 10/97 confirms that this is not normally possible without causing injustice to an appellant. My understanding of the written evidence is that other grounds of appeal and/or arguments in respect of the uses that should be protected as being lawful would be likely to arise and I therefore agree with Mr Clay that injustice would be caused to the appellants in this case. However, not to widen their scope would cause injustice to the County council were the allegation to be corrected, the notice to be upheld and the more limited requirements suggested then be compiled with since it had not intention to grant planning permission by default for development that was not within its remit.

21. To summarise, I believe that not to correct the allegation would

cause injustice to the appellants and that there would also be injustice to them if a corrected allegation in the terms suggested on their behalf were to be accompanied by requirements consequently varied to widen their scope. However, I consider that there would be injustice to the County council if the allegation were corrected to include all the components of the mixed use alleged but the scope of the requirements were then not to be widened so as to avoid the possibility of any under-enforcement.

Conclusions

22. For the reasons given above I conclude that the enforcement notice does not specify with sufficient clarity the alleged breach of planning control or the steps required for compliance. It is not open to me to correct the error in accordance with my powers under section 176(1)(a) of the 1990 Act as amended since injustice would be caused were I to do so. The enforcement notice is invalid and will be quashed. In these circumstances the appeals under the various grounds as set out in section 174(2) of the 1990 Act as amended do not fall to be considered.”

19. The costs decision letter (which followed Mr Clay's application on behalf of the Robinses) recorded a number of matters which were relevant to the consideration of this application, particularly those at paragraphs 4, 5, 7 and 8:

“4. The County Council does not accept that it has behaved unreasonably in seeking to defend the notice at the Inquiry. A number of changes to the wording of various parts of the notice were considered and discussed during the course of the Inquiry. However, these were largely inconsequential and more a matter of tidying-up the drafting to improve the clarity of the allegation and the requirements. The County Council's purpose was not to enforce against the whole of the mixed use, only against the waste transfer element. This has always been the clear intention.

5. It is accepted that the interpretation of paragraphs 2.10 and 2.11 of Circular 10/97 as they apply in this case is open to argument. However, it is a reasonable point of law to advance and one that is more generally applicable. In such cases the consequences of a county council following the advice in paragraph 2.10 of Circular 10/97 and detailing all the components in a mixed use but then enforcing only against the waste element that is its concern, could be to grant planning permission under S173(11) by default for matters within the purview of the relevant district council. That this is not the intended outcome in this case is not an unreasonable argument to make and in defending the appeal on this basis the County Council has not behaved unreasonably.

6. I have considered this application for costs in the light of Circular 8/93 and all the relevant circumstances. This advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused another party to incur or waste expense unnecessarily.

7. Having regard to the totality of the County Council's written evidence, I consider that it was possible to infer that its concern was only with the alleged waste uses at the site. I also appreciate the practical difficulties that can arise where a county council, as the waste planning authority, take the lead on an enforcement action where there may also be doubts about the lawfulness of other activities at the site which fall within the remit of the district planning authority. However, I believe that this can be resolved by a co-ordinated approach rather than, as in this case, seeking to direct the notice against only those elements of the mixed use that fall within the County Council's purview by limiting the description of the alleged breach of planning control.

8. I therefore believe that the County Council's drafting of the notice has left both the allegation and the requirements unclear and I have set out in my decision why I considered it necessary to quash the notice. In summary, paragraph 2.10 of Circular 10/97 states that, where a material change of use to a mixed use is alleged, all the component elements of the mixed use should be specified in the allegation (my emphasis). Paragraph 2.11 of Circular 10/97 sets out advice where the omission of any component of a mixed use from the allegation comes to light. It suggests that, in circumstances where the provisions of S173(11) might apply if the notice is corrected to include the missing component(s) and that this would, in effect be an unforeseen and/or unintended outcome, the notice might be withdrawn and another issued.”

20. It was plain from both the appeal and costs decision letters that the inspector considered the County Council's position to be misconceived, First, it was agreed that the mix of uses forming the alleged breach of planning control was not properly described in Notice. The use of the word "including" was particularly unfortunate, because it made it clear that what followed it was not a complete description and did not make clear what the allegations were. This is important, as a matter of public policy, because those who are affected by such notices should know what is being alleged and what steps have to be taken with respect to them. It is also important, because in due course if the enforcement notice takes effect and the steps are not complied with they may be followed by prosecution. The breaches should be specified because it is also important to know what action has been taken to enforce against a particular property which will appear from the planning register which is open to the public.
21. Secondly, the notice should have reflected and described the mix of uses alleged to constitute the breach of planning control if, as appeared to be the case here, the planning authority was not seeking to under-enforce but to catch all the matters comprising the breach, hence the omnibus word "including" - although it attempted to decouple the district issues from the Notice. Indeed, section 173(1) (a) of the 1990 Act requires the an enforcement notice to state “the matters which appear to the local planning authority to constitute the breach of planning control” and this cannot in my judgment be taken to allow a description of only part, or aspects, of a single breach.
22. The County Council sought to remove the non-county matters from the scope of the

Notice but this left the allegation of the single mixed use unclear (and inaccurate) and it fell to be corrected following the advice in the Annex to 10/97 paragraph 2.10. It is helpful to quote both paragraphs 2.9 and 2.10 of the guidance since they make it clear at least what must be contained in the notice with regard to the specification of the breach of planning control:

“An enforcement notice must enable every person who receives a copy to know-

- exactly what, in the LPA's view, constitutes the breach of control; and.
- what steps the LPA require to be taken, or what activities are required to cease, to remedy the breach.

It must also specify whether the breach is regarded as carrying out development without planning permission, or a failure to comply with any condition or limitation. Enforcement notices are not improved by over-elaborate wording or legalistic terms: plain English is always preferable. An eventual prosecution under section 179 of the 1990 Act may fail if the Court finds the terms of the notice incomprehensible to the lay person.

'Under-enforcement' and deemed planning permission

2.10 Section 173(11), as amended, corresponds substantially to the previous section 173(8) of the 1990 Act, except that, after full compliance with the requirements of an enforcement notice, the provisions apply to any remaining uses or activities on the land and to any remaining buildings or works. It deals with the situation where 'under-enforcement' has occurred, by providing that planning permission shall be treated as having been granted for the development or the activity, as it is in the state resulting from the owner or occupier having complied with the enforcement notice's requirements. As the section applies to all the remaining uses or activities on land once the enforcement notice has been complied with, LPAs should ensure that they identify all the relevant breaches of planning control involving the use of land before they issue an enforcement notice. Where the land is in mixed use, it is important that the notice should allege a change of use to that mixed use, specifying all the component elements in the notice's allegation. The deemed application for planning permission under section 177(5), arising from any appeal against the notice, which the Secretary of State or a Planning Inspector will need to consider, should properly relate to the mixed use in its entirety, not just to those elements of the use which the LPA may have identified as being in breach of planning control and which are covered by the notice's requirements. This is because the planning merits of a particular use of land will not necessarily be the same, where that use is only one of a number of uses taking place, as the planning merits of that use where it is the land's sole use ...”

23. Thirdly, looking at the mixed use enforced against, the inspector considered that the Notice was too vague and did not properly specify all the elements of the breach so

that it was clear to the recipient what effect it was intended to have. Those who have an interest in the land enforced against need to know what is alleged against them, what they may appeal against and, ultimately if the Notice is upheld, what they must do in order to avoid prosecution.

24. Fourthly, as the inspector stated in paragraph 7 of the cost decision letter, the question of the mix of county and district matters could be resolved by co-operation between the relevant planning authorities.
25. Fifthly, whilst the notice could be amended to specify the alleged uses forming the mix, and thus accurately describe the material change of use alleged, this could not be done without causing prejudice to the appellants who had not appealed on all grounds - and they might well have wished to maintain ground A or C appeals in respect of all of some of the uses, once the planning authority had formulated more precisely the allegation of breach. Indeed it is clear from the papers that the appeal was based on the allegations relating to waste and that no steps had been taken, absent any appropriate wording in the Notice, in relation to any of the district elements of the mixed use. It was plainly prejudicial to the Robinses for them not to have an opportunity to appeal against such matters if the notice were amended so that the single breach of planning control was properly described. The inspector therefore concluded that whilst the Notice might be amended to specify accurately the elements forming the mixed use, he could not do so without causing prejudice to the appellants and therefore quashed the notice.
26. At inquiry and before me Miss Busch mounted a forceful argument that:
 - i) The judgment of the Court of Appeal in **Fidler** did not require planning authorities to enforce against all breaches of planning control and that, as against those breaches not specified in an enforcement notice and not enforced against, the deeming effect of section 173(11) did not apply.
 - ii) It was a matter for the planning authority to determine to what degree it wished to taken enforcement action and it had a discretion whether or not the under-enforce, although as I have mentioned there was no intention to under-enforce in this case except to the limited extent indicated.
 - iii) The district elements of the breach could be removed from the description of the breach in the Notice comprising the mixed use and then only minor corrections should have been necessary in order to specify the uses in a satisfactory fashion removing the word "including" and perhaps describing the waste uses in a little more detail. This could be done, it was said, without causing prejudice to the appellants. The district planning authority would then be free to deal with the other breaches in its own time.
 - iv) The inspector had erred in applying paragraph 2.10 of the annex to Circular 10/97 in requiring the whole mixed use to be specified to avoid the effects of section 173(11). **Fidler** made plain that a planning authority could choose not to enforce at the time by limiting what was enforced against them, therefore avoiding the deeming under section 173(11). The inspector fell into error, it was submitted, by requiring all these elements of the mixed uses to be stated and therefore contrary to **Fidler**, preventing the deliberate choice of the county not to enforce against all those breaches. Thus the prejudice that the inspector

identified only arose, she said, due to his unlawful insistence upon the inclusion of all the elements of the mixed use, both county and district, in the Notice. This was a misreading of paragraph 2.10 and a misunderstanding of **Fidler**.

27. I do not consider that these propositions are correct and do not consider that they are arguable. I turn first to consider the statutory framework. The enforcement provisions in the Town & Country Planning Act are found in part VII of the Act. They support the provisions in Part II of the Act which require the grant of planning permission either expressly or by development order for anything amounting to “development” within the meaning of section 55 of the 1990 Act (which includes a material change of use).
28. If development takes place without planning permission then a panoply of enforcement powers are available to the planning authority. These are set out primarily in Part VII of the 1990 Act.
29. Section 171A contains the fundamental provision:
 - “1. For the purposes of this Act-
 - (a) carrying out development without the required planning permission....

constitutes a breach of planning control.
 - (2) For the purposes of this Act-
 - (a) the issue of enforcement notice (defined in section 172)...

constitutes taking enforcement action.”
30. Section 171B of the 1990 Act sets various time limits for enforcement action which are not relevant to my consideration here. The provisions also allow an additional extension to the period for a "second bite" of enforcement action in circumstances which I need not detail here. They were relevant to the **Fidler** case but they are not relevant to the present case.
31. The main provisions with regard to the service of enforcement notices and appeals against them are set out in sections 172 to 174. Under section 172 it is for the judgment of the planning authority whether it is "expedient" to take enforcement action where it appears to them that there has been a breach of planning control. There are then provisions as to the service of copies of the enforcement notice and when the notice should be served.
32. Section 173(1) is important to the issue here and states (so far as is material):
 - "(1) An enforcement notice shall state:
 - (a) the matters which appear to the local planning authority to constitute the breach of planning control; and.
 - (b) the paragraph of section 171A(1) within which, in the opinion of

the authority, the breach falls.

(2) A notice complies with subsection (1)(a) if it enables any person on whom a copy of it is served to know what those matters are.

(3) An enforcement notice shall specify the steps which the authority require to be taken, or the activities with the authority require to cease, in order to achieve, wholly or partly, any of the following purposes..."

33. Subsection (4) goes onto consider the purposes of remedying the breach, or any injury to amenity and gives examples in subsection (5) as to what may be comprised in the notice so far as the remedial actions are concerned.

34. Subsection (11) provides a deeming provision in the case of what is termed "under-enforcement". Subsection (11):

"Where-

(a) an on enforcement notice in respect of any breach of planning control could have required any buildings or works to be removed or any activity to cease, but does not do so; and

(b) all the requirements of the notice have been complied with

then, so far as the notice did so require, planning permission should be treated as having been granted by virtue of 73A in respect of development consisting of the construction of the buildings or works or, as the case may be, the carrying out of the activities."

35. Section 174 contains provisions regarding an appeal against the enforcement notice and it allows appeals on various grounds which I need not detail in their entirety though I note that: under ground (a) in section 174(2), an appeal may be made on the basis that planning permission should be granted for the development which comprises the breach of planning control; under ground (b) an appeal may be launched on the basis the breaches alleged had not occurred; under ground (c) it may be alleged that the matters alleged do not constitute a breach of planning control; or under (d) that no enforcement action could be taken because of the expiry of the particular periods applicable to the breaches under section 171B. Appeals are also available in respect of allegations that the steps required by the notice are excessive, under ground (f) or that the time for compliance is insufficient, under ground (g). Enforcement appeals are made to the Secretary of State are usually delegated to inspectors. Importantly, what is appealed against is the enforcement notice and the matters said by that notice to constitute a breach of planning control.

36. With regard to the determination of the appeals, there is power in section 176 to "correct any defect, error or misdescription in the enforcement notice" or "vary the terms of the enforcement notice" (section 176(1)). However, these powers to correct or vary can only be exercised only if the Secretary of State's inspector

"is satisfied that the correction or variation will not cause injustice to the appellant or the local planning authority".

37. In respect of the division of functions between county planning authorities and local planning authorities, Schedule 1 of the 1990 Act (as applied by section 1(5)(c)) sets out detailed provisions as to the allocation of jurisdiction. Under paragraph 1 of Schedule 1 "county matters" are defined in extensive terms comprising in detail various activities relating to the mineral and extractive industries. The final category of county matters is in paragraph 1(1)(j):

“the carrying out of any operation which is, as respects the area in question the prescribed operation or an operation of the prescribed class or any use, which is, as respects that area, a prescribed use or use of a prescribed class.”

38. The power to prescribe uses or classes has been exercised by the Secretary of State in the Town & Country Planning Act (Description and County Matters) England) Regulations 2003 SI No 1033, to specify, amongst other things, the use of land -

“wholly or mainly for the purposes of recovering, treating, storing, processing, sorting, transferring or depositing of waste.”

39. It follows that, broadly, waste planning functions are a “county matter”. The functions of the local planning authorities are set out in subsequent provisions and at paragraph 11(b) the functions of the local planning authority in respect of the issuing of enforcement notice under section 172 are those of the district planning authority subject to the provisions of subparagraphs (2) to (4). In other words, unless otherwise provided by sub-paragraphs 11(2) to 11(4), enforcement notices must be served by the district planning authority. Paragraphs (2) to (4) provide as follows:

“(2) In a case where it appears to the district planning authority the district of the non metropolitan county that the functions mentioned in subparagraph (1) relate to county matters, they shall not exercise those functions without first consulting the county planning authority.

(3) Subject to subparagraph (4) in a non metropolitan county those functions should also be exercisable by a county planning authority in a case where it appears to that authority that they relate to a matter which should properly be considered a county matter.

(4) In relation to a matter which is a county matter by virtue of any provisions of paragraph 1(1)(a) - (h) the functions of a local planning authority specified in subparagraph (1)(b) shall only be exercisable by the county planning authority in their capacity as mineral planning authority.”

40. Therefore, unless the case is one where it appears to the county planning authority that the breach of planning control relates to a matter which "should properly be considered a county matter", then it is for the district planning authority to bring enforcement action.

41. The district planning authority is not prohibited from taking enforcement action if that action includes enforcing against breaches of planning control which are county matters, although it must first consult with the county planning authority before doing so. If the matter, however, is wholly a county matter, then the power to take

enforcement action is only exercisable by the county planning authority: see paragraph 11(4).

42. This being a case where both district and county elements were intermingled, and the breach of planning control was not considered to be solely a county matter, this was a case which fell within paragraph 11(2) of Schedule 1 to the 1990 Act - namely a case where the enforcement notice should have been served by the district council albeit in consultation with the county council as county planning authority. I make it clear that this is not a case where the County Council sought to argue that, as a matter of reasonable judgment, the breach could properly be considered in the round as solely a county matter e.g. by reference to its predominant character. That case was not before the inspector or the Court.
43. I mention in passing that although paragraph 11 specifies the allocation of powers between district and county authorities in respect of enforcement action, the validity provisions of the Town & Country Planning Act 1990 do not allow enforcement notices generally to be invalidated on the basis that the wrong planning authority issued the enforcement notice: see section 286(2) of the 1990 Act and the notes to the Planning Encyclopaedia at P285.06. I need not spend time considering the relationship of the validity provisions with paragraph 11 since, in this case, the issue is not the validity of the Notice having been issued by the wrong authority but the inspector's decision in relation to the substance of the notice and whether or not to correct it.
44. The genesis of the modern enforcement regime is the report of Robert Carnwath QC (as he then was) "Enforcing Planning Control" (1990), which recommended a series of reforms to remove many of the technicalities of pre-1991 law which had bedevilled the law of planning enforcement and had led to numerous judicial criticisms of the state of the law. These are summarised in the case of **R v Jarmain** [2000] 2 PLR 126 which is quoted in the **Fidler** case. The recommendations of the Carnwath Report were implemented by the Planning and Compensation Act 1991. That Act removed much of the undesirable technicality of the earlier law and requires, as Carnwath LJ himself held in the **Fidler** case, a much less technical approach to enforcement action. Nonetheless, that does not mean that under the current law care is not required in ensuring compliance with the statutory requirements.
45. Indeed, the passages in the judgment of Brooke LJ in **Jarmain** quoted in **Fidler** at first instance by Richards J (as he then was), at paragraph 29, made clear that the new provision should be looked at without undue technicality and with the intention to introduce a more flexible and sensible system as the Carnwath Report had intended. This suggests, to my mind, the need to focus on the actual breaches of planning control and, subject to questions of immunity from enforcement action or any deliberate decision to under-enforce, the provisions ought to be approached on the basis that Parliament intended breaches of planning control should be dealt with as clearly and simply as possible.
46. Here, in my judgment, the inspector was rightly concerned that the Notice failed to reflect the breach which was said to have occurred and thus did not specify what it was so that it was clear what was alleged and what action was required to end the breach of planning control. It therefore failed to set out "the matters which appear to the local planning authority to constitute the breach of planning control" (section

173(1)(a)) and did not comply with the requirement in section 173(2) that it “enables any person on whom a copy of it is served to know what those matters are”.

47. While there will no doubt be scope for judgment as to how the breach or breaches are described, and the level of detail thought necessary (subject to compliance with section 173(2)), that does not extend to conferring on the planning authority the ability to specify only part or aspects of the breach of planning control, particularly where the breach comprises a single material change of use. Such a partial description could not be regarded as reasonable compliance with section 173(1)(a) and (2).
48. In my judgment the inspector was correct to distinguish this case from **Fidler** which was a case in which section 173(11) was sought to be applied to a notice covering a site with multiple planning units and multiple breaches of planning control. The point in **Fidler** was that where there were a series of breaches of planning control, section 173(11) would only apply to those breaches which were specified in the notice and it was open to the planning authority to avoid the deeming effects of section 173(11) by not including other breaches in the enforcement notice. This can be seen by reference to the detailed facts set out at first instance by Richards J [2003] EWHC (Admin) 2003 at paragraphs 1 to 11, 31 to 36 and 101. In contradistinction, the present case concerns an allegation of a single breach of planning control on a single planning unit.
49. The function of the concept of the planning unit, as Bridge J explained in **Burdle v Secretary of State** [1972] 3 All ER 240 is to provide a reference point for determining whether a material change of use has occurred, since the use is determined by reference to the unit of occupation of land. There is no issue here but that there was one unit of occupation, so the inspector had to determine that question in that context.
50. As I have already noted, this is not a case where the County Council had decided on public interest grounds to under-enforce (even if it could have done so in respect of district matters) but to proceed against all perceived breaches subject to the minor exception recorded by the inspector. In my judgment, it failed in that aim since the Notice which was poorly drafted, as the inspector found, and did not properly describe the nature of the breach of planning control said to have occurred. This was not merely an intensification case such as referred to in **Fidler**, where the description of the uses may be less important. On the contrary, the evidence put in by the appellants to the inquiry made it quite clear to the County Council their concerns as to what uses were potentially in issue and what the consequences might be if they were properly described.
51. This sort of issue is likely to occur whenever county and district planning jurisdictions overlap. It is for that purpose that the planning code in paragraph 11 of Schedule 1 to the 1990 Act deals with that point and provides, in the case displaying mixed county and district matters, co-operation between authorities and the issuing of enforcement notice by the district planning authority rather than the county.
52. Once that position is reached, in my judgment the following conclusions flow from it and what I have said with regard to section 173. First, the various elements of the mixed use comprising the breach must be described (within the bounds of reasonableness and not to a degree of technical perfection), so it is sufficiently clear what breach of planning control is enforced against and what steps are to be taken in order to remedy it. Secondly, it is not open to a planning authority to leave out

material elements comprising an alleged single breach of planning control, since that would fail to comply with section 173(1)(a) of the 1990 Act. It should be described having regard to section 173(2) and the guidance at paragraph 2.10 of the Annex to Circular 10/97 which is, in my judgment, entirely apposite.

53. Thirdly, it follows that in such a case attempting to leave out “district elements”, quite unlike the situation in **Fidler**, does not involve selecting between different breaches of planning control on different planning units across a larger site but wrongly, in my judgment, leaves out material elements of the single composite breach of planning control contrary to s. 173(1) and (2). **Fidler** is not authority for such an approach. What the County Council sought to do here was not to enforce only against some out of multiple breaches (as in **Fidler**) but in, essence, to require the inspector to misdescribe a single breach of planning control in a mistaken attempt to enforce without triggering section 173(11) in a case where it should have sought the assistance of the district planning authority.
54. In my judgment, therefore, where a single mixed use comprises the sole breach alleged by a county planning authority it is not open to it to decouple elements of it which are considered to fall within the jurisdiction of another planning authority. If that county planning authority finds that it cannot reasonably consider the breach of planning control as a whole to be a county matter under paragraph 11(3) of Schedule 1, then the correct approach is to ask the district planning authority to take action in co-operation with the county authority.
55. Since there was no intention to under-enforce, and section 173 had not been complied with, in my view the inspector had no option but to require the breach to be properly described to meet the requirements of section 173, following the guidance in the Circular and then to conclude that since the proposals to amend would be so extensive, this would cause prejudice to the appellants.
56. It follows that, in my judgment, although the issue is one which requires some analysis of the statutory provisions and the nature of the mixed use enforced against, once that point is reached it is clear that the inspector was correct and had no reasonable option to do other than he did. That in any event what he did was plainly open to him as a matter of law.
57. I have reached a clear view that the application for permission must fail although it was made for the perhaps understandable reason that the county planning authority wished to pursue enforcement against what was regarded as a harmful breach of planning control. However, for the reasons I have indicated, it was not open to them to decouple district matters and enforce only against what was perceived to be the county elements of the breach. In my judgment, the County Council’s case is not arguable and I refuse permission.
58. MISS BUSCH: Thank you very much.
59. THE DEPUTY JUDGE: Mr Clay?
60. MR CLAY: My Lord there is an application for costs on behalf of the second and third defendants. I appreciate this is a permission hearing.
61. THE DEPUTY JUDGE: Yes.

62. MR CLAY: It is however at the end of the line in that there is no appeal from here to the Court of Appeal. This is effectively the Court of Appeal. So if I could invite your Lordship just to quickly turn to P289.22 which confirms that.
63. THE DEPUTY JUDGE: 289.22.
64. MR CLAY: Point 22. So in that respect your Lordship's judgment is particularly welcoming that it clearly sets out the basis on which the end of the line is reached. If your Lordship could then turn back, there is some helpful commentary on costs, which distinguishes this kind of case from judicial review.
65. THE DEPUTY JUDGE: If it assists Mr Clay, essentially you have had the hearing you would have had if permission had been granted and it had proceeded to a full hearing. Because it is a pure point of law and the inspector dealt with this as a matter of law and judgment, this is why I decided to give fuller reasons than normal because it is the sort of case where you do would not get any out of the full hearing than you do out of a permission hearing. Once you get to the point of law, you have got to the point whether you do it at a permission hearing or at a substantive hearing. So effectively you have had a full hearing on the merits. Miss Busch's points were very clearly put, and yours were put in your skeleton, although I did not allow you to develop them orally, so effectively we have had the equivalent of a full hearing.
66. MR CLAY: My Lord, yes, on that basis the general rule that applies here is that costs would follow the event save where we are following on from the Secretary of State and would be the costs of the Secretary of State.
67. THE DEPUTY JUDGE: It is not a Bolton case where you are a second defendant following the Secretary of State.
68. MR CLAY: My Lord, no. Therefore in those circumstances, I apply for the costs of the second and third defendant. There is a summary assessment of costs which has been provided to the--
69. THE DEPUTY JUDGE: Have you received that?
70. MR CLAY: -- to the claimants and I can hand up a copy of that to your Lordships if it assists. My Lord I turn to the bottom line, so your Lordship has seen the figure. It does include the cost of Mr Mill who instead of the solicitor preparing the witness statement, it was felt that it was useful if he prepared it because he had prepared the evidence and he also set out the full history of the various to-ings and fro-ing and the adjournments and the measures taken by the appellants to make clear their position in advance of the hearing. I understand that your Lordship did have the opportunity to see that witness statement and the enclosures within it which has not been included in the claimant's bundle. I understand that (inaudible) is resisted but I will allow my learned friend to respond.
71. THE DEPUTY JUDGE: Miss Busch on the point of principle and the detail?
72. MISS BUSCH: So far as the point of principle is concerned, it is I acknowledge a permission hearing.
73. THE DEPUTY JUDGE: But it is a permission hearing that effectively determines the

issue.

74. MISS BUSCH: There is either way of two options. Either permission is refused, in which case the interested parties have nothing to worry about. Or, if it were to be granted, there would be a formal hearing and then they have the opportunity to attend. That is the first point. The second point is that they are interested parties, the second defendants, however you refer to them. But the person who has charge of defending the decision now of the inspector is the Secretary of State. Again it is really a matter for the second and third defendants as to whether or not they wish to appear.
75. THE DEPUTY JUDGE: It is right that I appreciate Bolton is judicial review as opposed to -- it is actually challenged, is it not? The Bolton principle is not a principle that only the Secretary of State gets his costs but that there should only be one set of costs.
76. MISS BUSCH: (Inaudible) Yes. But my point is, as a general matter, when the Secretary of State (inaudible) it is for the Secretary of State to take a view as to whether or not permission to act in defence and what stage the decision of the inspector, so far as the interested parties are concerned it is a matter of choice. That applies equally, in my submission, irrespective of whether or not the Secretary of State actually attends. Those are two key points. In the sense it is said the interested parties have nothing to lose by not attending since they could have got a refusal of permission free as it were, or, as I say, if permission had been granted, it is anticipated there would be a further hearing which they had to attend at that stage.
77. THE DEPUTY JUDGE: There is an entitlement to appear, is there not, under section 289?
78. MISS BUSCH: Sorry my Lord?
79. THE DEPUTY JUDGE: I said there is an entitlement for prospective defendants to appear on a 289 application as they are heard in open court. It is not made without notice.
80. MISS BUSCH: No.
81. THE DEPUTY JUDGE: It is not like a paper application for permission or an oral renewal where only one party turns up.
82. MISS BUSCH: No my Lord, but an entitlement for example in Huang is entirely consistent is what I say. Of course they are entitled to turn up, it is a simply matter of choice. It is their choice whether or not they do so.
83. THE DEPUTY JUDGE: What do you say about the quantum?
84. MISS BUSCH: Quantum I respectfully submit is excessive. Just dealing with a problem which may or may not have explanations either understand the present. Paragraph 3 on the first page, documentation, with reference to documents such as counsel proofs of evidence, worry the proofs of evidence been drafted I do not know. That is plainly not a statement where there is a witness statement. But that is dealt with elsewhere, in paragraph 4, partner's fee. So why 6 hours was spent creating documentation, again seems rather excessive. The particular proofs of evidence

should go out of there. Strutt and Parker I think we really dispute that we should pay any of these costs because it was purely on a point of law. There is no need for planning evidence to go in at all in particular. So really we challenge all of that. On their own schedule fees, paragraph 4 "review of draft skeleton argument prepared by counsel", I say it is a pure point of law, I do not see why a planning expert should be involved. Similarly preparation of draft witness statement. Since it put in evidence procedures being (inaudible). Again it is not relevant to the question of whether the inspector's decision was lawful. Similarly attendance at conference of counsel, why a planning witness had to attend with counsel, when there is a pure point of law. I do not think that is necessary. There is a further 1.25 hours of finalising the signing of the witness statement. Reviewing a further skeleton. We have not seen a further skeleton. Similarly why a planning expert needs to attend a hearing on a point of law plainly to call up to give evidence and cross-examine. So most, if not all, of those costs we should not be held liable for. It is completely unnecessary. They appear to be double counting as regards costs of the proof of evidence in the main schedule.

85. There is one more point before I forget it, which is I am asked by my instructing solicitor to obtain a special certificate, which is a certificate referred to in Part 43 of the CPR. The respondents are unable to recover that set out. This is an important point to us because if this element has to be paid, that authority do not allow counsel to set off or seek repayment of VAT. No service having been rendered by the respondent's advisors to the counsel.
86. THE DEPUTY JUDGE: But this is a summary assessment.
87. MISS BUSCH: Yes.
88. THE DEPUTY JUDGE: Is not a special certificate only needed if there is a detailed assessment of costs? This being a hearing of under a day, assuming I am with Mr Clay, he should have more than the acknowledgement of service equivalent fees. All I am going to do is to assess the figures in the round, so they will be what they are. I mean a certificate is needed if a matter is disallowed and it goes to a detailed assessment, is it not? Do not take it as gospel but check with your instructing solicitor that my understanding is correct. Would you like to take instructions?
89. MISS BUSCH: Yes (Pause). Yes my Lord, that is fine. So yes. One other thing I mention. I acknowledge that this has not been in substance to be taken to be the full hearing, but it is our view that counsel's fees of £4,000 for what was appended to be an half-an-hour permission hearing--
90. THE DEPUTY JUDGE: You came armed with a lengthy speaking note Miss Busch?
91. MISS BUSCH: Yes.
92. THE DEPUTY JUDGE: On that basis you were anticipating having to deal, as you did, with the meat of the matter. You cannot be surprised that Mr Clay turns up -- albeit that because I was against you I did not ask him to elucidate very much -- but you cannot be surprised that he was instructed to turn up to do the same for his clients, can you?
93. MISS BUSCH: It was listed for half-an-hour. The speaking note was longer. I hope it enabled one to rattle through things. I am asked to raise the point.

94. THE DEPUTY JUDGE: Of course you are.
95. MISS BUSCH: So, yes, those are my points.
96. THE DEPUTY JUDGE: Mr Clay you only need to address me on the quantum.
97. MR CLAY: My Lord, first of all, just dealing with the one by one attendance on the client.
98. THE DEPUTY JUDGE: Can I tell you the point that is concerning me most and I think Miss Busch has some force, which is the Strutt and Parker element. I am not entirely sure, though I read the witness statement, that it did not really enlighten me as to the legal grounds. This has always been a challenge on a point of law. I am not sure really why it was necessary to involve your planning witness in producing a witness statement.
99. MR CLAY: My Lord the reasons for doing so were that, first of all, that it was thought that it would assist the court if they saw the other documents which had been in front of the inspector where submissions had been made and indeed where he provided his own handwritten initial decision on this. So for completeness you would have seen I think included within Mr--
100. THE DEPUTY JUDGE: The documents could have been produced and put in the bundle without the need for a witness statement or a planning witness.
101. MR CLAY: They could have been but of course the great benefit of it being put in this context in a witness statement, rather than me putting it into a skeleton argument, is that we could set out the sequence of events, if you like, where they were submitted and the circumstances where they were submitted and Mr Noel's evidence deals with all of the process: how we responded to the inspector's initial letter that was issued before the inquiry and how we dealt with matters during the enquiry, the submissions that were made and so on, showing this was a process. We were keen that the court should have a clear picture and my Lord your judgment actually records the events that occurred I think when they were put to Miss Busch right at the beginning.
102. THE DEPUTY JUDGE: It would be fair to say in response, Mr Clay, that I derived that from reading the main bundles. I did, after I read the main bundle and read your planning consultant's witness statement but I did get everything that I needed out of the main bundle.
103. MISS BUSCH: It is recorded in the inspector's decision.
104. THE DEPUTY JUDGE: I know it is.
105. MR CLAY: My Lord this could have been dealt with of course by the solicitor making the witness statement.
106. THE DEPUTY JUDGE: Mr Clay to be brutal, you could simply have sent the additional documents to Miss Busch's solicitor and said: "Will you please include these in the bundle."
107. MR CLAY: The bundles were issued before we were in any position to contribute.

Either way we felt it was helpful that you had the proper record of what occurred on the day and all of the documents that might be relevant to your decision. In the event if those were not as helpful as we hoped they would be, that perhaps does not mean that they were not put forward for that purpose and might not have been of assistance even if the case would have turned on them. So, for that reason, you will see that the solicitor's involvement in this is very little. Indeed we have had the benefit of Mr Noel being here during the whole of this hearing today in case there was some point.

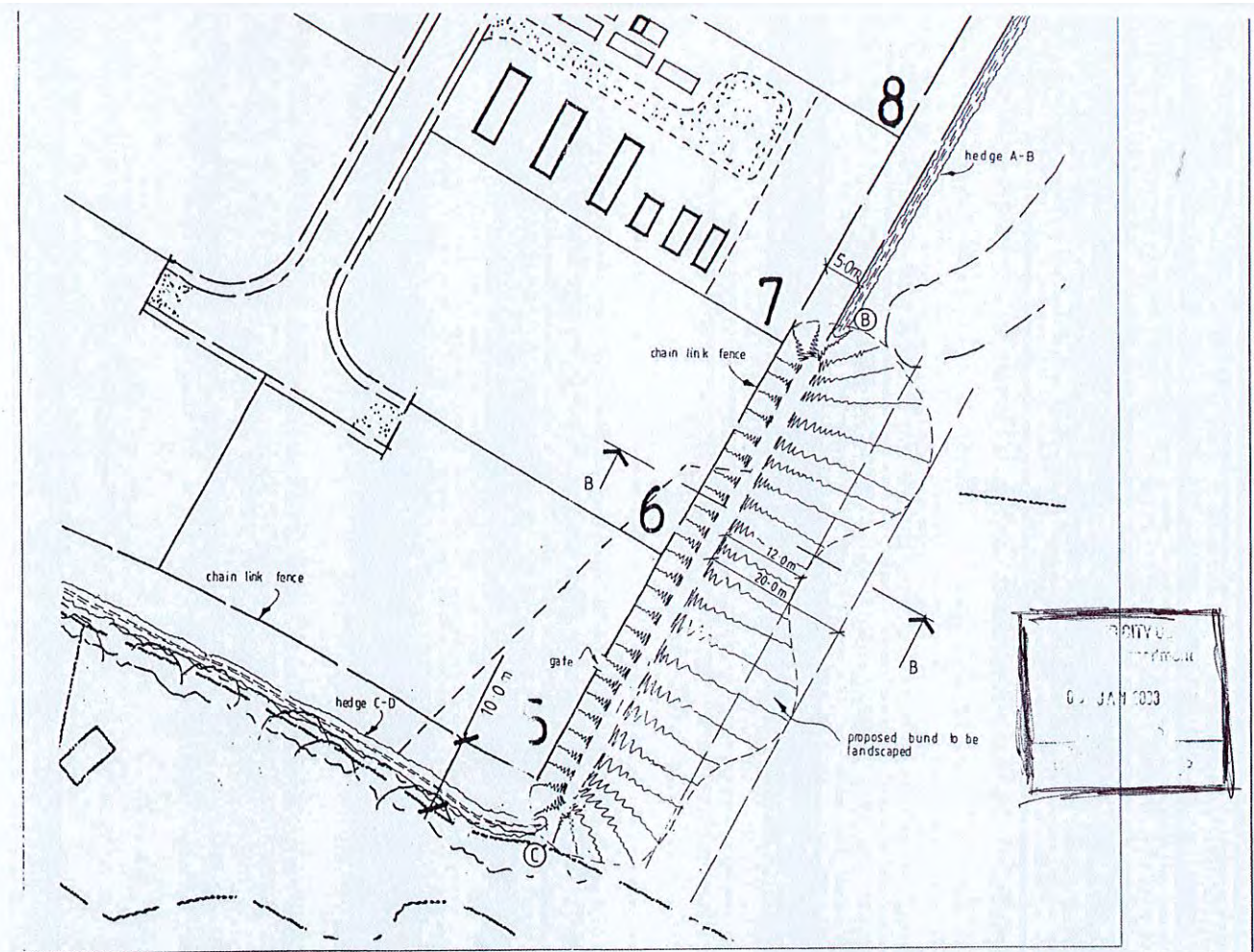
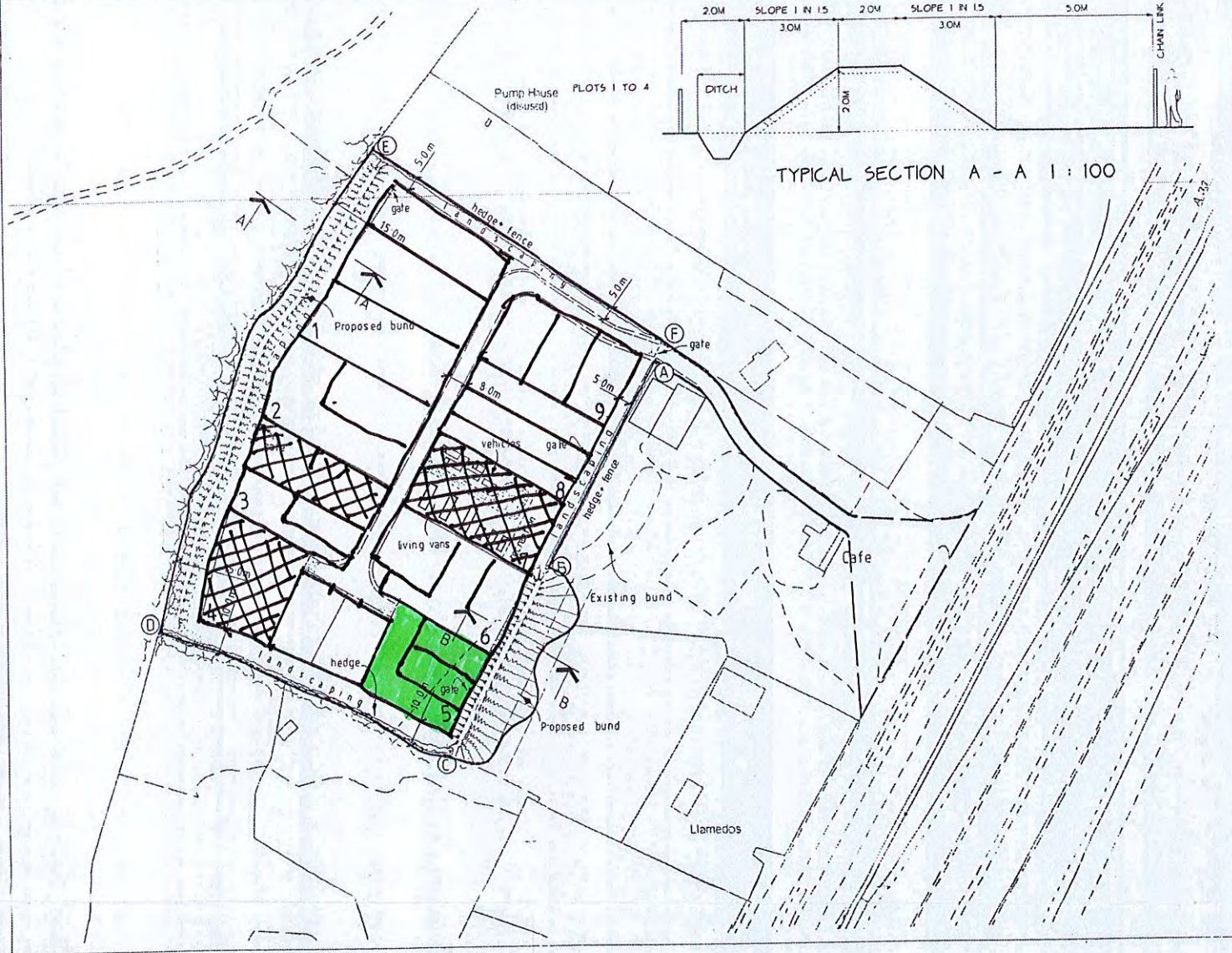
108. THE DEPUTY JUDGE: The reality is in a case like this that the planning consultant is fulfilling the role of the solicitor. The solicitor is required because we are now into litigation not at inquiry.
109. MR CLAY: My Lord, yes. The position here is that of course the planning consultant who has attended had been responsible for the evidence and so on, was probably the person best placed to assist if there were any questions of fact that were required to be dealt with at the hearing on the day. He has been here and you will note that he has been here for free as far as this is concerned.
110. THE DEPUTY JUDGE: Thank you.
111. MISS BUSCH: The costs of attending are charged at paragraph 9 of the skeleton.
112. MR CLAY: Three hours. We have had a good deal out of him today to put it that way. My Lord unless I can assist you further. You have seen the reasons. It was well intentioned and there to assist you and I hope it is helpful.
113. THE DEPUTY JUDGE: I am satisfied on the question of costs that because of the particular nature of section 289 applications, albeit that it is a permission hearing, it is a permission hearing which has ended the application because there is no appeal from my decision. It is also a case where because to get to the point of law, it was necessary to go through the issues, and because I have reached a clear view on the issues, the parties have had a full albeit relatively short hearing as might have occurred at the substantive stage, it seems to me this is right where I should exercise my discretion and award costs almost as if this had been a full hearing. However, it was not entirely a full hearing or anticipated to be one - albeit that it became one. But I am prepared to award costs on a more general basis than a permission hearing would be dealt with on an ordinary judicial review. That said, issue is taken with the statement of costs which are put forward on behalf of the second and third defendants. This is only an application for one set of costs, so I do not see that the Bolton principles are infringed simply because they are awarded to the Robinses rather than to the Secretary of State since the Secretary of State has not attended.
114. It does seem to me that it was unnecessary to put in the detailed witness statement from Mr Noel, that whilst it was well intentioned and I understand why, the reality is that this being a challenge on a point of law, the details could be taken more than adequately from the two decision letters of the inspector and from the trial bundle and, had extra documents needed to be included, then I would have expected them simply to have been given to the Claimant to be added to the back of the bundle.
115. Doing the best I can, factoring in that this is a permission hearing and not a full hearing, and that I consider that there has been some unnecessary expenditure on costs, I take a broad view and assess the costs to be paid by the Claimant to the

Defendants in the sum of £7,000.

116. MR CLAY: I am much obliged my Lord.

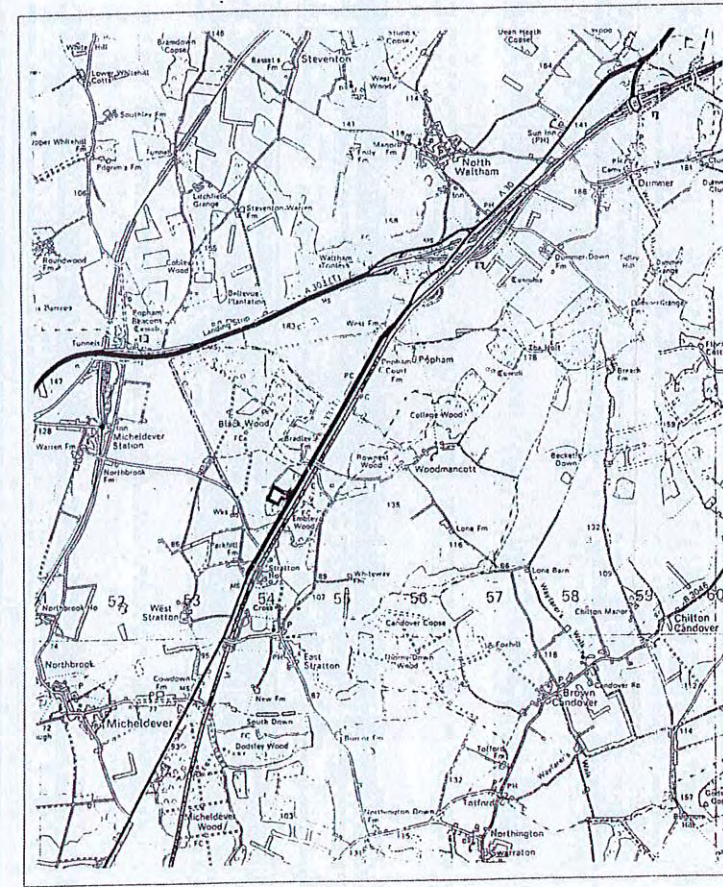
117. THE DEPUTY JUDGE: Is there anything else? Can I thank you both, particularly Miss Busch for being prepared to deal with the points so quickly. Thank you both for your assistance.

APPENDIX 5



BLOCK PLAN 1:500
BASED ON ENLARGEMENT OF SU 5441

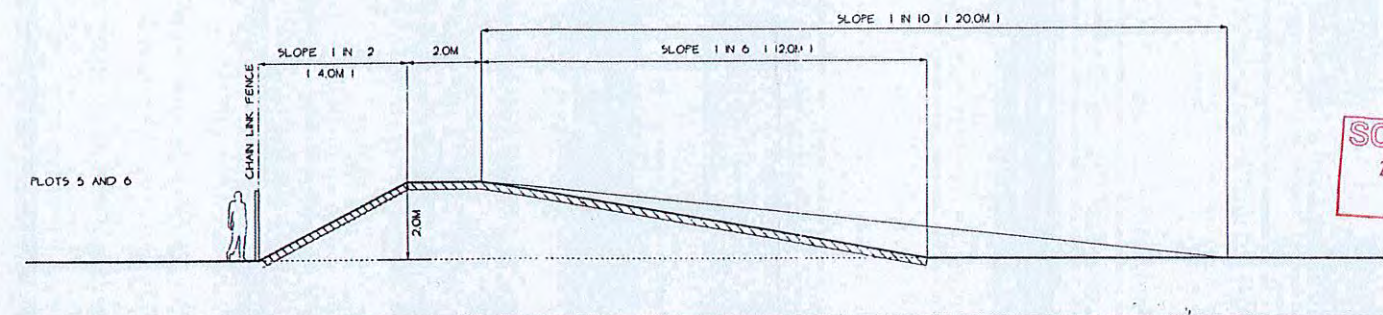
BUND DETAILS ADJACENT PLOTS 5 AND 6



BLOCK PLAN 1:1250
THIS PLAN IS FOR IDENTIFICATION ONLY AND IS BASED ON ORDNANCE SURVEY PLAN SU 5441 WITH THE SANCTION OF THE CONTROLLER OF H.M. STATIONERY OFFICE. CROWN COPYRIGHT RESERVED.



LOCATION PLAN 1:50000
THIS PLAN IS FOR IDENTIFICATION ONLY AND IS BASED ON OS LANDRANGER PLAN 105 WITH THE SANCTION OF THE CONTROLLER OF H.M. STATIONERY OFFICE. CROWN COPYRIGHT RESERVED.



LANDSCAPING

- NITIF HEDGEROW PLANTING ALONG THE NORTH EASTERN SOUTH WESTERN AND PART SOUTH EASTERN BOUNDARIES COMPRISING:

SPECIES	MX	SIZE
FIELD MAPLE	40I	0.45 - 0.6M BARE ROOT
QUICKTHORN	40I	0.45 - 0.6M BARE ROOT
BLACKTHORN	10I	0.45 - 0.6M BARE ROOT
GUelder ROSE	10I	0.45 - 0.6M BARE ROOT
- WOODLAND EDGE MX BETWEEN HEDGEROW AND PERMETER FENCE COMPRISING:

SPECIES	MX	SIZE
FIELD MAPLE	5I	0.45 - 0.6M BARE ROOT
ALDER	5I	0.45 - 0.6M BARE ROOT
QUICKTHORN	5I	0.45 - 0.6M BARE ROOT
BLACKTHORN	5I	0.45 - 0.6M BARE ROOT
OAK	60I	0.45 - 0.6M BARE ROOT
ASH	10I	0.45 - 0.6M BARE ROOT
- HEDGEROW PLANTS TO BE PLANTED AT 4 PER LINEAR METRE IN A DOUBLE STAGGERED ROW, 300MM APART BETWEEN POINTS A-D / C-D / E-F
- 50M / 100M WIDE LANDSCAPING AREAS AND BUND PLANTING
WOODLAND EDGE MX PLANTS TO BE PLANTED IN RANDOM GROUPS OF 7 - 15 OF THE SAME SPECIES AT 15M CENTRES. ALL TREES AND SHRUBS TO BE PROTECTED BY 0.6M HIGH PLASTIC TREE SHELTERS AND LOG AREAS AROUND EACH TREE AND SHRUB MAINTAINED AND WEED FREE DURING THE FIRST 2 YEARS OF ESTABLISHMENT.
- 1.8M HIGH GREEN PLASTIC COATED CHAIN LINK FENCE SUPPORTED ON METAL OR CONCRETE POSTS FIXED IN ACCORDANCE WITH BS 1722 - 1:1999 PART 1.
- LOTS 1, 3, 5 AND 6 SHALL HAVE A PEDESTRIAN GATE PROVIDED WITHIN THE CHAIN LINK FENCE TO ALLOW ACCESS FOR THE MANAGEMENT OF THE LANDSCAPING SCHEME.

TYPICAL SECTION B - B 1:100

7. BUNDS TO BE FORMED WITH SUITABLE COMPACTED SUB-SOIL FREE FROM LARGE STONES AND ROOTS GRADED TO DIMENSIONS GIVEN AND FINISHED WITH MN 50MM OF STONE FREE MEDIUM LOAM / NEUTRAL / TOPSOIL.

8. MANAGEMENT
PLANTING SHALL BE CARRIED OUT BEFORE THE END OF THE FIRST AVAILABLE PLANTING SEASON FOLLOWING SUBSTANTIAL COMPLETION OF THE DEVELOPMENT.
IN THE FIVE YEAR PERIOD FOLLOWING THE SUBSTANTIAL COMPLETION OF THE DEVELOPMENT ANY TREES, SHRUBS OR HEDGEROWS THAT ARE REMOVED WITHOUT THE WRITTEN CONSENT OF THE LOCAL PLANNING AUTHORITY OR WHICH DIE OR BECOME I IN THE OPINION OF THE LOCAL PLANNING AUTHORITY / SERIOUSLY DISEASED OR DAMAGED SHALL BE REPLACED AS SOON AS REASONABLY PRACTICAL AND NOT LATER THAN THE END OF THE FIRST AVAILABLE PLANTING SEASON WITH SPECIMENS OF SUCH SIZE AND SPECIES AND IN SUCH POSITIONS AS MAY BE AGREED WITH THE LOCAL PLANNING AUTHORITY.
IN THE EVENT OF ANY DISAGREEMENT THE LOCAL PLANNING AUTHORITY SHALL CONCLUSIVELY DETERMINE WHEN THE DEVELOPMENT HAS BEEN COMPLETED, WHEN SITE CONDITIONS PERMIT, WHEN PLANTING SHALL BE CARRIED OUT AND WHAT SPECIMENS, SIZE AND SPECIES ARE APPROPRIATE FOR REPLACEMENT PURPOSES.

- REVISIONS
- A 19-03-02 AMEND SITE LAYOUT
 - B 07-10-02 AMEND SITE LAYOUT AND LANDSCAPING REQUIREMENTS
 - C 24-12-02 AMEND LANDSCAPING REQUIREMENTS

BRIMBLE, LEA & PARTNERS
Chartered Architects
Planning Consultants & Surveyors
Wasson House, High Street, Gillingham, Dorset SP8 4AG
Telephone (01747) 823232 Facsimile (01747) 825363

PROJECT
CHANGE OF USE OF LAND TO TRAVELLING SHOWPEOPLES SITE
LAND ADJACENT TO DRIVERS DINER, MICHELDEVER, HAMPSHIRE.

DRAWING
DETAILED PROPOSALS
LOCATION AND BLOCK PLANS

SCALE	DRAWING No	REVISION
DATE DEC 2002	02-44-01	C

APPENDIX 6



Appeal Decision

Site Visit made on the 12th January 2021

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 January 2021

Appeal Ref: APP/Q3305/W/20/3246321

Willow Brook Stables, Marsh Road, Standerwick, FROME, BA11 2PZ

- 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 Jim Griggs against the decision of Mendip District Council.
 - The application Ref 2019/1458/FUL, dated 8 June 2019, was refused by notice dated 4 December 2019.
 - The development proposed is the change of use of land with associated ancillary development to one Gypsy and traveller pitch.
-

Decision

1. The appeal is allowed and planning permission is granted for the change of use of land with associated ancillary development to one Gypsy and traveller pitch at Willow Brook Stables, Marsh Road, Standerwick, FROME, BA11 2PZ in accordance with the terms of the application, Ref. 2019/1458/FUL, dated 8 June 2019, and the plans submitted with it, subject to the conditions set out in the attached Schedule.

Applications for costs

2. An application for costs has been made by the appellant against the Council. This is the subject of a separate decision.

Preliminary Matter

3. An objector to the proposal raises doubt about the status of the intended user **of the pitch (the appellant's brother) as a Gypsy**, however, the Council does not contest his status as complying with the definition set out in the annexe to Planning Policy For Traveller Sites (PPTS) and I have no reason to take a different view.

Main Issue

4. The main issues are whether the proposed additional Gypsy/traveller pitch would, in conjunction with existing sites, upset the balance with the settled community and harm the character of the area.

Reasons

Background

5. The site lies to the rear of a short frontage of properties and two other Gypsy and traveller pitches in an area of open countryside away from any defined

settlement. **It is proposed to develop a further pitch for the appellant's brother** with a static van, day room and space for a touring van and parking spaces.

General policy context

6. The proposal needs to be considered with the provisions of the development plan and the material consideration of national guidance. Various policies in the Mendip District Local Plan-Part 1 (adopted in 2014) are mentioned in the reason for refusal. Of these Policy DP1 relates to 'Local Identity and Distinctiveness' but it is not clear how the proposal would conflict with any of the three criteria set out in the policy. Policy DP7 concerns the 'Design and Amenity' of new development and sets out factors that new development should meet. Again the Council has not specified how this policy is conflicted with but it may be that the scale of the development is not considered appropriate for the area (criterion a) and there is also an issue about the protection of the amenity of users of adjoining buildings (criterion b) . Moreover, I note that criterion (c) seeks to optimise the potential of a site in line with the policy.
7. Policy DP15 is pertinent to the appeal regarding Gypsies and travellers and part 1 deals with the allocation of sites to meet the local need, while part 2 sets out criteria to consider new Gypsy and traveller sites against. The Council does not put forward a case that the proposal conflicts with any of the first four bullet points and the only part of the 5th point relevant to the reason for refusal is whether the proposal would have a significant adverse impact on the character of the area. I will consider this in the main issues.
8. In terms of the national guidance, the PPTS indicates in paragraph 25 that sites in open countryside away from settlements should be very strictly limited and sites in rural areas should respect the scale of and not dominate the settled community and avoid placing any undue pressure on the local infrastructure. The first part of this guidance reflects the Council's concern about the appeal proposal.
9. The PPTS also advises under Policy B that Councils should identify and annually update a five year supply of new sites set against a locally derived target. I understand from the officer report to the Board that the Site Allocation Document pursuant to the first part of Policy DP15 is some way off and the Council accepts that it cannot demonstrate a supply of deliverable sites at the moment to meet the requirements of the PPTS. The Council also recognises that the present high level of need for Gypsy and traveller pitches in the area should be given significant weight as there are no other affordable and acceptable sites available.

Whether balance would be upset

10. The appellant and the Council disagree over the area in which the settled community and the number of Gypsy and traveller sites should be assessed. The appellant's agent favours looking at the whole parish while the Council has looked at a relatively local area as broadly enclosed by Marsh Road and the A36. There are shortcomings with each approach **but taking the Council's** one as a starting point, this suggests that there are 13 settled households locally whereas it estimates that there are 10 Gypsy and traveller pitches and therefore the Council state that such pitches already represent 43% of the community. The appellant disputes the exact number of pitches at Moors Barn

and while the figures involved are not great, any variation can have a significant effect on an arithmetic ratio. However, taken at face value, the figures put forward do not suggest, even at its most local basis, that the settled community would be dominated by the presence of an additional site as proposed.

11. At the site visit I noted the array of permanent dwellings along the Marsh Road frontage in the vicinity of the site together with the two Gypsy and traveller sites as developed by the appellant. In this very local area, it appeared to me that the scale of the settled community by far exceeded the Gypsy and traveller accommodation and the additional pitch proposed would not dominate this balance in visual terms. I also noted the occupied caravan site at the sharp bend further to the north-west (Moors Barn) but that appeared to be visually distinct from the local environs of the appeal site, as it was separated by open fields.
12. In terms of either absolute numbers or by physical or visual effects I find that the proposal in cumulation with the existing provision would not lead to the settled community being dominated. Moreover, the Council does not suggest that the proposal would give rise to a state which would place undue pressure on local infrastructure and services. I therefore find that the proposal would be of a scale which respects the local area and does not conflict with the guidance set out in the PPTS particularly paragraph 25.

Effect on the character of the area

13. The appeal site lies to the rear of a pair of existing Gypsy and traveller sites in a frontage of a few detached and semi-detached properties along Marsh Road. There is therefore a cluster of built development around the appeal site in an area of generally open countryside. Moreover, the adjoining property to the north-west, Foxes Drove Cottage, has an extensive and well-landscaped garden which screens views of the appeal site from the north-west. Consequently, views of the proposed Gypsy and traveller site, with its static van, touring caravan and day room would not be visually prominent when viewed from the public realm or in the wider rural landscape.
14. I am satisfied that visually and physically the appeal site would not harm the character or appearance of the area, and there is no conflict with the general provisions of Policies DP1 or DP7. Moreover, in terms of the specific policy DP15, although the appeal site is not close to services and facilities, as per the 2nd bullet point, this has to be balanced by its location adjoining the existing sites in the same family group. Taken as a whole, I find that the proposal accords with part 2 of Policy DP15.

Other matters

15. Local objectors to the proposal say that the appeal site incorporates land that used to be a local by-way known as Foxes Drove and that legal title to this land is disputed. However, this is a separate legal matter beyond the scope of the planning application. If the appellant could not secure the access to the site and the land to be used for parking and manoeuvring space then that would be likely to be regarded as a fundamental change to the planning proposal.
16. Concern is also expressed about the siting of a domestic cess-pit within part of the site close to Foxes Drove and the adjoining cottage and the potential for

this to cause pollution and unpleasant smells which would harm the living conditions of the occupiers of that property. However, the Council and the statutory drainage bodies have not raised this as an issue. Moreover, in a rural area away from mains drainage, such a solution for the disposal of foul drainage is not unacceptable in principle. I am satisfied that a scheme for drainage from the proposed pitch can reasonably be dealt with by a planning condition.

Planning balance

17. On the main issues I have found that the proposed additional Gypsy and traveller pitch, taking account of other similar sites in the area, would not result in a cumulative effect which would upset the balance with the settled community nor dominate it. Neither would the proposal harm the rural character of the area in visual or physical terms. I have concluded that the proposal does not conflict with the main relevant provisions of the development plan.
18. Further, the **Council's present position where it is accepted that it cannot** demonstrate a five year supply of new sites in accordance with the PPTS and to meet Part 1 of Policy DP15 is important. The Council also recognises that there is a high level of need in the area but no other sites are available. These are all factors that should be given significant weight and I find that the proposal meets the PPTS when this is considered as a whole.
19. This overall policy accord has to be balanced with other considerations, especially the local objections expressed, but these are not of such significance to outweigh the positive aspects. I will therefore allow the appeal.

Conditions

20. The Council recommends the imposition of nine conditions on any permission which I will consider under the same numbering. In addition to the statutory condition on the commencement of development it is reasonable in the interest of clarity to specify the plans that are approved (No.2) and the development must be carried out in accordance with them. As the proposal is for a Gypsy and traveller pitch, to which specific policies apply, it is reasonable and necessary to impose conditions to regulate the occupancy of the pitch to Gypsy or traveller people (No.3) and the number of caravans that may be sited there (No.4) as well as to restrict commercial or business activities (No.7) given the close proximity to housing. In the interests of highway safety and to ensure adequate parking on site and good visibility at the access, it is reasonable to impose conditions 5 and 6. The submission and implementation of a landscaping scheme (No.8) is necessary to ensure that the appearance of the overall development is acceptable, and in order to prevent pollution and flooding an appropriate drainage scheme needs to be agreed with the Council and implemented (No.9).

Conclusions

21. For the reasons give above I conclude that the appeal should be allowed.

David Murray

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. This decision relates to the following drawings: TP01, 02, 04, 05A, 06, 20 (Drainage only) and 21.
3. 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 (or its equivalent in replacement national policy).
4. There shall be no more than one pitch on the site. The approved pitch shall accommodate no more than 2 caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (as amended), shall be stationed at any time, of which only 1 caravan shall be a static caravan.
5. No occupation shall commence until the parking and turning areas have been constructed in accordance with details shown on the approved plans. The parking and turning shall thereafter be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.
6. There shall be no obstruction to visibility greater than 900 millimetres above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 120m either side of the access. Such visibility shall be fully provided before the development hereby permitted is first occupied and shall thereafter be maintained at all times.
7. No commercial activities or business use(s) shall take place on the land, including the storage of materials.
8. All hard and soft landscape works including boundary treatments shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme (phasing) agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.
9. Notwithstanding the details submitted, no development shall commence until a detailed scheme for the disposal of foul drainage from the development has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and completed prior to the occupation of the pitch.

APPENDIX 7



Appeal Decisions

Inquiry held on 8-9, 16-17, 22, 23 & 24 November 2022

Site visit made on 18 November 2022

by Lesley Coffey BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 December 2022

Appeal A Ref: APP/J0405/W/22/3295746

Plot 20A, Sunset Park Homes, Whitfield, BRACKLEY, NN13 5TD

- 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 Michael Doran against the decision of Buckinghamshire Council.
 - The application Ref 21/04448/APP, dated 16 November 2021, was refused by notice dated 17 March 2022.
 - The development proposed is Retention of 4no. Static Caravans.
-

Appeal B Ref: APP/J0405/W/22/3295747

Plot 1, Sunset Park Homes, Whitfield, BRACKLEY, NN13 5TD

- 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 Jason William Doe against the decision of Buckinghamshire Council.
 - The application Ref 21/04450/APP, dated 12 November 2021, was refused by notice dated 17 March 2022.
 - The development proposed is Retention of 5no. Static Caravans.
-

Appeal C Ref: APP/J0405/W/22/3295748

Plot 1A, Sunset Park Homes, Whitfield, BRACKLEY, NN13 5TD

- 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 Jason William Doe against the decision of Buckinghamshire Council.
 - The application Ref 21/04458/APP, dated 12 November 2021, was refused by notice dated 17 March 2022.
 - The development proposed is Retention of 3no. Static Caravans.
-

Appeal D Ref: APP/J0405/W/22/3295749

Plot 2, Sunset Park Homes, Whitfield, BRACKLEY, NN13 5TD

- 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 Ms Bridget Doherty against the decision of Buckinghamshire Council.
 - The application Ref 21/04451/APP, dated 12 November 2021, was refused by notice dated 17 March 2022.
 - The development proposed is Retention of 5no. Static Caravans.
-

Appeal Decisions APP/J0405/W/22/3295747, APP/J0405/W/22/3295748, APP/J0405/W/22/3295749, APP/J0405/W/22/3295750, APP/J0405/W/22/3295751, APP/J0405/W/22/3295752, APP/J0405/W/22/3295753, APP/J0405/W/22/3295754, APP/J0405/W/22/3295755, APP/J0405/W/22/3295756, APP/J0405/W/22/3295757, APP/J0405/W/22/3295758, APP/J0405/W/22/3295759, APP/J0405/W/22/3295760, APP/J0405/W/22/3295761, APP/J0405/W/22/3295762, APP/J0405/W/22/3295763, APP/J0405/W/22/3295764, APP/J0405/W/22/3295765, APP/J0405/W/22/3295766

Appeal E Ref: APP/J0405/W/22/3295750

Plot 3, Sunset Park Homes, Whitfield, BRACKLEY, NN13 5TD

- 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 Michael David Doran against the decision of Buckinghamshire Council.
 - The application Ref 21/04452/APP, dated 12 November 2021, was refused by notice dated 17 March 2022.
 - The development proposed is Retention of 4no. Static Caravans.
-

Appeal F Ref: APP/J0405/W/22/3295751

Plot 4, Sunset Park Homes, Whitfield, BRACKLEY, NN13 5TD

- 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 David Winter against the decision of Buckinghamshire Council.
 - The application Ref 21/04453/APP, dated 12 November 2021, was refused by notice dated 17 March 2022.
 - The development proposed is Retention of 3no. Static Caravans.
-

Appeal G Ref: APP/J0405/W/22/3295752

Plot 5, Sunset Park Homes, Whitfield, BRACKLEY, NN13 5TD

- 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 Roy Foster against the decision of Buckinghamshire Council.
 - The application Ref 21/04454/APP, dated 12 November 2021, was refused by notice dated 17 March 2022.
 - The development proposed is Retention of 5no. Static Caravans.
-

Appeal H Ref: APP/J0405/W/22/3295753

Plot 6, Sunset Park Homes, Whitfield, BRACKLEY, NN13 5TD

- 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 Ms Maureen Stokes against the decision of Buckinghamshire Council.
 - The application Ref 21/04455/APP, dated 12 November 2021, was refused by notice dated 17 March 2022.
 - The development proposed is Retention of 3no. Static Caravans.
-

Appeal I Ref: APP/J0405/W/22/3295754

Plot 07, Sunset Park Homes, Whitfield, BRACKLEY, NN13 5TD

- 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 Bernard Paul McDonagh against the decision of Buckinghamshire Council.
 - The application Ref 21/04456/APP, dated 12 November 2021, was refused by notice dated 17 March 2022.
 - The development proposed is Retention of 4no. Static Caravans.
-

Appeal Decisions APP/J0405/W/22/3295747, APP/J0405/W/22/3295748, APP/J0405/W/22/3295749, APP/J0405/W/22/3295750, APP/J0405/W/22/3295751, APP/J0405/W/22/3295752, APP/J0405/W/22/3295753, APP/J0405/W/22/3295754, APP/J0405/W/22/3295755, APP/J0405/W/22/3295756, APP/J0405/W/22/3295757, APP/J0405/W/22/3295758, APP/J0405/W/22/3295759, APP/J0405/W/22/3295760, APP/J0405/W/22/3295761, APP/J0405/W/22/3295762, APP/J0405/W/22/3295763, APP/J0405/W/22/3295764, APP/J0405/W/22/3295765, APP/J0405/W/22/3295766

Appeal J Ref: APP/J0405/W/22/3295755

Plot 08, Sunset Park Homes, Whitfield, BRACKLEY, NN13 5TD

- 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 John Stokes and Mr Michael Francis Maughan against the decision of Buckinghamshire Council.
 - The application Ref 21/04457/APP, dated 12 November 2021, was refused by notice dated 17 March 2022.
 - The development proposed is Retention of 3no. Static Caravans.
-

Appeal K Ref: APP/J0405/W/22/3295756

Plot 9, Sunset Park Homes, Whitfield, BRACKLEY, NN13 5TD

- 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 Michael Horace Gaskin against the decision of Buckinghamshire Council.
 - The application Ref 21/04437/APP, dated 12 November 2021, was refused by notice dated 17 March 2022.
 - The development proposed is Retention of 5no. Static Caravans.
-

Appeal L Ref: APP/J0405/W/22/3295757

Plot 10, Sunset Park Homes, Whitfield, BRACKLEY, NN13 5TD

- 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 Ambrose Smith against the decision of Buckinghamshire Council.
 - The application Ref 21/04438/APP, dated 12 November 2021, was refused by notice dated 17 March 2022.
 - The development proposed is Retention of 5no. Static Caravans.
-

Appeal M Ref: APP/J0405/W/22/3295758

Plot 11, Sunset Park Homes, Whitfield, BRACKLEY, NN13 5TD

- 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 Mrs Nora Casey against the decision of Buckinghamshire Council.
 - The application Ref 21/04439/APP, dated 12 November 2021, was refused by notice dated 17 March 2022.
 - The development proposed is Retention of 4no. Static Caravans.
-

Appeal N Ref: APP/J0405/W/22/3295759

Plot 12, Sunset Park Homes, Whitfield, BRACKLEY, NN13 5TD

- 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 Noel France Devlin against the decision of Buckinghamshire Council.
-

Appeal Decisions APP/J0405/W/22/3295747, APP/J0405/W/22/3295748, APP/J0405/W/22/3295749, APP/J0405/W/22/3295750, APP/J0405/W/22/3295751, APP/J0405/W/22/3295752, APP/J0405/W/22/3295753, APP/J0405/W/22/3295754, APP/J0405/W/22/3295755, APP/J0405/W/22/3295756, APP/J0405/W/22/3295757, APP/J0405/W/22/3295758, APP/J0405/W/22/3295759, APP/J0405/W/22/3295760, APP/J0405/W/22/3295761, APP/J0405/W/22/3295762, APP/J0405/W/22/3295763, APP/J0405/W/22/3295764, APP/J0405/W/22/3295765, APP/J0405/W/22/3295766

- The application Ref 21/04440APP, dated 12 November 2021, was refused by notice dated 17 March 2022.
 - The development proposed is Retention of 4 no. Static Caravans.
-

Appeal O Ref: APP/J0405/W/22/3295760

Plot 14, Sunset Park Homes, Whitfield, BRACKLEY, NN13 5TD

- 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 Charlie Ward against the decision of Buckinghamshire Council.
 - The application Ref 21/04441/APP, dated 12 November 2021, was refused by notice dated 17 March 2022.
 - The development proposed is Retention of 4no. Static Caravans.
-

Appeal P Ref: APP/J0405/W/22/3295761

Plot 15, Sunset Park Homes, Whitfield, BRACKLEY, NN13 5TD

- 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 Patrick Connors against the decision of Buckinghamshire Council.
 - The application Ref 21/04442/APP, dated 12 November 2021, was refused by notice dated 17 March 2022.
 - The development proposed is Retention of 4no. Static Caravans.
-

Appeal Q Ref: APP/J0405/W/22/3295762

Plot 16, Sunset Park Homes, Whitfield, BRACKLEY, NN13 5TD

- 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 John Cash against the decision of Buckinghamshire Council.
 - The application Ref 21/04443/APP, dated 16 November 2021, was refused by notice dated 17 March 2022.
 - The development proposed is Retention of 4 no. Static Caravans.
-

Appeal R Ref: APP/J0405/W/22/3295763

Plot 17, Sunset Park Homes, Whitfield, BRACKLEY, NN13 5TD

- 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 Ms Elizabeth McCann against the decision of Buckinghamshire Council.
 - The application Ref 21/04444/APP, dated 16 November 2021, was refused by notice dated 17 March 2022.
 - The development proposed is Retention of 4no. Static Caravans.
-

Appeal S Ref: APP/J0405/W/22/3295764

Plot 18, Sunset Park Homes, Whitfield, BRACKLEY, NN13 5TD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
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Appeal Decisions APP/J0405/W/22/3295747, APP/J0405/W/22/3295748, APP/J0405/W/22/3295749, APP/J0405/W/22/3295750, APP/J0405/W/22/3295751, APP/J0405/W/22/3295752, APP/J0405/W/22/3295753, APP/J0405/W/22/3295754, APP/J0405/W/22/3295755, APP/J0405/W/22/3295756, APP/J0405/W/22/3295757, APP/J0405/W/22/3295758, APP/J0405/W/22/3295759, APP/J0405/W/22/3295760, APP/J0405/W/22/3295761, APP/J0405/W/22/3295762, APP/J0405/W/22/3295763, APP/J0405/W/22/3295764, APP/J0405/W/22/3295765, APP/J0405/W/22/3295766

- The appeal is made by Mr John McDonagh against the decision of Buckinghamshire Council.
 - The application Ref 21/04445/APP, dated 16 November 2021, was refused by notice dated 17 March 2022.
 - The development proposed is Retention of 4no. Static Caravans.
-

Appeal T Ref: APP/J0405/W/22/3295765

Plot 19, Sunset Park Homes, Whitfield, BRACKLEY, NN13 5TD

- 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 Ms Marie Doran against the decision of Buckinghamshire Council.
 - The application Ref 21/04446/APP, dated 16 November 2021, was refused by notice dated 17 March 2022.
 - The development proposed is Retention of 4 no. Static Caravans.
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-

Appeal U Ref: APP/J0405/W/22/3295766

Plot 20, Sunset Park Homes, Whitfield, BRACKLEY, NN13 5TD

- 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 Michael Doran against the decision of Buckinghamshire Council.
 - The application Ref 21/04447/APP, dated 12 November 2021, was refused by notice dated 17 March 2022.
 - The development proposed is Retention of 4no. Static Caravans.
-

Decisions

1. All the appeals are allowed and planning permission is granted, subject to conditions. The formal decisions are set out in the attached schedule.

Preliminary Matters

2. There are 21 appeals, each relating to a different Plot. Although the main issues below are common to each Plot, the individual proposals vary in terms of their relationship to the surrounding area, neighbouring Plots, the number of caravans proposed and the personal circumstances of the residents of individual Plots.
3. It would seem that many of these Plots are no longer occupied by the appellants. In addition to a joint Proof of Evidence, individual statements on behalf of the residents of each plot were submitted to the Inquiry. These were supplemented with additional supporting information shortly before the Inquiry opened. With the exception of Plot 2, Plot 4 and Plot 9, a representative of the residents of each plot provided evidence to the Inquiry in relation to personal circumstances and other matters in relation to their respective plots. In most cases this oral evidence did not accord with the written statements which contained significant errors. I therefore rely on the oral evidence to the Inquiry

and the supporting documentation in relation to these plots in preference to the written statements.

4. In terms of Plots 2, 4 and 9 updated statements were submitted during the Inquiry. I was advised that since the occupants of these Plots were away travelling, the interviews had been conducted by way of telephone. Whilst I have taken these updated statements into account, given the very significant errors in relation to the other statements, I am unable to give them full weight.
5. The appellants submitted a revised Master Plan as Appendix 3 **with Mr Wood's** rebuttal proof of evidence.¹ This shows 28 touring caravans parked adjacent to the access road. The plan was submitted for illustrative purposes only and I have taken it into account accordingly.
6. During the Inquiry a further plan was submitted, correcting the Plot numbers shown on Plan 853/01 within Mr Draffin's Proof of Evidence. The parties confirmed that these Plot numbers were correct and accorded with the Plans submitted with the individual applications.
7. The Council confirmed by letter dated 10 November 2022 that it was content that the matter of drinking water and foul drainage could be dealt with by way of a suitably worded condition and that it no longer pursued this reason for refusal. I share this view and I have considered the appeals accordingly.
8. A draft Statement of Common Ground was submitted by the parties. It was originally prepared in advance of the Lisa Smith Judgement and was subsequently updated during the course of the Inquiry.² The final iteration was submitted on the shortly before closing submissions. The appellants disagreed with part of paragraph 3.30 and the 12th bullet point of paragraph 4.1. of the final version. The parties were unable to reach agreement as to how it should be amended. I have therefore taken the most recent draft version (ID29) in to account other than in respect of these matters.
9. In this **decision letter references to the 'Site' refers to the wider site comprising all 21 Plots.**

Background

10. Sunset Park has an extensive planning history. The parties agree that:

- By virtue of 13/03099/APP (permitted in January 2014), Plots 01 and 01A have a permitted use for a maximum of 2 caravans per plot, comprising 1 static/mobile home and 1 touring caravan, and occupation of these plots is restricted to persons that are Gypsies and travellers as defined in the Planning Policy for Traveller Sites 2012.
- By virtue of 06/00699/APP, Plots 2-10 have a permitted use for a maximum of 2 caravans per plot, comprising 1 static/mobile home and 1 touring

¹ J004023-DD Rev A

² *Lisa Smith -v- The Secretary of State for Housing, Communities and Local Government and Others* [2021] EWHC 1650 (Admin) 17 June 2021

caravan, and occupation of these plots is restricted to persons defined as Gypsies in Section 24(8) of the Caravan Sites and Control Development Act 1960 or any Act revoking or re-enacting that Act.

- By virtue of 15/03749/APP³, Plots 11-19 (comprising eight plots as there is no plot 13) have a permitted use for a maximum of 3 caravans per plot, comprising no more than 1 static caravan/ mobile home and 2 touring caravans, and occupation of these plots is restricted to persons that are Gypsies and travellers as defined in the Planning Policy for Traveller Sites (DCLG March 2015).
 - By virtue of 15/03776/APP⁴, Plots 20 and 20A have a permitted use for a maximum of 2 caravans per plot, comprising 1 static/mobile home and 1 touring caravan, and occupation of these plots is restricted to persons that are Gypsies and travellers as defined in the Planning Policy for Traveller Sites (DCLG March 2015).
11. The planning decisions for applications references 15/03749/APP and 15/03776/APP, both refer to the DCLG definition of March 2015. However, there was not a March 2015 version of Planning Policy for Traveller Sites (PPTS) published in March 2015, and therefore it is not clear what this refers to. The revised definition in the August 2015 version of PPTS would have been in place before these applications were submitted and determined. It is therefore probable that it was intended to refer to the August 2015 definition, but that is not what the condition states.
 12. In total, the appeal sites have a permitted use for a total of 21 static caravans/ mobile homes, one on each of the 21 plots at the Sunset Park Homes site, and a maximum of 28 touring caravans. Occupation of each plot is restricted to Gypsies and Travellers, however the definition varies according to the dates on which permissions were granted, as set out above.
 13. The proposal is to increase the number of static caravans to a total of 85 in accordance with the individual planning appeals. The proposals do not make provision for touring caravans on any of the Plots, however, as referred to above, the appellant has submitted a plan suggesting how a number of touring caravans could be accommodated on the access road.
 14. The proposed use of the individual Plots has commenced. With the exception of Plot 2, 4 and 9 the plots are currently occupied by the number of caravans proposed. High Court injunctive action has been taken by the Council, and the final injunction hearing is set for February 2023. The appeal site was previously occupied by 146 caravans. Many of these have been removed and I have assessed these appeals on the basis of the submitted applications rather than the manner in which the Plots were previously occupied.

³ Application submitted in November 2015, permitted in July 2016

⁴ Application submitted in November 2015, permitted in July 2016

15. There is an extant enforcement notice from 2009 in relation to the access to the access to Plots 1 and 1A.⁵

Main Issues

16. I consider the main issues to be:

- Whether the proposed increase in the number of caravans, including any cumulative effects, is acceptable having regard to the location of the site within the countryside and the proximity to services and facilities in the surrounding area.
- The effect of the proposals, including any cumulative effects, on the character and appearance of the surrounding countryside.
- Whether the proposed site would provide suitable living conditions for future occupants with particular regard to amenity space and privacy.
- Whether in the absence of any provision for touring caravans the proposed site would be suitable for Gypsies and Travellers.
- The need for and supply of Gypsy and Traveller sites within Buckinghamshire, including whether there is a five year supply of Gypsy and Traveller sites.
- The availability of alternative sites;
- The accommodation needs and personal circumstances of the appellants.
- The Gypsy and Traveller status of the occupants of the site.

Reasons

17. The development plan for the area includes the Vale of Aylesbury Local Plan adopted September 2021 (VALP). The principle of the use of these sites as Gypsy and Traveller sites has been established by the extant planning permissions. The sites are currently occupied by 85 static caravans, and the appellant states that all those who do not benefit from Gypsy and Traveller have left the site.

The proximity of the appeal site to services and facilities in the surrounding area

18. The two most important policies for the location of Gypsy and Traveller sites are Policies S6 and D11 of the VALP. Policy S6 of the VALP allocates the site for 10 pitches in addition to the 11 that were lawful at the time of the Gypsy and Traveller Accommodation Assessment (GTAA). Policy D11 of the VALP sets out a criteria-based approach to assess any applications for new sites or for expanding current sites within Aylesbury Vale. Amongst other matters it aims to ensure that sites have reasonable access to existing local services and

⁵ LPA Ref EN 14/2009

facilities (including shops, schools, healthcare and public transport). It also states that sites should either be within or close to existing sustainable settlements or with good access to classified roads and/or public transport.

19. Policy S2 sets out the spatial strategy for growth and seeks to direct growth to the more sustainable locations within the District. Policy S3 VALP identifies the settlement hierarchy for the Aylesbury Vale area and excludes sites in the countryside away from any settlements as suitable locations for growth.
20. The VALP identifies Whitchurch as one of the larger, more sustainable villages that have at least reasonable access to facilities and services and public transport, making them sustainable locations for development. It is located about 1.6Km (1 mile) from the Site, and facilities are limited to the Public House and Church. Syresham is located about 5.7 Km (3.5 miles) away and benefits from a village hall, a Primary School and a village shop.
21. Whilst there is some difference between the parties in relation to the distance from various facilities and services, they broadly agree that Brackley (within the neighbouring authority of Northamptonshire) is located 6.5 km (4.0 miles / 7 minutes by private car) and is capable of providing a range of day-to-day facilities to meet the needs of residential occupiers. Some facilities, such as the **medical centre, Doctor's surgery, supermarket and primary schools are about 6.5 km (3 miles) away.**
22. Whitfield Road is a narrow country lane with no pavements or street lighting. At the time of my visit, I noted that the road is lightly trafficked and due to its narrow width, vehicles tended to proceed with caution and at speeds well below the permitted speed of 60 mph. Residents of the Site stated that they sometimes walked to Whitfield. Bus services are available from the bus stops on the A43 at Whitfield, a little over a mile from the Site. However, due to the nature of the journey I consider that it is probable that most people would use their car to access facilities within Whitfield and the bus services on the A43.
23. The services in Brackley and Syresham are further from the appeal site. Whilst the Site is within reasonable cycling distance of both settlements, I agree with my colleague who determined the appeal in respect of the adjoining site, that cycling along the A43 would not be particularly pleasant due to the speed and volume of traffic.⁶ I therefore conclude that occupants of the Site would be reliant on the use of private motor vehicles for most of their journeys.
24. The nearest settlement with a range of facilities is Brackley. The **Council's** evidence implied that Brackley was not a particularly sustainable settlement. Whilst it does not benefit from a train station, it has a population of over 16,000, and facilities include two large supermarkets/petrol stations, as well as schools, a community hospital and other medical facilities. I consider it to be a highly sustainable settlement.

⁶ APP/J0405/W/21/3266711

25. Occupants of the site told the Inquiry that they used the Public House and Church in Whitfield and the shop and village hall in Syresham. They also explained that they generally used on-line shopping for their main supermarket shop and sometimes walked to the Public House in order to avoid drink driving. Although none of the children on the site currently attend school, a number have submitted applications to local schools and some have recently received offers of school places. In addition, there are a number of pre-school children on the site overall and it is probable that these children will also attend local schools once they reach school age. I acknowledge that one of the children resident on the site received an offer of a school place in Buckingham, about 7 miles from the appeal site. This is a reflection of the availability of school places within the necessary year group rather than the locational sustainability of the appeal Site.
26. The opportunities to use sustainable transport modes are limited. Although residents sometimes walk to Whitfield, and this would also be an option for older teenagers wishing to use bus services, most trips would be by private vehicle. Taken together, Whitfield, Syresham and Brackley provide a reasonable range of facilities, including a community hospital and supermarkets. Most journeys are likely to be short. Whilst longer trips may be necessary for some hospital and other services, such journeys are likely to be infrequent for most residents of the site. The proposals would comply with criterion a) of policy D11 of the VALP in that it has reasonable access to a range of facilities, and good access to the highway network.
27. The Aylesbury Vale Gypsy, Traveller and Travelling Showpeople Site Assessment (published July 2016) found the Site to have poor sustainability credentials and the Council stated that it fell into the lowest category of preferred or optimum locations for Gypsy and Traveller sites for this reason. However, the justification within the Assessment for resisting further growth beyond the 21 pitches was that it was larger than would normally be accepted, rather than its sustainability credentials. **The VALP Inspector's Report makes no reference to the sustainability credentials of the Site.** Although the Council states that the Site came within the lowest category of preferred optimum locations for Gypsy and Traveller sites it was unable to explain how many categories there were, what they represented, or the factors taken into account when categorising sites.
28. At the present time the Site has permission for 50 caravans (21 static and 29 tourers). The proposals would increase the overall number of caravans to 85 all of which would be static caravans, and based on the evidence submitted to the Inquiry, occupied by separate households. Individually the appellants seek permission to station between 3 and 5 caravans per Plot, whereas the extant permissions permit between 2 and 3 caravans per Plot. Even on the Plots where the appellants seek permission for 5 caravans there would be at most 4 additional households per Plot.
29. The Council accept that although the extant permissions limit the number of static caravans on each Plot, the touring caravans could potentially be occupied

by a separate household. However, even if every touring caravan were to be so occupied, there would remain an increase of about 35 households resident on the Site, by comparison with those previously permitted.

30. I consider that when assessed individually, even the Plots with the greatest increase in caravans would not significantly increase the use of private motor vehicles using the overall Site. Although the Council does not suggest that even taken together the proposals would have an adverse impact on road capacity or congestion, there would nevertheless be a significantly greater number of households reliant on the use of private motor vehicles for the majority of their journeys. This increase would be mitigated to some extent by the fact that many of the occupants of the Site travel for work, and also that individual Plots are occupied by family groups. In many cases members of the wider extended family occupy other Plots providing an opportunity for shared car journeys.
31. PPTS, in accepting that many sites will be in rural areas, recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. The Framework takes a similar approach and also acknowledges that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport.
32. There would also be some benefit arising from the provision of a settled base for up to 85 traveller families. This would promote access to health services; ensure that children can attend school on a regular basis; reduce the need for long-distance travelling and possible environmental damage caused by unauthorised encampments; and allow some to live and work from the same location.
33. Overall, I conclude that although occupants of the Site are likely to be reliant on the use of private motor vehicles, they do have reasonable access to a wide range of facilities within a short travelling distance. The Site also benefits from good access to the highway network. Therefore, although there would be a significant increase in vehicular movements to and from the Site I find that the proposals would comply with Policy D11a) and paragraph 13 of PPTS.

The effect of the proposal, including any cumulative effects, on the character and appearance of the surrounding countryside.

34. Policy D11 d) states that proposals for the expansion of Gypsy and Traveller sites should not have a significantly adverse impact on a range of environmental assets including the countryside. Policy NE4 requires development to recognise the individual character and distinctiveness of particular landscape character areas set out in the Landscape Character Assessment (LCA), their sensitivity to change and contribution to a sense of place. It sets out a range of criteria that it expects development to meet and states that development will be supported where appropriate mitigation to overcome any adverse impact to the character of the receiving landscape has been agreed. Policy NE4 is consistent with the Framework in that it seeks to recognise the intrinsic character and beauty of the countryside.

35. The site lies to the South of Whitfield Road within the countryside. Whitfield Road is a narrow road with a strong rural character with some sporadic housing on the south side close to the appeal site. It is enclosed by trees and hedgerows such that views over the adjacent countryside are strictly limited. A short distance to the east of the Site this gives way to lower hedgerows with more extensive views across the agricultural landscape, including more distant views of farm buildings.
36. The parties agree that views of the Site are limited to a short stretch of Whitfield Road. From the north east these comprise views of the hardstanding/access to Plots 1 and 1A and to a lesser extent the caravans on Plot 2 that are located closest to Whitfield Road. The views are limited by the trees and hedgerow to the boundary of Plot 2 and by the sharp bend in the road at the entrance to the Site. In the opposite direction the main view is of the entrance to the Site, with a glimpse of Plot 5 when immediately opposite the entrance. Once past the entrance there are views of Plot 1A and Plot 1, although these views are separated from the rest of the site by the trees and hedgerow to the boundary of Plot 2.
37. The Site is separated from Turweston aerodrome by a landscaped bund planted with trees. As a consequence, there are no views of the Site from within the aerodrome, including from the café on the first floor of the control tower.
38. To the east the site is adjoined by a poultry farm and a derelict building from which it is separated by vegetation. The parties agree that there are no views of the Site from public footpaths or bridleways within the vicinity. Immediately to the West there is a further traveller site for two pitches foot was recently approved at appeal.⁷
39. The baseline for assessing the impact of the appeal proposals on the character appearance of the surrounding countryside is the extant planning consents for 21 static caravans and 28 touring caravans. Planning permission for the subdivision of Plot 1 to form Plot 1 and Plot 1A was granted in January 2014, however, the access to both Plots was from the internal access road. Based on the limited information submitted to the Inquiry the proposal included a wooden fence with hedgerow planting to the boundary with Whitfield Road.⁸ The conditions imposed on this permission required details of tree, hedge and shrub planting to the boundary with Whitfield Road to be submitted. There was also a condition restricting the access to the main access to the wider Site and requiring all other accesses to be stopped up and the highway verge re-instated. These conditions were imposed in the interests of highway safety and to safeguard the rural character of the area.
40. There is an extant enforcement notice that became effective December from 2009 in relation to the access to these Plots.⁹ A subsequent enforcement

⁷ APP/J0405/W/22/3266711 (CD2.8)

⁸ LPA Ref 13/03099/APP

⁹ LPA Ref EN 14/2009

notice in respect of the sub-division of the Plots (but did not reference the access) was upheld at appeal in 2013.¹⁰

41. Although the Council has taken no steps to secure compliance with the 2009 enforcement notice, having regard to the most recent planning permission for these sites it would seem that the intention to re-instate the boundary to this part of Whitfield Road is long-standing. The planning history of the site has evolved since the 2009 enforcement notice became effective.
42. The Inspector who determined a previous appeal considered that the vegetation to the boundary that had been removed would have been similar in appearance to Plot 2.¹¹ Whilst this may be a reasonable assumption, there is no conclusive evidence as to the nature and appearance of the previous boundary. I note that the nature of the hedgerow along Whitfield Road varies. In some places, such as adjacent to Plot 2 it is quite tall and interspersed with trees, whilst in other locations, including in the vicinity of the entrance to the Turweston Airfield, it is about 2 metres in height and there is an absence of trees. There are also a number of locations where the hedge has been removed or reduced in extent to accommodate access points, and a dwelling a short distance to the east has an ornamental open plan frontage, whilst another has a post and rail fence and with a lower (and it would seem recently planted) hedge.
43. I agree with the parties that the most significant impact would be to the Whitfield Road frontage. The previous boundary to Plots 1 and 1A would have been likely to add to the verdant character of Whitfield Road. The extent to which the loss of this vegetation would have opened views of the Site would depend on its appearance, including its height. However, I note that views are very localised and there are no distant views of the Site, including from public footpaths or bridleways. Consequently, public views would be largely confined to a very short stretch of Whitfield Road.
44. The landscape strategy submitted on behalf of the appellants proposes widened meadow verges along the Whitfield Road frontage with mixed native trees to filter views. The proposed landscaping would require the existing boundary hedge to be relocated further into the site in order that planting can be provided. It was confirmed at the Inquiry that the owners of these Plots were willing to modify their front boundaries in order to accommodate the proposed planting. The Council raised concerns that the provision of landscaping in this location could have implications for highway safety, or alternatively, that in order to maintain adequate visibility would need to be maintained at a height that would not provide sufficient screening. However, based on what I saw at the site visit, the visibility splay would be largely accommodated within the existing verge, and therefore it should be possible to accommodate the proposed landscaping in a manner similar to that shown within the **appellant's** submitted landscape strategy.

¹⁰ Appeal Ref APP/J0405/C/13/2195114

¹¹ APP/J0405/C/13/2195114 & APP/J0405/A/13/2195112

45. This proposed landscaping would provide an enhancement by comparison with the existing situation, and in terms of appearance, the boundary treatment would be consistent with other properties along Whitchurch Road. Although little evidence was submitted to the Inquiry in terms of the previous boundary to these Plots, it is reasonable to conclude that the provision of these two accesses would give rise to some harm to the appearance of the area. Such harm would be limited to Whitfield Road in the immediate vicinity of the Site. Whitfield Road is lightly trafficked, and as noted by the Council is used by few walkers or ramblers. Therefore, those impacted by these views would be small in number. Moreover, I note that although a valid enforcement notice has been in place for over 13 years the Local Planning Authority has yet to take steps to secure compliance with it.
46. At the Inquiry the Council conceded that views of the internal Plots would be very limited, but it submits that due to the increase in the number of caravans that there would be an intensification of use that would be harmful to the character of the Site and this would be noticeable to the occupants. Whilst I accept that there would be some change to the appearance of the Site if the appeals were allowed, the character of the Site would remain that of a large caravan site. The visual changes referred to by the Council would impact on private views that are not generally protected by planning, moreover there are no objections from those affected. Therefore, I do not give any significant weight to the effect of the proposals on these private views.
47. The harm to character and appearance of the countryside would be largely limited to the manner in which the proposed accesses to Plots 1 and 1A, together with the loss of the original vegetation to this boundary, open up views of the Site. This harm would be very localised and mitigated to some extent by the proposed landscaping proposals.
48. I conclude that Plots 3-21 would not impact on the character and appearance of the surrounding countryside. Although there would be some limited harm arising from Plots 1, 1A and 2, subject to the proposed mitigation, I conclude that the proposals in respect of these Plots would not have a significant adverse impact on the surrounding countryside. I therefore conclude that overall the proposals would comply with VALP Policies D11 d) and NE4.
49. I am aware that in considering the appeal on the adjoining land my colleague found that the appeal Site did not have the open and undeveloped appearance recorded previously and **noted "a sense of built development and clutter right up to the boundaries of the park and beyond"**. The Council state that this assessment was based on the lawful position of 21 static caravans and 28 touring caravans, rather than the current proposals, or the much larger number of unauthorised caravans that previously occupied the Site. There was no evidence at the time of my visit that the present use of the site has extended beyond the boundaries of Sunset Park. Indeed, based on the submitted photographs, this does not appear to be the case even when the Site was occupied by a much greater number of caravans by comparison with the current proposals.

50. It is unclear whether the position of any or the caravans has been altered since the of the above decision. Notwithstanding this, there was general agreement between that parties that the main impact of the proposals in terms of the character and appearance of the surrounding countryside would be due to Plots 1, 1A and 2, and I have assessed the appeal accordingly, taking account of the scale of development permitted by the extant consents.

Whether the proposed site would provide suitable living conditions for future occupants with particular regard to amenity space and privacy

51. Policy D11 criterion c) requires a reasonable level of visual and acoustic privacy for occupants, whilst g) requires that the sites are capable of being adequately serviced by drinking water, utilities and sewerage disposal facilities.
52. In terms of the latter, evidence was submitted to the Inquiry to demonstrate that the individual Plots were served by cess pits, had a satisfactory water supply, and had appropriate fire safety equipment including alarms installed. In addition, extensive documentation was submitted to demonstrate that they also benefitted from gas and electrical safety certificates. On the basis of this evidence, I am satisfied that the individual Plots would comply with D11 g). Furthermore, as noted above, The Council no longer pursues its reason for refusal in relation to water supply and sewage subject to the imposition of an appropriate condition.
53. All of the caravans are positioned at least 6 metres from each other and therefore comply with the Caravan Act. Having visited the site I am satisfied that the caravans all benefit from an adequate level of privacy. Furthermore, the parties propose a condition requiring details of the arrangement of the caravans on the individual Plots. This would provide a mechanism to ensure that there are acceptable levels of privacy between individual caravans.
54. The Council was also concerned about the lack of amenity space. Whilst the accompanying text to Policy D11 references the Designing Gypsy and Traveller Sites – Good Practice Guide, CLG, 2008, this was withdrawn in 2015 and therefore I do not afford it weight in these decisions. Notwithstanding this, there are a number of children on the Site at present and it is reasonable to expect the Site to provide adequate amenity space to meet their needs and those of other residents on the site.
55. At the time of my visit I observed that for the most part vehicles were parked discretely to the side of caravans leaving the centre of the Plots free and this provided informal playspace for children. There were also a number of Plots with small pockets of more private space. I accept that these areas are also used by vehicles manoeuvring on and off the individual Plots. Most Plots are occupied by family groups, or individuals well known to each other. The Plot holders would be aware of the presence of children and I see no reason why the shared use of this space, in these particular circumstances, would pose a safety risk to children, particularly since the caravans are static so would not be moving on and off site. Whilst the amount of amenity space may be less than for bricks and mortar housing, I noted at the time of my visit that there

was sufficient space on many Plots for children to pursue an informal game of football or other activities. Moreover, the reality is that the alternative for many of these children would be living at the roadside.

56. I therefore conclude that whilst a more generous provision of amenity space may be desirable, all Plots would provide adequate amenity space and privacy for occupants and would therefore comply with Policy D11 c).

Whether in the absence of any provision for touring caravans the proposed site would be suitable for Gypsies and Travellers

57. The appeal proposals do not include provision for keeping caravans on any of the individual Plots. The Council submit that the failure to do so means that the Plots are unsuited to Gypsies and Travellers in that it would impede their nomadic way of life.
58. A number of the current residents stated that they had sold their touring caravans and were not travelling at the present time but returned to the site overnight. They continued to visit the various horsefairs for social purposes. A number of reasons were given for this, including personal circumstances. Others had found the recent Police and Criminal Justice Act made stopping at the roadside more challenging and there was a risk of losing their caravans. Some occupants were in the process of exchanging their two axle caravans for single axle caravans which they felt were less likely to be confiscated by the Police. Others stated that they sometimes stayed in hotels, or with relatives when away.
59. Those that continued to travel kept their caravans in storage. The range of locations varied, but generally related to the areas they travelled to. I do not consider that the failure to provide for the storage of these caravans on the Site means that it is unsuitable for those who still pursue a nomadic way of life. Indeed, the **Council's position at the close of the Inquiry was that those on Plots 1, 3, 5, 6, 7, 8, 10, 12, 14, 15, 19, and 20 met the definition of PPTS.** Consequently, those residents that continue to travel are able to make alternative arrangements for the storage of their caravans, and the absence of such storage on the Site does not mean that it is unsuited to their needs.
60. In addition, it was confirmed that it was possible to store caravans along the access road particularly in the short term at the beginning and end of travelling. I agree with the Council, that in practical terms it would not be possible to store the number of caravans indicated on Plan J004023-DD/A. In particular it shows only the smallest size of touring caravan, and there would also need to be manoeuvring space. However, this area would allow for caravans to be stored short term at the beginning and end of travelling if required. This would not give rise to inconvenience to other road users and there would be no adverse impacts on highway safety.
61. The Council was of the view that neither the residents of the Site, nor the appellants had the right to keep vehicles in this location. It is not clear that

this is the case, and it would be a private matter between residents and/or appellants and the owner of the access road.

62. Whilst I accept that it may be more convenient to keep touring caravans at the appeal site, I do not consider that failure to provide space for touring caravans on site makes it fundamentally unsuitable for use by Gypsies and Travellers.

The need for and supply of Gypsy and Traveller sites within Buckinghamshire, including whether there is a five year supply of Gypsy and Traveller sites.

Need for Sites

63. The need for Gypsy and Traveller sites is addressed by Policies S6 and D11 of the VALP. Policy S6 identifies a need for 84 additional pitches over the plan period and allocates 69 pitches to meet the need over the 10 year period from 2016 -2026. The assessment of need is based on the Aylesbury Vale, Chiltern, **South Buck and Wycombe District Council's Gypsy, Traveller and Travelling Showpeople Accommodation Assessment February 2017 (GTAA)**.
64. The GTAA sought to provide an updated assessment of need following the changed definition of Travellers within the 2015 PPTS. This change in definition excluded those who ceased to travel permanently due to educational or health needs or old age. At the base date of the GTAA there were 4 households that met the 2015 PPTS definition, 20 that did not meet the definition, and 87 where the status of the occupants was unknown.
65. Policy S6 of the VALP seeks to meet the need for known and unknown gypsies and travellers for the first 10 years of the VALP. The Inspector Examining the VALP found this to be a cautious approach given the large proportion of people whose status is unclear. He concluded that this approach was sound. The needs of those falling outside of Policy S6 (those who do not meet the definition) is expected to be met by the criteria based Policy D11.
66. I consider that the GTAA has likely underestimated the need for pitches. Firstly, both those households that meet the definition, and those that do not, generated a need from concealed households and a 5 year need from older teenage children of 5 and 12 pitches respectively. Due to the absence of interviews neither of these needs was provided for within the unknown category, despite this category comprising almost 80% of the identified pitches. This is an untypically high proportion of unknown households. Although the needs of concealed households and older teenage children can only be clearly established by interviews, it seems improbable that those travellers whose status is unknown would not give rise to a similar level of need in respect of these categories as other households. In the case of those families who meet the definition the need from these two categories gives rise to a need for five additional pitches for 4 households. When new household formation rates are included the total additional need for these households is 8, a 200% increase in pitches. Whilst not all of the unknowns are likely to meet

the PPTS definition, and new household rates are included in the assessment, I consider that the needs for this group are likely to be under-estimated.

67. Secondly, in the case of the appeal Site the GTAA indicates that only 5 interviews were conducted for the 21 pitches. It states that contact was not possible with 16 households, and therefore these households were assessed as unknown despite permanent planning permission being granted in July 2016 for 10 plots to be occupied by those meeting the PPTS definition on the basis of applications submitted prior to the ORS survey. It is not clear how many of the remaining 11 plots came within the unknown category, but it would seem that it must be at least 7, even if no other permanent pitches were identified elsewhere in Aylesbury Vale.¹² The low number of pitches identified as being occupied by known households on the appeal Site (a maximum of 4 out of 21), including those pitches that were being assessed at the time of the survey, suggest that the findings of the GTAA are not robust.
68. Thirdly, the GTAA has not been updated. It is almost seven years since the surveys were undertaken and therefore the 5 year need for older teenage children is likely to have changed. A child who was 10 or 11 at the time of the survey would now be 17 or 18 and it is likely that some of these children would have a need for their own accommodation.
69. Finally, the recent Lisa Smith case found that the PPTS exclusion in relation to those who had ceased to travel permanently on grounds of educational and health needs, or old age was discriminatory, and that, on the evidence before the Court, there was no proper justification for that discrimination. The GTAA identified a need for 27 pitches for households coming within this exclusion, 22 of these were required within the first 10 years of the plan period. Consequently, the level of need in 2016 was likely to be for about 22 additional pitches dependant on whether those within this group were households who had ceased to travel. At the Inquiry the Council confirmed that this need had not been specifically addressed by policies within the VALP and would be assessed against Policy D11.
70. At the base date of the GTAA, February 2016, there were some 10 permanent authorised gypsy sites in the District containing a total of around 65 pitches, including 11 on the appeal site (5 of which were identified as vacant). In addition there were three sites with temporary permission (14 pitches) and 8 sites containing 42 unauthorised pitches, including the 10 on the appeal site. The significant number of temporary and unauthorised pitches at the base date suggests an underlying unmet need even before any household growth or the need of households with older teenagers is factored in.
71. I agree with the Local Plan Inspector that the approach within the VALP whereby 100% of unknown households are provided for is a cautious approach. Whilst an allowance for future household formation is made for the unknown households, it does not provide for any concealed households or the five year

¹² Only 4 permanent plots were identified within Aylesbury Vale District.

need from older teenage children. In this respect it would under-estimate the need for households meeting the PPTS definition within the unknown category.

72. Paragraph 7 b) of PPTS states that local planning authorities should prepare and maintain an up-to-date understanding of the likely accommodation needs of their areas over the life span of the development plan. However the GTAA has not been updated, and although the Council intend to commission an updated GTAA this had not been progressed at the time of the Inquiry, and there was no programme in place to take this matter forward.

Supply

73. The Council submit that 49 pitches were delivered in the period 2016 -2022, leaving 22 pitches to be delivered during the remainder of the 10 year period up to 2027. ¹³ On this basis it believes that there would be a surplus of 7 pitches. It would seem that 37 of the 69 plots allocated for the first 10 years (including 10 on the appeal Site), were allocated to meet the existing need arising from temporary pitches or lapsed permissions. The pitches delivered also included 9 that did not form part of the identified need at Policy S6.¹⁴ 61 of the 69 pitches required for the period up to 2026 were required for the 2016 -2021 period. Consequently, the delivery of 49 sites during the period up to 2022 would represent a significant shortfall.
74. Whereas the need for sites is assessed on the basis of the PPTS definition, the supply of sites, including those allocated by Policy S6 of the VALP, are not similarly distinguished. Accordingly, it is not possible to ascertain from the submitted information whether the pitches allocated and/or permitted were for households that met the PPTS definition, those falling outside of the definition, or the unknown households. Since the need assessment that underpins Policy S6 does not include households that do not meet the definition, it is not possible to undertake a like for like comparison of the assessed need and the supply.
75. Policy S6 includes 10 plots at the appeal Site to allow for the existing temporary pitches at Plots 11 -21 to become permanent. Although permanent planning permission had been granted by the time of the VALP Examination, the temporary pitches formed part of the 2016 baseline. Nevertheless, it would seem that the allocations within the VALP has double counted some of the plots on the appeal Site. In addition to the 11 permanent plots and the 10 allocated plots, it includes 5 vacant pitches available for occupation. I have reviewed the extensive planning history for the Site and the evidence submitted by both parties, and there is no evidence to suggest that there has been more than 21 plots at any one time. I therefore consider that the supply should be reduced by 5 to reflect this apparent error. I find that this error is **replicated in the Council's assessment of supply.**

¹³ 20 pitches to meet the remainder of the 2016- 2026 need and an additional 2 pitches to meet the annualised need for 2026-2027

¹⁴ These include 2 permitted adjacent to the appeal site (CD2.8)

76. The allocated pitches include 10 that are to be delivered as part of the South and Southwest Aylesbury MDAs. These comprise 5 pitches on each of AGT1 & AGT2. These are large strategic housing sites within south Aylesbury and south west Aylesbury and form part of Aylesbury Garden Town which is the **focus for the majority of Aylesbury Vale's growth.**
77. AGT1 is an allocation for 1,000 dwellings, a primary school and the Aylesbury South East Link Road. The accompanying text states that 125 dwellings were permitted under reference 18/00913/ADP and are expected to be delivered by 2022, but that the remainder was due to come forward between 2024 and 2033 as it is dependent on the delivery of infrastructure related to the development of HS2. It is intended that an AGT1 Masterplan SPD will provide further guidance and information on expected time of delivery as well as site layout and disposition of land uses.
78. At the Inquiry the Council suggested that this site would come forward within the short to medium term and was not reliant on the delivery of infrastructure. The SPD has recently been published for public consultation. The Council state that once the SPD has been adopted it would assist with speeding up the delivery of this site. Whilst the site will require the delivery of significant infrastructure, the Council suggest that this would not delay the delivery of the Gypsy and Traveller pitches since these could be accessed from a separate road.
79. Although the Council believes that there is a realistic prospect that the pitches on this site would be delivered by 2026 I find this to be unduly optimistic. The SPD has yet to be approved an adopted, an outline planning application would need to be prepared and submitted, and in order for that to be approved the necessary infrastructure would need to be secured. Reserved matters would then need to be discharged. In my experience, on sites such as this, particularly where multiple developers are involved it can take two or more years before outline permission is granted. Moreover, there is no certainty that the proposal would be acceptable, and it may be necessary to significantly amend it, or if planning permission is refused an appeal may follow. Even if the planning application process were to be as expeditious as the Council suggests, there is no evidence as to the intended phasing of the development and the **Council's** view that the Gypsy and Traveller pitches could be delivered in advance of other development is not supported by the evidence.
80. AGT2 is allocated for at least 1,490 dwellings in the period up to 2033, a primary school, Strategic flood defences and the South West Link Road between Stoke Mandeville A4010 realignment and A418 Oxford Road single carriageway, junction improvements at A413 and A418. Policy D-AGT2 states that the development of the south west Aylesbury Strategic Site Allocation will come forward towards the latter end of the Plan period, and only once a Masterplan for the allocation has been prepared. It would seem that there are a number of infrastructure constraints to be resolved in that the HS2 route forms the southern boundary, there is an area of flood risk zone to the north of

the site, and surface water and groundwater flood risk, and overhead power lines bisect the site.

81. Although Policy D-AGT2 anticipates that 129 homes will be built by 2020 and a further 121 homes would be delivered between 2020-2025, at the Inquiry the Council explained that the current application, originally submitted in 2018 has recently been revised in order to accommodate the allocated Gypsy and Traveller pitches. Therefore, the anticipated delivery dates have not been achieved. The Council stated that the Gypsy site would use a separate access from the rest of the allocation and should therefore be able to come forward independently of the remainder of the allocation. No evidence was submitted to the Inquiry to support this view and the Policy clearly states that the site will only come forward once a masterplan has been prepared.
82. Whilst AGT2 may have reached a more advanced stage by comparison with AGT1, there is no permission to date, and reserved matters would need to be discharged following any grant of outline permission. Moreover, as with AGT1 there is no certainty that the submitted scheme will be acceptable to the Council and due to the extent of the infrastructure required across the site it is probable that negotiations in relation to site wide infrastructure would be protracted.
83. Whilst both sites may offer a suitable location for development, they are not available now, and there is no clear indication as to when they will be available. On the basis of the evidence submitted to the Inquiry I am not persuaded that there is a realistic prospect that they will be delivered by 2026. Consequently, they should be removed from the supply of sites for the period up to 2026.
84. I conclude that the Council has overestimated the supply of sites and that 15 sites should be removed from the 10 year supply for the reasons given above. On this basis Policy S6 would provide only 54 pitches for the period up to 2026, as against the need for 69 pitches identified by Policy S6. I am aware that an additional 9 pitches delivered on unallocated sites bring the total to 63 pitches. Even if all the allocations and all of these additional pitches contributed to meeting the need identified by the VALP there would remain a shortfall of pitches. I therefore conclude that the Council is unable to demonstrate a 5 year supply of pitches within Aylesbury Vale. If any of the permitted pitches were to meet the future needs of the 20 households that did not meet the PPTS definition the shortfall would be even greater.
85. I acknowledge that in relation to the appeal decision on the adjacent site the Inspector found that the Council has an effective and recently adopted strategy for addressing the general accommodation needs of Gypsy and Travellers and also that it could demonstrate a five-year supply of pitches. For the reasons given above I do not share this view, moreover, it is unclear as to the nature of the submissions or evidence before that Inspector.

Local Planning Authority Wide Supply of Sites

86. The parties also differed as to whether the need for Gypsy and Traveller sites should be assessed against the need set out at Policy S6 of the VALP, or the need across the entire Local Planning Authority Area.
87. Buckinghamshire Council is a single tier council resulting from the abolition of four district councils including Aylesbury Vale District Council. It came into effect on 1 April 2020. Amongst other matters PPTS requires local planning authorities, when producing their Local Plan to identify and update annually, a supply of specific deliverable sites sufficient to provide five years' worth of sites against their locally set targets. In terms of decision making, where a local planning authority cannot demonstrate an up to date five years supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission.
88. I agree with the parties that the VALP remains the development plan for the part of Buckinghamshire that previously came within Aylesbury Vale District. As set out within National Planning Policy Guidance (PPG) and the Local Government (Structural Changes) (General) (Amendment) Regulations 2018 the adopted plan remains in place for the areas set out in that plan, however the regulations require new plans to cover the whole of the new area to be adopted within five years of the reorganisation.¹⁵
89. In the case of Buckinghamshire the four previous authorities benefited from a joint GTAA although the time period for the delivery of sites varied reflecting the timeframe of the various Local Plans. A document prepared by the Council sets out the combined need for different five year time periods across Buckinghamshire.¹⁶ It is notable that the identified need lies predominately within Aylesbury Vale. It is apparent from the submitted document that the Council does not have a five year supply of sites across the district as a whole, or, as set out above, within Aylesbury Vale.

Overall Conclusion on need for and supply of pitches

90. For the reasons given above, I consider that the GTAA has significantly underestimated the need for pitches within Aylesbury Vale, and as a consequence the need for pitches is likely to be far greater than that identified by Policy S6. In addition, the need for pitches was assessed against the definition within PPTS 2015 which excludes those who previously qualified under PPTS 2012 and have subsequently ceased to travel permanently for reasons of old age or disability. The Courts have held that the exclusion of travellers who have ceased to travel permanently is discriminatory and unlawful. Therefore if the needs of Gypsies and Travellers coming within this group were also taken into account this would further increase the need.
91. As set out above the Council has a total supply of 63 pitches for the period up to 2026, including 9 that have been delivered on unallocated sites. Unlike the

¹⁵ ID: 61-074-20190723

¹⁶ ID13 & ID14

assessment of need which is predicated on the PPTS 2015 definition, although it includes some provision for the unknown group, the supply of sites does not distinguish between the different groups of travellers. Therefore on the basis of the available information it is not possible to determine whether the permitted, or indeed the allocated sites contributed toward meeting the identified need or the needs arising from those that fell outside of the PPTS 2015 definition.

92. There is an existing shortfall against the identified need for pitches for the period up to 2021, and a further shortfall against the identified need for the period up to 2026. If the likely underestimation of need is also taken into account the shortfall would be even greater. I therefore conclude that there is a pressing and urgent need for pitches within Aylesbury Vale and within Buckinghamshire more generally.

Other Matters

93. Policy D11 h) requires sites to remain small in scale and indicates that there should normally be no more than 15 sites per pitch. However, this threshold is exceeded by the extant permissions and the allocations within the VALP, and the reason for the threshold is not explained. I therefore afford little weight to the conflict with this criterion. Both PPTS and Criterion e) of Policy D11 seek to ensure that sites are appropriate to the size and density of the local settled community, and do not dominate the nearest settled community. Whilst taken together the proposals would result in a very large site there is no evidence that it gives rise to harm to the local community. It is visually self-contained and there were no objections to any of the proposals from interested parties. Although the site is large in scale the full extent of it is only apparent once you enter the site, therefore it does not dominate the surrounding area.
94. PPTS considers sustainability in the round. The provision of a settled base for up to 85 traveller families would promote access to health services; ensure that children can attend school on a regular basis; reduce the need for long-distance travelling and possible environmental damage caused by unauthorised encampments; and allow some to live and work from the same location. The Site is not at risk of flooding and would provide a Site of reasonable environmental quality for its occupants. In addition, the Site is previously developed land and therefore making effective use of the Site would accord with VALP Policy S7 and paragraph 26 of PPTS. The previously developed status of the land arises not only from the previously permitted caravan use, but also from the previous use of the Site as part of the Turweston Airfield. Whilst occupants of the Site would be reliant on the use of private motor vehicles for most of their journeys, having regard to the access of the site to the highway network and the benefits of a settled location, particularly for the children, I consider that looked at in the round the proposals would be sustainable development and would comply with Policies D11 and S1.
95. A Written Ministerial Statement made on 17 December 2015 confirmed that **'intentional unauthorised development'** is a material consideration to be

weighed in the determination of planning applications and appeals. The current occupants and owners of the Plots differ from those who submitted the applications. The use of the land was lawful in so far as there was an extant permission for keeping caravans on each Plot, but the number of caravans permitted was significantly exceeded. Although the current occupants are not the appellants, the previous use of the Site for 146 caravans has ceased, and the appellants have sought to regularise the development by applying for planning permission. Notwithstanding this, the use of the site for stationing 85 static caravans does represent intentional unauthorised development.

96. The works necessary to accommodate the additional caravans is very limited and mainly consisted of ensuring that the Plots are of a satisfactory standard in terms of safety and amenity. Therefore I afford limited weight to the intentional unauthorised development of the Site.
97. The Council referred to two cases where the Inspectors attributed significant adverse weight to intentional unauthorised development. Both cases can be distinguished from the appeal proposals in that they gave rise to substantial harm to other interests. In the case of the Hardwick Lane appeal there was harm to the Green Belt and a nearby European protected site, whilst the Land east of Cransley Road case involved significant and irreversible harm to archaeological and ecological interests. In addition, both involved significant works to land that was previously undeveloped. I therefore do not consider the circumstances of these appeals to be comparable to the appeals before me.

Planning Balance

98. I have found that the Site has reasonable access to services and subject to the proposed mitigation, would not have a significant effect on the character and appearance of the surrounding countryside. The Site would provide an acceptable standard of amenity for residents. It would also help to meet a pressing and urgent need for sites within Aylesbury Vale and Buckinghamshire.
99. Overall, I conclude that the proposed developments would be environmentally, socially and economically sustainable and would comply with the development plan as a whole. Although the proposal represents intentional unauthorised development, for the reasons given above I afford this limited weight, and it does not justify a decision other than in accordance with the development plan.
100. Extensive evidence in relation to the personal accommodation needs of the current occupants of the Site, and their status in relation to the 2015 PPTS definition was submitted to the Inquiry. Since I have found the proposal to comply with the development plan as a whole overall it is not necessary for me to take this information into account. Therefore in accordance with paragraph 11 of the Framework planning permission should be granted.

Conditions

101. The parties submitted draft planning conditions. These were amended during the course of the Inquiry and were discussed during a roundtable

session. I have considered the conditions in the light of the advice within the Framework and PPG and I have also taken the views of the parties into account.

102. The first condition requires the proposal to be implemented in accordance with the submitted plans, other than where details are required to be submitted under condition 6. The submitted plans show the location of the proposed caravans and the Plot boundaries, but no other information. Since the layout of the Plots are required to be submitted as part of suggested Condition 6, I consider that Condition 1 serves no useful purpose. The Council suggest that it would allow an application under s73 of the Act should the proposals be modified, but any increase in the number of caravans would be materially different from what is approved. I therefore do not consider the suggested condition to be necessary.
103. **The Council's suggested** Condition 2 seeks to impose a condition restricting the use of Plots 1,3,5,6,7,8,10,12,14,15, 19 and 20 to occupants that comply with the PPTS 2015 definition of Gypsies and Travellers at Annex A. However, the Court of Appeal in *Smith* held that the exclusion of Travellers who have ceased to travel permanently is discriminatory and has no legitimate aim. In this case, some of the residents have ceased to travel by reason of age, health or education. There is also no foretelling as to whether any other residents might be forced to cease travelling permanently during the anticipated lifetime of the permission. Imposing the suggested condition in relation to the above Plots would be liable to result in unlawful discrimination with members of these families being unable to live on this Site.
104. The Council consider the condition to be necessary in order to maintain an adequate supply of sites for those who meet the PPTS definition. I do not consider that this provides sufficient justification for an unlawful and discriminatory condition. I shall therefore grant planning permission subject to a condition which restricts occupation to Gypsies and Travellers, defined so as to not exclude those who have ceased travelling permanently.
105. Condition 3 seeks to limit the number of caravans on the site at any one time. The total number of caravans permitted would vary according to the Plot. At the Inquiry the Council stated that it was not necessary to limit the caravans to static caravans. I agree with this position. Suggested Condition 4 and suggested condition 5 limit the size of commercial vehicles that can be parked or stored on the site and prevent commercial activities from taking place on the site. I agree that these conditions are necessary in order to protect the living conditions of other residents.
106. Suggested condition 6 requires the submission of a site development scheme. This includes details of the layout of the site, turning space, amenity space and refuse storage. I agree that details of the arrangement of caravans within the Plots is necessary in order to ensure that there is sufficient space between individual caravans to maintain privacy. However, parking arrangements and the provision of amenity space varies from Plot to Plot. Not

all of those occupying caravans have cars. I noted at the time of my visit that most cars were discretely parked within the individual Plots and this allowed the central area of the site to be used as informal amenity space. No concerns were raised regarding parking in Whitfield Road, or any evidence that this has ever occurred. There is capacity for some parking on the access road, although this was lightly used at the time of my visit suggesting that most occupants park on their own Plot.

107. Similarly, the amenity areas varied from Plot to Plot, with some benefiting from small individual green spaces and trees and hedgerows, whilst within others the space between the caravans towards the centre of the site provided space for recreation and play. I accept that it is important that children playing are not put at risk from moving vehicles, but the individual Plots are occupied by family groups so they would be aware of the need to keep children safe at these times. I consider that formalising the layout of the site by providing separate parking, manoeuvring and amenity areas has the potential to limit the manner in which the Plots are used and is unnecessary and unreasonable.
108. Condition 6 also seeks details of foul and surface water drainage, water supply, external lighting means of enclosure, electric vehicle charging points and a scheme to achieve biodiversity net gain. All plots benefit from existing cess pits. Occupants of the Plots provided evidence to the Inquiry regarding the management of these cess pits and the arrangements for them to be emptied. On many of the Plots the pipes were buried. The number of households has increased since the cess pits were originally installed and therefore I agree that details of foul and surface water drainage should be submitted for approval.
109. I agree that external lighting should be controlled in the interests of the rural character of the area. Electrical vehicle charging points are necessary in the interests of sustainability and in order to reduce carbon emissions. The condition also requires a Landscaping scheme in respect of Plots 1, 1A and 2. I consider this to be reasonable in that it would assist with mitigating the impact of the proposed developments on the appearance of Whitfield Road.
110. Suggested Condition 7 removes permitted development rights in relation to sheds and amenity buildings and I agree that this is necessary in the interests of amenity. Suggested Condition 8 limits external lighting to that approved by suggested condition 6 and is necessary in order to safeguard the rural character of the area.

Conclusion

111. For the reasons given above, I allow all the appeals, subject to the conditions in the attached schedule.

Lesley Coffey

INSPECTOR

Appeal Decisions APP/J0405/W/22/3295747, APP/J0405/W/22/3295748, APP/J0405/W/22/3295749, APP/J0405/W/22/3295750, APP/J0405/W/22/3295751, APP/J0405/W/22/3295752, APP/J0405/W/22/3295753, APP/J0405/W/22/3295754, APP/J0405/W/22/3295755, APP/J0405/W/22/3295756, APP/J0405/W/22/3295757, APP/J0405/W/22/3295758, APP/J0405/W/22/3295759, APP/J0405/W/22/3295760, APP/J0405/W/22/3295761, APP/J0405/W/22/3295762, APP/J0405/W/22/3295763, APP/J0405/W/22/3295764, APP/J0405/W/22/3295765, APP/J0405/W/22/3295766

APPEARANCES

FOR THE APPELLANT:

Timothy Jones of Counsel

He Called:

Brian Woods WS Planning and Architecture

FOR THE LOCAL PLANNING AUTHORITY:

Charles Merrett of Counsel

He Called:

Phillip Hughes PHP Planners

Louise Anderson Buckinghamshire Council

DOCUMENTS SUBMITTED DURING INQUIRY

ID 1	LPA opening statement
ID 2	Inspector Fussey Decision
ID 3	School application for Mary Reilly
ID 4	Information in respect of David Reilly health
ID 5	Letter from O’Leary Caravans regarding caravan spacing
ID 6	School application information in relation to Nevin Children
ID 7	Amended Witness statement Plot 2
ID 8	Amended Witness statement Plot 4
ID 9	Amended Witness statement Plot 9
ID 10	Revised Statement of Common Ground amending planning history
ID 11	Planning History bundle of decisions
ID 12	Revised plan with correct plot numbers
ID 13	Email and information Phillipa Jarvis
ID 14	Supplementary Proof of Evidence PJ
ID 15	Extract from Aylesbury Vale Assessment of Traveller sites
ID 16	Plan and photographs showing location of manhole covers
ID 17	Updated Schedule of Occupants
ID 18	PINS Decision Letter Appeal Ref: APP/M1710/W/20/3249161 Land north of Lower Park Farm, Abbey Road, Medstead, Alton, 11 November 2022

Appeal Decisions APP/J0405/W/22/3295747, APP/J0405/W/22/3295748, APP/J0405/W/22/3295749, APP/J0405/W/22/3295750, APP/J0405/W/22/3295751, APP/J0405/W/22/3295752, APP/J0405/W/22/3295753, APP/J0405/W/22/3295754, APP/J0405/W/22/3295755, APP/J0405/W/22/3295756, APP/J0405/W/22/3295757, APP/J0405/W/22/3295758, APP/J0405/W/22/3295759, APP/J0405/W/22/3295760, APP/J0405/W/22/3295761, APP/J0405/W/22/3295762, APP/J0405/W/22/3295763, APP/J0405/W/22/3295764, APP/J0405/W/22/3295765, APP/J0405/W/22/3295766

ID 19	PINS Decision Letter Appeal Refs: APP/V1505/C/20/3265750, 3265751, 3265752 3265753, 3268185, 3268187, 3268188. Land west of Hillview, Southend Arterial Road, Wickford, Essex, 16 November 2022
ID 20	<i>Cawrey Ltd v Secretary of State for Communities and Local Government</i> [2016] EWHC 1198
ID 21	Shropshire/Bungay judgement
ID 22	School admission letters for Nevin Children and Mary Reilly
ID23	Further updated schedule of occupants
ID 24	Communities and Local Government, Model Standards for Caravan Sites in England - 2008
ID 25	Updated list of conditions
ID 26	Further updates schedule of occupants dated 23.11.2022
ID 27	Updated Statement of Common Ground
ID 28	Further update of schedule of occupants dated 24.11.2022
ID 29	Further update to SoCG
ID 30	School application documents
ID 31	LPA closing submission
ID 32	Appendix to LPA closing submission setting out circumstances for each plot
ID 33	Appellants' closing submission

Schedule 1 Appeal Decisions Sunset Park, Whitfield Road NN13 5TD

Appeal A Ref: APP/J0405/W/22/3295746

Plot 20A, Sunset Park Homes, Whitfield, BRACKLEY, NN13 5TD

The appeal is allowed and planning permission is granted for Retention of 4no. Static Caravans at Plot 20A, Sunset Park Homes, BRACKLEY, NN13 5TD in accordance with the terms of the application, Ref 21/04448/APP, dated 16 November 2021, subject to the following conditions:

1. The site shall not be occupied by any persons other than Gypsies and Travellers, defined as 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.**
2. In accordance with the submitted plans, there shall be no more than 4 caravans stationed on the pitch at any one time.
3. No vehicle over 3.5 tonnes, shall be stationed, parked or stored on this site.
4. No commercial activities shall take place on the land, including the storage of materials.
5. 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 28 days of the date of failure to meet any one of the requirements set out in (i) a) to e), ii, iii and iv below:
 - (i) **Within 3 months of the date of this decision a 'site development scheme'** shall be submitted to include:
 - a) The internal layout of the site, including the layout of caravans;
 - b) the means of foul and surface water drainage of, and water supply to, the site, including the location and specification of cess pits, vertical and horizontal drain runs and water supply pipes and means of managing the foul water system and emptying any cess pit;
 - c) proposed and existing external lighting on the boundary of and within the site;
 - d) the location and details of one electric vehicle charging point; and
 - e) a scheme to achieve measurable biodiversity net gain and mitigation including a timetable for implementation, monitoring and management and details of the baseline;

Appeal Decisions APP/J0405/W/22/3295747, APP/J0405/W/22/3295748, APP/J0405/W/22/3295749, APP/J0405/W/22/3295750, APP/J0405/W/22/3295751, APP/J0405/W/22/3295752, APP/J0405/W/22/3295753, APP/J0405/W/22/3295754, APP/J0405/W/22/3295755, APP/J0405/W/22/3295756, APP/J0405/W/22/3295757, APP/J0405/W/22/3295758, APP/J0405/W/22/3295759, APP/J0405/W/22/3295760, APP/J0405/W/22/3295761, APP/J0405/W/22/3295762, APP/J0405/W/22/3295763, APP/J0405/W/22/3295764, APP/J0405/W/22/3295765, APP/J0405/W/22/3295766

(Hereafter referred to as the site development scheme), shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.

(ii) If within 11 months of the date of this decision the local planning authority refuse to approve the 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.

(iii) The approved 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 retained.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other order revoking and re-enacting that order with or without modifications), no sheds or amenity/utility buildings, or other buildings or structures, walls, fences or other means of enclosure other than those shown on the approved plans shall be erected on the site unless details of their size, materials and location shall have previously been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 there shall be no means of external illumination other than that approved under condition 5(i)(c) above unless details of it have previously been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Appeal B Ref: APP/J0405/W/22/3295747
Plot 01, Sunset Park Homes, Whitfield, BRACKLEY, NN13 5TD

The appeal is allowed and planning permission is granted for Retention of 5no. Static Caravans at Plot 01, Sunset Park Homes, BRACKLEY, NN13 5TD in accordance with the terms of the application, Ref 21/04450/APP, dated 12 November 2021, subject to the following conditions:

1. The site shall not be occupied by any persons other than Gypsies and Travellers, defined as 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.**

2. In accordance with the submitted plans, there shall be no more than 5 caravans stationed on the pitch at any one time.

3. No vehicle over 3.5 tonnes, shall be stationed, parked or stored on this site.

4. No commercial activities shall take place on the land, including the storage of materials.

5. 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 28 days of the date of failure to meet any one of the requirements set out in (i) a) to F), ii, iii and iv below:

(ii) **Within 3 months of the date of this decision a 'site development scheme'** shall be submitted to include:

- a) The internal layout of the site, including the layout of caravans;
- b) the means of foul and surface water drainage of, and water supply to, the site, including the location and specification of cess pits, vertical and horizontal drain runs and water supply pipes and means of managing the foul water system and emptying any cess pit;
- c) proposed and existing external lighting on the boundary of and within the site;
- d) all hard and soft landscaping of the site, including tree, hedge and shrub planting with details of species, plant sizes and proposed numbers and densities as well as a schedule of maintenance for a period of 5 years to include 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;
- e) the location and details of one electric vehicle charging point; and
- f) a scheme to achieve measurable biodiversity net gain and mitigation including a timetable for implementation, monitoring and management and details of the baseline;

(Hereafter referred to as the site development scheme), shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.

(ii) If within 11 months of the date of this decision the local planning authority refuse to approve the 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.

Appeal Decisions APP/J0405/W/22/3295747, APP/J0405/W/22/3295748, APP/J0405/W/22/3295749, APP/J0405/W/22/3295750, APP/J0405/W/22/3295751, APP/J0405/W/22/3295752, APP/J0405/W/22/3295753, APP/J0405/W/22/3295754, APP/J0405/W/22/3295755, APP/J0405/W/22/3295756, APP/J0405/W/22/3295757, APP/J0405/W/22/3295758, APP/J0405/W/22/3295759, APP/J0405/W/22/3295760, APP/J0405/W/22/3295761, APP/J0405/W/22/3295762, APP/J0405/W/22/3295763, APP/J0405/W/22/3295764, APP/J0405/W/22/3295765, APP/J0405/W/22/3295766

(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.

(iii) The approved 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 retained.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other order revoking and re-enacting that order with or without modifications), no sheds or amenity/utility buildings, or other buildings or structures, walls, fences or other means of enclosure other than those shown on the approved plans shall be erected on the site unless details of their size, materials and location shall have previously been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 there shall be no means of external illumination other than that approved under condition 5(i)(c) above unless details of it have previously been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Appeal C Ref: APP/J0405/W/22/3295748

Plot 01A, Sunset Park Homes, Whitfield, BRACKLEY, NN13 5TD

The appeal is allowed and planning permission is granted for Retention of 3 no. Static Caravans at Plot 01A, Sunset Park Homes, BRACKLEY, NN13 5TD in accordance with the terms of the application, Ref 21/04458/APP, dated 12 November 2021, subject to the following conditions:

1. The site shall not be occupied by any persons other than Gypsies and Travellers, defined as 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.**
2. In accordance with the submitted plans, there shall be no more than 3 caravans stationed on the pitch at any one time.
3. No vehicle over 3.5 tonnes, shall be stationed, parked or stored on this site.
4. No commercial activities shall take place on the land, including the storage of materials.
5. 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 28 days of the date of failure to meet any one of the requirements set out in (i) a) to f), ii, iii and iv below:

- (iii) **Within 3 months of the date of this decision a 'site development scheme'** shall be submitted to include:
- a) The internal layout of the site, including the layout of caravans;
 - b) the means of foul and surface water drainage of, and water supply to, the site, including the location and specification of cess pits, vertical and horizontal drain runs and water supply pipes and means of managing the foul water system and emptying any cess pit;
 - c) proposed and existing external lighting on the boundary of and within the site;
 - d) all hard and soft landscaping of the site, including tree, hedge and shrub planting with details of species, plant sizes and proposed numbers and densities as well as a schedule of maintenance for a period of 5 years to include 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;
 - e) the location and details of one electric vehicle charging point; and
 - f) a scheme to achieve measurable biodiversity net gain and mitigation including a timetable for implementation, monitoring and management and details of the baseline;

(Hereafter referred to as the site development scheme), shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.

(ii) If within 11 months of the date of this decision the local planning authority refuse to approve the 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.

(iii) The approved 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 retained.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other order revoking and re-enacting that order with or without modifications), no sheds or amenity/utility buildings, or other buildings or structures, walls, fences or other means of enclosure other than those shown on the approved plans shall be erected on the site unless details of their size, materials and location shall have previously been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 there shall be no means of external illumination other than that approved under condition 5(i)(c) above unless details of it have previously been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Appeal D Ref: APP/J0405/W/22/3295749

Plot 02, Sunset Park Homes, Whitfield, BRACKLEY, NN13 5TD

The appeal is allowed and planning permission is granted for Retention of 5 no. Static Caravans at Plot 02, Sunset Park Homes, BRACKLEY, NN13 5TD in accordance with the terms of the application, Ref 21/04451/APP, dated 12 November 2021, subject to the following conditions:

1. The site shall not be occupied by any persons other than Gypsies and Travellers, defined as 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.
2. In accordance with the submitted plans, there shall be no more than 5 caravans stationed on the pitch at any one time.
3. No vehicle over 3.5 tonnes, shall be stationed, parked or stored on this site.
4. No commercial activities shall take place on the land, including the storage of materials.
5. 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 28 days of the date of failure to meet any one of the requirements set out in (i) a) to e), ii, iii and iv below:
 - (iv) Within **3 months of the date of this decision a 'site development scheme'** shall be submitted to include:
 - a) The internal layout of the site, including the layout of caravans;
 - b) the means of foul and surface water drainage of, and water supply to, the site, including the location and specification of cess pits,

vertical and horizontal drain runs and water supply pipes and means of managing the foul water system and emptying any cess pit;

- c) proposed and existing external lighting on the boundary of and within the site;
- d) all hard and soft landscaping of the site, including tree, hedge and shrub planting with details of species, plant sizes and proposed numbers and densities as well as a schedule of maintenance for a period of 5 years to include 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;
- e) the location and details of one electric vehicle charging point; and
- f) a scheme to achieve measurable biodiversity net gain and mitigation including a timetable for implementation, monitoring and management and details of the baseline;

(Hereafter referred to as the site development scheme), shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.

(ii) If within 11 months of the date of this decision the local planning authority refuse to approve the 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.

(iii) The approved 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 retained.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other order revoking and re-enacting that order with or without modifications), no sheds or amenity/utility buildings, or other buildings or structures, walls, fences or other means of enclosure other than those shown on the approved plans shall be erected on the site unless details of their size, materials and location shall have previously been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 there shall be no means of external illumination other than that approved under condition 5(i)(c) above unless details of it have previously been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Appeal E Ref: APP/J0405/W/22/3295750
Plot 03, Sunset Park Homes, Whitfield, BRACKLEY, NN13 5TD

The appeal is allowed and planning permission is granted for Retention of 4 no. Static Caravans at Plot 03, Sunset Park Homes, BRACKLEY, NN13 5TD in accordance with the terms of the application, Ref 21/04452/APP, dated 12 November 2021, subject to the following conditions:

1. The site shall not be occupied by any persons other than Gypsies and Travellers, defined as 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.**
2. In accordance with the submitted plans, there shall be no more than 4 caravans stationed on the pitch at any one time.
3. No vehicle over 3.5 tonnes, shall be stationed, parked or stored on this site.
4. No commercial activities shall take place on the land, including the storage of materials.
5. 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 28 days of the date of failure to meet any one of the requirements set out in (i) a) to e), ii, iii and iv below:
 - (v) **Within 3 months of the date of this decision a 'site development scheme' shall be submitted to include:**
 - a) The internal layout of the site, including the layout of caravans;
 - b) the means of foul and surface water drainage of, and water supply to, the site, including the location and specification of cess pits, vertical and horizontal drain runs and water supply pipes and means of managing the foul water system and emptying any cess pit;
 - c) proposed and existing external lighting on the boundary of and within the site;
 - d) the location and details of one electric vehicle charging point; and

- e) a scheme to achieve measurable biodiversity net gain and mitigation including a timetable for implementation, monitoring and management and details of the baseline;

(Hereafter referred to as the site development scheme), shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.

(ii) If within 11 months of the date of this decision the local planning authority refuse to approve the 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.

(iii) The approved 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 retained.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other order revoking and re-enacting that order with or without modifications), no sheds or amenity/utility buildings, or other buildings or structures, walls, fences or other means of enclosure other than those shown on the approved plans shall be erected on the site unless details of their size, materials and location shall have previously been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 there shall be no means of external illumination other than that approved under condition 5(i)(c) above unless details of it have previously been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Appeal F Ref: APP/J0405/W/22/3295751

Plot 04, Sunset Park Homes, Whitfield, BRACKLEY, NN13 5TD

The appeal is allowed and planning permission is granted for Retention of 3no. Static Caravans at Plot 04, Sunset Park Homes, BRACKLEY, NN13 5TD in accordance with the terms of the application, Ref 21/04453/APP, dated 12 November 2021, subject to the following conditions:

1. The site shall not be occupied by any persons other than Gypsies and Travellers, defined as 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.

2. In accordance with the submitted plans, there shall be no more than 3 caravans stationed on the pitch at any one time.

3. No vehicle over 3.5 tonnes, shall be stationed, parked or stored on this site.

4. No commercial activities shall take place on the land, including the storage of materials.

5. 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 28 days of the date of failure to meet any one of the requirements set out in (i) a) to e), ii, iii and iv below:

(vi) **Within 3 months of the date of this decision a 'site development scheme'** shall be submitted to include:

- a) The internal layout of the site, including the layout of caravans;
- b) the means of foul and surface water drainage of, and water supply to, the site, including the location and specification of cess pits, vertical and horizontal drain runs and water supply pipes and means of managing the foul water system and emptying any cess pit;
- c) proposed and existing external lighting on the boundary of and within the site;
- d) the location and details of one electric vehicle charging point; and
- e) a scheme to achieve measurable biodiversity net gain and mitigation including a timetable for implementation, monitoring and management and details of the baseline;

(Hereafter referred to as the site development scheme), shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.

(ii) If within 11 months of the date of this decision the local planning authority refuse to approve the 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.

(iii) The approved scheme shall have been carried out and completed in accordance with the approved timetable.

Appeal Decisions APP/J0405/W/22/3295747, APP/J0405/W/22/3295748, APP/J0405/W/22/3295749, APP/J0405/W/22/3295750, APP/J0405/W/22/3295751, APP/J0405/W/22/3295752, APP/J0405/W/22/3295753, APP/J0405/W/22/3295754, APP/J0405/W/22/3295755, APP/J0405/W/22/3295756, APP/J0405/W/22/3295757, APP/J0405/W/22/3295758, APP/J0405/W/22/3295759, APP/J0405/W/22/3295760, APP/J0405/W/22/3295761, APP/J0405/W/22/3295762, APP/J0405/W/22/3295763, APP/J0405/W/22/3295764, APP/J0405/W/22/3295765, APP/J0405/W/22/3295766

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

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other order revoking and re-enacting that order with or without modifications), no sheds or amenity/utility buildings, or other buildings or structures, walls, fences or other means of enclosure other than those shown on the approved plans shall be erected on the site unless details of their size, materials and location shall have previously been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 there shall be no means of external illumination other than that approved under condition 5(i)(c) above unless details of it have previously been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Appeal G Ref: APP/J0405/W/22/3295752

Plot 05, Sunset Park Homes, Whitfield, BRACKLEY, NN13 5TD

The appeal is allowed and planning permission is granted for Retention of 5no. Static Caravans at Plot 05, Sunset Park Homes, BRACKLEY, NN13 5TD in accordance with the terms of the application, Ref 21/04454/APP, dated 12 November 2021, subject to the following conditions:

1. The site shall not be occupied by any persons other than Gypsies and Travellers, defined as 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.
2. In accordance with the submitted plans, there shall be no more than 5 caravans stationed on the pitch at any one time.
3. No vehicle over 3.5 tonnes, shall be stationed, parked or stored on this site.
4. No commercial activities shall take place on the land, including the storage of materials.
5. 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 28 days of the date of failure to meet any one of the requirements set out in (i) a) to e), ii, iii and iv below:
 - (vii) **Within 3 months of the date of this decision a 'site development scheme'** shall be submitted to include:
 - a) The internal layout of the site, including the layout of caravans;

- b) the means of foul and surface water drainage of, and water supply to, the site, including the location and specification of cess pits, vertical and horizontal drain runs and water supply pipes and means of managing the foul water system and emptying any cess pit;
- c) proposed and existing external lighting on the boundary of and within the site;
- d) the location and details of one electric vehicle charging point; and
- e) a scheme to achieve measurable biodiversity net gain and mitigation including a timetable for implementation, monitoring and management and details of the baseline;

(Hereafter referred to as the site development scheme), shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.

(ii) If within 11 months of the date of this decision the local planning authority refuse to approve the 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.

(iii) The approved 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 retained.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other order revoking and re-enacting that order with or without modifications), no sheds or amenity/utility buildings, or other buildings or structures, walls, fences or other means of enclosure other than those shown on the approved plans shall be erected on the site unless details of their size, materials and location shall have previously been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 there shall be no means of external illumination other than that approved under condition 5(i)(c) above unless details of it have previously been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Appeal H Ref: APP/J0405/W/22/3295753

Plot 06, Sunset Park Homes, Whitfield, BRACKLEY, NN13 5TD

The appeal is allowed and planning permission is granted for Retention of 3no. Static Caravans at Plot 06, Sunset Park Homes, BRACKLEY, NN13 5TD in accordance with the terms of the application, Ref 21/04455/APP, dated 12 November 2021, subject to the following conditions:

1. The site shall not be occupied by any persons other than Gypsies and Travellers, defined as 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.**
2. In accordance with the submitted plans, there shall be no more than 3 caravans stationed on the pitch at any one time.
3. No vehicle over 3.5 tonnes, shall be stationed, parked or stored on this site.
4. No commercial activities shall take place on the land, including the storage of materials.
5. 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 28 days of the date of failure to meet any one of the requirements set out in (i) a) to e), ii, iii and iv below:
 - (viii) **Within 3 months of the date of this decision a 'site development scheme'** shall be submitted to include:
 - a) The internal layout of the site, including the layout of caravans;
 - b) the means of foul and surface water drainage of, and water supply to, the site, including the location and specification of cess pits, vertical and horizontal drain runs and water supply pipes and means of managing the foul water system and emptying any cess pit;
 - c) proposed and existing external lighting on the boundary of and within the site;
 - d) the location and details of one electric vehicle charging point; and
 - e) a scheme to achieve measurable biodiversity net gain and mitigation including a timetable for implementation, monitoring and management and details of the baseline;

(Hereafter referred to as the site development scheme), shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.

Appeal Decisions APP/J0405/W/22/3295747, APP/J0405/W/22/3295748, APP/J0405/W/22/3295749, APP/J0405/W/22/3295750, APP/J0405/W/22/3295751, APP/J0405/W/22/3295752, APP/J0405/W/22/3295753, APP/J0405/W/22/3295754, APP/J0405/W/22/3295755, APP/J0405/W/22/3295756, APP/J0405/W/22/3295757, APP/J0405/W/22/3295758, APP/J0405/W/22/3295759, APP/J0405/W/22/3295760, APP/J0405/W/22/3295761, APP/J0405/W/22/3295762, APP/J0405/W/22/3295763, APP/J0405/W/22/3295764, APP/J0405/W/22/3295765, APP/J0405/W/22/3295766

(ii) If within 11 months of the date of this decision the local planning authority refuse to approve the 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.

(iii) The approved 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 retained.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other order revoking and re-enacting that order with or without modifications), no sheds or amenity/utility buildings, or other buildings or structures, walls, fences or other means of enclosure other than those shown on the approved plans shall be erected on the site unless details of their size, materials and location shall have previously been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 there shall be no means of external illumination other than that approved under condition 5(i)(c) above unless details of it have previously been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Appeal I Ref: APP/J0405/W/22/3295754

Plot 07, Sunset Park Homes, Whitfield, BRACKLEY, NN13 5TD

The appeal is allowed and planning permission is granted for Retention of 4no. Static Caravans at Plot 07, Sunset Park Homes, BRACKLEY, NN13 5TD in accordance with the terms of the application, Ref 21/04456/APP, dated 12 November 2021, subject to the following condition:

1. The site shall not be occupied by any persons other than Gypsies and Travellers, defined as 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.
2. In accordance with the submitted plans, there shall be no more than 4 caravans stationed on the pitch at any one time.
3. No vehicle over 3.5 tonnes, shall be stationed, parked or stored on this site.

4. No commercial activities shall take place on the land, including the storage of materials.
5. 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 28 days of the date of failure to meet any one of the requirements set out in (i) a) to e), ii, iii and iv below:
 - (i) **Within 3 months of the date of this decision a 'site development scheme'** shall be submitted to include:
 - a) The internal layout of the site, including the layout of caravans;
 - b) the means of foul and surface water drainage of, and water supply to, the site, including the location and specification of cess pits, vertical and horizontal drain runs and water supply pipes and means of managing the foul water system and emptying any cess pit;
 - c) proposed and existing external lighting on the boundary of and within the site;
 - d) the location and details of one electric vehicle charging point; and
 - e) a scheme to achieve measurable biodiversity net gain and mitigation including a timetable for implementation, monitoring and management and details of the baseline;

(Hereafter referred to as the site development scheme), shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.
 - (ii) If within 11 months of the date of this decision the local planning authority refuse to approve the 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.
 - (iii) The approved 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 retained.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other order revoking and re-enacting that order with or without modifications), no sheds or amenity/utility buildings, or other buildings or structures, walls, fences or other means of enclosure other than those shown on the approved plans shall be

erected on the site unless details of their size, materials and location shall have previously been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 there shall be no means of external illumination other than that approved under condition 5(i)(c) above unless details of it have previously been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Appeal J Ref: APP/J0405/W/22/3295755

Plot 08, Sunset Park Homes, Whitfield, BRACKLEY, NN13 5TD

The appeal is allowed and planning permission is granted for Retention of 3no. Static Caravans at Plot 08, Sunset Park Homes, BRACKLEY, NN13 5TD in accordance with the terms of the application, Ref 21/04457/APP, dated 17 November 2021, subject to the following conditions:

1. The site shall not be occupied by any persons other than Gypsies and Travellers, defined as 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.
2. In accordance with the submitted plans, there shall be no more than 3 caravans stationed on the pitch at any one time.
3. No vehicle over 3.5 tonnes, shall be stationed, parked or stored on this site.
4. No commercial activities shall take place on the land, including the storage of materials.
5. 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 28 days of the date of failure to meet any one of the requirements set out in (i) a) to e), ii, iii and iv below:
 - (i) **Within 3 months of the date of this decision a 'site development scheme'** shall be submitted to include:
 - a) The internal layout of the site, including the layout of caravans;
 - b) the means of foul and surface water drainage of, and water supply to, the site, including the location and specification of cess pits, vertical and horizontal drain runs and water supply pipes and means of managing the foul water system and emptying any cess pit;

- c) proposed and existing external lighting on the boundary of and within the site;
- d) the location and details of one electric vehicle charging point; and
- e) a scheme to achieve measurable biodiversity net gain and mitigation including a timetable for implementation, monitoring and management and details of the baseline;

(Hereafter referred to as the site development scheme), shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.

- (ii) If within 11 months of the date of this decision the local planning authority refuse to approve the 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.
- (iii) The approved 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 retained.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other order revoking and re-enacting that order with or without modifications), no sheds or amenity/utility buildings, or other buildings or structures, walls, fences or other means of enclosure other than those shown on the approved plans shall be erected on the site unless details of their size, materials and location shall have previously been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 there shall be no means of external illumination other than that approved under condition 5(i)(c) above unless details of it have previously been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Appeal K Ref: APP/J0405/W/22/3295756
Plot 09, Sunset Park Homes, Whitfield, BRACKLEY, NN13 5TD

The appeal is allowed and planning permission is granted for Retention of 5no. Static Caravans at Plot 09, Sunset Park Homes, BRACKLEY, NN13 5TD in

accordance with the terms of the application, Ref 21/04437/APP, dated 12 November 2021, subject to the following conditions:

1. The site shall not be occupied by any persons other than Gypsies and Travellers, defined as 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.**

2. In accordance with the submitted plans, there shall be no more than 5 caravans stationed on the pitch at any one time.

3. No vehicle over 3.5 tonnes, shall be stationed, parked or stored on this site.

4. No commercial activities shall take place on the land, including the storage of materials.

5. 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 28 days of the date of failure to meet any one of the requirements set out in (i) a) to e), ii, iii and iv below:

(ix) **Within 3 months of the date of this decision a 'site development scheme'** shall be submitted to include:

- a) The internal layout of the site, including the layout of caravans;
- b) the means of foul and surface water drainage of, and water supply to, the site, including the location and specification of cess pits, vertical and horizontal drain runs and water supply pipes and means of managing the foul water system and emptying any cess pit;
- c) proposed and existing external lighting on the boundary of and within the site;
- d) the location and details of one electric vehicle charging point; and
- e) a scheme to achieve measurable biodiversity net gain and mitigation including a timetable for implementation, monitoring and management and details of the baseline;

(Hereafter referred to as the site development scheme), shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.

(ii) If within 11 months of the date of this decision the local planning authority refuse to approve the 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.

Appeal Decisions APP/J0405/W/22/3295747, APP/J0405/W/22/3295748, APP/J0405/W/22/3295749, APP/J0405/W/22/3295750, APP/J0405/W/22/3295751, APP/J0405/W/22/3295752, APP/J0405/W/22/3295753, APP/J0405/W/22/3295754, APP/J0405/W/22/3295755, APP/J0405/W/22/3295756, APP/J0405/W/22/3295757, APP/J0405/W/22/3295758, APP/J0405/W/22/3295759, APP/J0405/W/22/3295760, APP/J0405/W/22/3295761, APP/J0405/W/22/3295762, APP/J0405/W/22/3295763, APP/J0405/W/22/3295764, APP/J0405/W/22/3295765, APP/J0405/W/22/3295766

(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.

(iii) The approved 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 retained.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other order revoking and re-enacting that order with or without modifications), no sheds or amenity/utility buildings, or other buildings or structures, walls, fences or other means of enclosure other than those shown on the approved plans shall be erected on the site unless details of their size, materials and location shall have previously been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 there shall be no means of external illumination other than that approved under condition 5(i)(c) above unless details of it have previously been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Appeal L Ref: APP/J0405/W/22/3295757
Plot 10, Sunset Park Homes, Whitfield, BRACKLEY, NN13 5TD

The appeal is allowed and planning permission is granted for Retention of 5no. Static Caravans at Plot 10, Sunset Park Homes, BRACKLEY, NN13 5TD in accordance with the terms of the application, Ref 21/04438/APP, dated 12 November 2021, subject to the following conditions:

1. The site shall not be occupied by any persons other than Gypsies and Travellers, defined as 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.**
2. In accordance with the submitted plans, there shall be no more than 5 caravans stationed on the pitch at any one time.
3. No vehicle over 3.5 tonnes, shall be stationed, parked or stored on this site.
4. No commercial activities shall take place on the land, including the storage of materials.
5. 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 28 days of the date of failure to meet any one of the requirements set out in (i) a) to e), ii, iii and iv below:

- (i) **Within 3 months of the date of this decision a 'site development scheme'** shall be submitted to include:
- a) The internal layout of the site, including the layout of caravans;
 - b) the means of foul and surface water drainage of, and water supply to, the site, including the location and specification of cess pits, vertical and horizontal drain runs and water supply pipes and means of managing the foul water system and emptying any cess pit;
 - c) proposed and existing external lighting on the boundary of and within the site;
 - d) the location and details of one electric vehicle charging point; and
 - e) a scheme to achieve measurable biodiversity net gain and mitigation including a timetable for implementation, monitoring and management and details of the baseline;

(Hereafter referred to as the site development scheme), shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.

(ii) If within 11 months of the date of this decision the local planning authority refuse to approve the 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.

(iii) The approved 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 retained.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other order revoking and re-enacting that order with or without modifications), no sheds or amenity/utility buildings, or other buildings or structures, walls, fences or other means of enclosure other than those shown on the approved plans shall be erected on the site unless details of their size, materials and location shall have previously been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 there shall be no means of external illumination other than that approved under condition 5(i)(c) above unless details of it have previously been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Appeal M Ref: APP/J0405/W/22/3295758

Plot 11, Sunset Park Homes, Whitfield, BRACKLEY, NN13 5TD

The appeal is allowed and planning permission is granted for Retention of 4no. Static Caravans at Plot 11, Sunset Park Homes, BRACKLEY, NN13 5TD in accordance with the terms of the application, Ref 21/04439/APP, dated 12 November 2021, subject to the following conditions:

1. The site shall not be occupied by any persons other than Gypsies and Travellers, defined as 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.**

2. In accordance with the submitted plans, there shall be no more than 4 caravans stationed on the pitch at any one time.

3. No vehicle over 3.5 tonnes, shall be stationed, parked or stored on this site.

4. No commercial activities shall take place on the land, including the storage of materials.

5. 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 28 days of the date of failure to meet any one of the requirements set out in (i) a) to e), ii, iii and iv below:

(i) **Within 3 months of the date of this decision a 'site development scheme'** shall be submitted to include:

- a) The internal layout of the site, including the layout of caravans;
- b) the means of foul and surface water drainage of, and water supply to, the site, including the location and specification of cess pits, vertical and horizontal drain runs and water supply pipes and means of managing the foul water system and emptying any cess pit;
- c) proposed and existing external lighting on the boundary of and within the site;
- d) the location and details of one electric vehicle charging point; and

Appeal Decisions APP/J0405/W/22/3295747, APP/J0405/W/22/3295748, APP/J0405/W/22/3295749, APP/J0405/W/22/3295750, APP/J0405/W/22/3295751, APP/J0405/W/22/3295752, APP/J0405/W/22/3295753, APP/J0405/W/22/3295754, APP/J0405/W/22/3295755, APP/J0405/W/22/3295756, APP/J0405/W/22/3295757, APP/J0405/W/22/3295758, APP/J0405/W/22/3295759, APP/J0405/W/22/3295760, APP/J0405/W/22/3295761, APP/J0405/W/22/3295762, APP/J0405/W/22/3295763, APP/J0405/W/22/3295764, APP/J0405/W/22/3295765, APP/J0405/W/22/3295766

- e) a scheme to achieve measurable biodiversity net gain and mitigation including a timetable for implementation, monitoring and management and details of the baseline;

(Hereafter referred to as the site development scheme), shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.

(ii) If within 11 months of the date of this decision the local planning authority refuse to approve the 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.

(iii) The approved 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 retained.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other order revoking and re-enacting that order with or without modifications), no sheds or amenity/utility buildings, or other buildings or structures, walls, fences or other means of enclosure other than those shown on the approved plans shall be erected on the site unless details of their size, materials and location shall have previously been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 there shall be no means of external illumination other than that approved under condition 5(i)(c) above unless details of it have previously been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Appeal N Ref: APP/J0405/W/22/3295759

Plot 12, Sunset Park Homes, Whitfield, BRACKLEY, NN13 5TD

The appeal is allowed and planning permission is granted for Retention of 4no. Static Caravans at Plot 12, Sunset Park Homes, BRACKLEY, NN13 5TD in accordance with the terms of the application, Ref 21/04440/APP, dated 12 November 2021, subject to the following conditions:

1. The site shall not be occupied by any persons other than Gypsies and Travellers, defined as 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.

2. In accordance with the submitted plans, there shall be no more than 4 caravans stationed on the pitch at any one time.

3. No vehicle over 3.5 tonnes, shall be stationed, parked or stored on this site.

4. No commercial activities shall take place on the land, including the storage of materials.

5. 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 28 days of the date of failure to meet any one of the requirements set out in (i) a) to e), ii, iii and iv below:

- (i) **Within 3 months of the date of this decision a 'site development scheme'** shall be submitted to include:
 - a) The internal layout of the site, including the layout of caravans;
 - b) the means of foul and surface water drainage of, and water supply to, the site, including the location and specification of cess pits, vertical and horizontal drain runs and water supply pipes and means of managing the foul water system and emptying any cess pit;
 - c) proposed and existing external lighting on the boundary of and within the site;
 - d) the location and details of one electric vehicle charging point; and
 - e) a scheme to achieve measurable biodiversity net gain and mitigation including a timetable for implementation, monitoring and management and details of the baseline;

(Hereafter referred to as the site development scheme), shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.

(ii) If within 11 months of the date of this decision the local planning authority refuse to approve the 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.

(iii) The approved scheme shall have been carried out and completed in accordance with the approved timetable.

Appeal Decisions APP/J0405/W/22/3295747, APP/J0405/W/22/3295748, APP/J0405/W/22/3295749, APP/J0405/W/22/3295750, APP/J0405/W/22/3295751, APP/J0405/W/22/3295752, APP/J0405/W/22/3295753, APP/J0405/W/22/3295754, APP/J0405/W/22/3295755, APP/J0405/W/22/3295756, APP/J0405/W/22/3295757, APP/J0405/W/22/3295758, APP/J0405/W/22/3295759, APP/J0405/W/22/3295760, APP/J0405/W/22/3295761, APP/J0405/W/22/3295762, APP/J0405/W/22/3295763, APP/J0405/W/22/3295764, APP/J0405/W/22/3295765, APP/J0405/W/22/3295766

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

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other order revoking and re-enacting that order with or without modifications), no sheds or amenity/utility buildings, or other buildings or structures, walls, fences or other means of enclosure other than those shown on the approved plans shall be erected on the site unless details of their size, materials and location shall have previously been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 there shall be no means of external illumination other than that approved under condition 5(i)(c) above unless details of it have previously been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Appeal O Ref: APP/J0405/W/22/3295760

Plot 14, Sunset Park Homes, Whitfield, BRACKLEY, NN13 5TD

The appeal is allowed and planning permission is granted for Retention of 4no. Static Caravans at Plot 14, Sunset Park Homes, BRACKLEY, NN13 5TD in accordance with the terms of the application, Ref 21/04441/APP, dated 12 November 2021, subject to the following conditions:

1. The site shall not be occupied by any persons other than Gypsies and Travellers, defined as 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.**
2. In accordance with the submitted plans, there shall be no more than 4 caravans stationed on the pitch at any one time.
3. No vehicle over 3.5 tonnes, shall be stationed, parked or stored on this site.
4. No commercial activities shall take place on the land, including the storage of materials.
5. 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 28 days of the date of failure to meet any one of the requirements set out in (i) a) to e), ii, iii and iv below:
 - (i) **Within 3 months of the date of this decision a 'site development scheme'** shall be submitted to include:
 - a) The internal layout of the site, including the layout of caravans;

- b) the means of foul and surface water drainage of, and water supply to, the site, including the location and specification of cess pits, vertical and horizontal drain runs and water supply pipes and means of managing the foul water system and emptying any cess pit;
- c) proposed and existing external lighting on the boundary of and within the site;
- d) the location and details of one electric vehicle charging point; and
- e) a scheme to achieve measurable biodiversity net gain and mitigation including a timetable for implementation, monitoring and management and details of the baseline;

(Hereafter referred to as the site development scheme), shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.

(ii) If within 11 months of the date of this decision the local planning authority refuse to approve the 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.

(iii) The approved 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 retained.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other order revoking and re-enacting that order with or without modifications), no sheds or amenity/utility buildings, or other buildings or structures, walls, fences or other means of enclosure other than those shown on the approved plans shall be erected on the site unless details of their size, materials and location shall have previously been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 there shall be no means of external illumination other than that approved under condition 5(i)(c) above unless details of it have previously been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Appeal P Ref: APP/J0405/W/22/3295761

Plot 15, Sunset Park Homes, Whitfield, BRACKLEY, NN13 5TD

The appeal is allowed and planning permission is granted for Retention of 4no. Static Caravans at Plot 15, Sunset Park Homes, BRACKLEY, NN13 5TD in accordance with the terms of the application, Ref 21/04442/APP, dated 12 November 2021, subject to the following conditions:

1. The site shall not be occupied by any persons other than Gypsies and Travellers, defined as 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.**
2. In accordance with the submitted plans, there shall be no more than 4 caravans stationed on the pitch at any one time.
3. No vehicle over 3.5 tonnes, shall be stationed, parked or stored on this site.
4. No commercial activities shall take place on the land, including the storage of materials.
5. 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 28 days of the date of failure to meet any one of the requirements set out in (i) a) to e), ii, iii and iv below:
 - (i) **Within 3 months of the date of this decision a 'site development scheme'** shall be submitted to include:
 - a) The internal layout of the site, including the layout of caravans;
 - b) the means of foul and surface water drainage of, and water supply to, the site, including the location and specification of cess pits, vertical and horizontal drain runs and water supply pipes and means of managing the foul water system and emptying any cess pit;
 - c) proposed and existing external lighting on the boundary of and within the site;
 - d) the location and details of one electric vehicle charging point; and
 - e) a scheme to achieve measurable biodiversity net gain and mitigation including a timetable for implementation, monitoring and management and details of the baseline;

(Hereafter referred to as the site development scheme), shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.

Appeal Decisions APP/J0405/W/22/3295747, APP/J0405/W/22/3295748, APP/J0405/W/22/3295749, APP/J0405/W/22/3295750, APP/J0405/W/22/3295751, APP/J0405/W/22/3295752, APP/J0405/W/22/3295753, APP/J0405/W/22/3295754, APP/J0405/W/22/3295755, APP/J0405/W/22/3295756, APP/J0405/W/22/3295757, APP/J0405/W/22/3295758, APP/J0405/W/22/3295759, APP/J0405/W/22/3295760, APP/J0405/W/22/3295761, APP/J0405/W/22/3295762, APP/J0405/W/22/3295763, APP/J0405/W/22/3295764, APP/J0405/W/22/3295765, APP/J0405/W/22/3295766

(ii) If within 11 months of the date of this decision the local planning authority refuse to approve the 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.

(iii) The approved 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 retained.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other order revoking and re-enacting that order with or without modifications), no sheds or amenity/utility buildings, or other buildings or structures, walls, fences or other means of enclosure other than those shown on the approved plans shall be erected on the site unless details of their size, materials and location shall have previously been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 there shall be no means of external illumination other than that approved under condition 5(i)(c) above unless details of it have previously been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Appeal Q Ref: APP/J0405/W/22/3295762

Plot 16, Sunset Park Homes, Whitfield, BRACKLEY, NN13 5TD

The appeal is allowed and planning permission is granted for Retention of 4no. Static Caravans at Plot 16, Sunset Park Homes, BRACKLEY, NN13 5TD in accordance with the terms of the application, Ref 21/04443/APP, dated 16 November 2021, subject to the following conditions:

1. The site shall not be occupied by any persons other than Gypsies and Travellers, defined as 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.**
2. In accordance with the submitted plans, there shall be no more than 4 caravans stationed on the pitch at any one time.
3. No vehicle over 3.5 tonnes, shall be stationed, parked or stored on this site.

4. No commercial activities shall take place on the land, including the storage of materials.

5. 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 28 days of the date of failure to meet any one of the requirements set out in (i) a) to e), ii, iii and iv below:

- (i) **Within 3 months of the date of this decision a 'site development scheme'** shall be submitted to include:
- a) The internal layout of the site, including the layout of caravans;
 - b) the means of foul and surface water drainage of, and water supply to, the site, including the location and specification of cess pits, vertical and horizontal drain runs and water supply pipes and means of managing the foul water system and emptying any cess pit;
 - c) proposed and existing external lighting on the boundary of and within the site;
 - d) the location and details of one electric vehicle charging point; and
 - e) a scheme to achieve measurable biodiversity net gain and mitigation including a timetable for implementation, monitoring and management and details of the baseline;

(Hereafter referred to as the site development scheme), shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.

(ii) If within 11 months of the date of this decision the local planning authority refuse to approve the 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.

(iii) The approved 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 retained.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other order revoking and re-enacting that order with or without modifications), no sheds or amenity/utility buildings, or other buildings or structures, walls, fences or other means of enclosure other than those shown on the approved plans shall be erected on the

Appeal Decisions APP/J0405/W/22/3295747, APP/J0405/W/22/3295748, APP/J0405/W/22/3295749, APP/J0405/W/22/3295750, APP/J0405/W/22/3295751, APP/J0405/W/22/3295752, APP/J0405/W/22/3295753, APP/J0405/W/22/3295754, APP/J0405/W/22/3295755, APP/J0405/W/22/3295756, APP/J0405/W/22/3295757, APP/J0405/W/22/3295758, APP/J0405/W/22/3295759, APP/J0405/W/22/3295760, APP/J0405/W/22/3295761, APP/J0405/W/22/3295762, APP/J0405/W/22/3295763, APP/J0405/W/22/3295764, APP/J0405/W/22/3295765, APP/J0405/W/22/3295766

site unless details of their size, materials and location shall have previously been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 there shall be no means of external illumination other than that approved under condition 5(i)(c) above unless details of it have previously been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Appeal R Ref: APP/J0405/W/22/3295763

Plot 17, Sunset Park Homes, Whitfield, BRACKLEY, NN13 5TD

The appeal is allowed and planning permission is granted for Retention of 4no. Static Caravans at Plot 17, Sunset Park Homes, BRACKLEY, NN13 5TD in accordance with the terms of the application, Ref 21/04444/APP, dated 16 November 2021, subject to the following conditions:

1. The site shall not be occupied by any persons other than Gypsies and Travellers, defined as 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.**
2. In accordance with the submitted plans, there shall be no more than 4 caravans stationed on the pitch at any one time.
3. No vehicle over 3.5 tonnes, shall be stationed, parked or stored on this site.
4. No commercial activities shall take place on the land, including the storage of materials.
5. 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 28 days of the date of failure to meet any one of the requirements set out in (i) a) to e), ii, iii and iv below:
 - (i) Within 3 months of the date of **this decision a 'site development scheme'** shall be submitted to include:
 - a) The internal layout of the site, including the layout of caravans;
 - b) the means of foul and surface water drainage of, and water supply to, the site, including the location and specification of cess pits, vertical and horizontal drain runs and water supply pipes and means of managing the foul water system and emptying any cess pit;

- c) proposed and existing external lighting on the boundary of and within the site;
- d) the location and details of one electric vehicle charging point; and
- e) a scheme to achieve measurable biodiversity net gain and mitigation including a timetable for implementation, monitoring and management and details of the baseline;

(Hereafter referred to as the site development scheme), shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.

(ii) If within 11 months of the date of this decision the local planning authority refuse to approve the 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.

(iii) The approved 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 retained.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other order revoking and re-enacting that order with or without modifications), no sheds or amenity/utility buildings, or other buildings or structures, walls, fences or other means of enclosure other than those shown on the approved plans shall be erected on the site unless details of their size, materials and location shall have previously been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 there shall be no means of external illumination other than that approved under condition 5(i)(c) above unless details of it have previously been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Appeal S Ref: APP/J0405/W/22/3295764
Plot 18, Sunset Park Homes, Whitfield, BRACKLEY, NN13 5TD

The appeal is allowed and planning permission is granted for Retention of 4no. Static Caravans at Plot 18, Sunset Park Homes, BRACKLEY, NN13 5TD in

accordance with the terms of the application, Ref 21/04445/APP, dated 16 November 2021, subject to the following conditions:

1. The site shall not be occupied by any persons other than Gypsies and Travellers, defined as 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.**
2. In accordance with the submitted plans, there shall be no more than 4 caravans stationed on the pitch at any one time.
3. No vehicle over 3.5 tonnes, shall be stationed, parked or stored on this site.
4. No commercial activities shall take place on the land, including the storage of materials.
5. 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 28 days of the date of failure to meet any one of the requirements set out in (i) a) to e), ii, iii and iv below:
 - (i) **Within 3 months of the date of this decision a 'site development scheme'** shall be submitted to include:
 - a) The internal layout of the site, including the layout of caravans;
 - b) the means of foul and surface water drainage of, and water supply to, the site, including the location and specification of cess pits, vertical and horizontal drain runs and water supply pipes and means of managing the foul water system and emptying any cess pit;
 - c) proposed and existing external lighting on the boundary of and within the site;
 - d) the location and details of one electric vehicle charging point; and
 - e) a scheme to achieve measurable biodiversity net gain and mitigation including a timetable for implementation, monitoring and management and details of the baseline;

(Hereafter referred to as the site development scheme), shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.

(ii) If within 11 months of the date of this decision the local planning authority refuse to approve the 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.

Appeal Decisions APP/J0405/W/22/3295747, APP/J0405/W/22/3295748, APP/J0405/W/22/3295749, APP/J0405/W/22/3295750, APP/J0405/W/22/3295751, APP/J0405/W/22/3295752, APP/J0405/W/22/3295753, APP/J0405/W/22/3295754, APP/J0405/W/22/3295755, APP/J0405/W/22/3295756, APP/J0405/W/22/3295757, APP/J0405/W/22/3295758, APP/J0405/W/22/3295759, APP/J0405/W/22/3295760, APP/J0405/W/22/3295761, APP/J0405/W/22/3295762, APP/J0405/W/22/3295763, APP/J0405/W/22/3295764, APP/J0405/W/22/3295765, APP/J0405/W/22/3295766

(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.

(iii) The approved 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 retained.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other order revoking and re-enacting that order with or without modifications), no sheds or amenity/utility buildings, or other buildings or structures, walls, fences or other means of enclosure other than those shown on the approved plans shall be erected on the site unless details of their size, materials and location shall have previously been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 there shall be no means of external illumination other than that approved under condition 5(i)(c) above unless details of it have previously been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Appeal T Ref: APP/J0405/W/22/3295765
Plot 19, Sunset Park Homes, Whitfield, BRACKLEY, NN13 5TD

The appeal is allowed and planning permission is granted for Retention of 4no. Static Caravans at Caravan 19, Sunset Park Homes, BRACKLEY, NN13 5TD in accordance with the terms of the application, Ref 21/0446/APP, dated 16 November 2021, subject to the following conditions:

1. The site shall not be occupied by any persons other than Gypsies and Travellers, defined as 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.**
2. In accordance with the submitted plans, there shall be no more than 4 caravans stationed on the pitch at any one time.
3. No vehicle over 3.5 tonnes, shall be stationed, parked or stored on this site.
4. No commercial activities shall take place on the land, including the storage of materials.

5. 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 28 days of the date of failure to meet any one of the requirements set out in (i) a) to e), ii, iii and iv below:

- (i) **Within 3 months of the date of this decision a 'site development scheme'** shall be submitted to include:
- a) The internal layout of the site, including the layout of caravans;
 - b) the means of foul and surface water drainage of, and water supply to, the site, including the location and specification of cess pits, vertical and horizontal drain runs and water supply pipes and means of managing the foul water system and emptying any cess pit;
 - c) proposed and existing external lighting on the boundary of and within the site;
 - d) the location and details of one electric vehicle charging point; and
 - e) a scheme to achieve measurable biodiversity net gain and mitigation including a timetable for implementation, monitoring and management and details of the baseline;

(Hereafter referred to as the site development scheme), shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.

(ii) If within 11 months of the date of this decision the local planning authority refuse to approve the 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.

(iii) The approved 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 retained.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other order revoking and re-enacting that order with or without modifications), no sheds or amenity/utility buildings, or other buildings or structures, walls, fences or other means of enclosure other than those shown on the approved plans shall be erected on the site unless details of their size, materials and location shall have previously been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 there shall be no means of external illumination other than that approved under condition 5(i)(c) above unless details of it have previously been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Appeal U Ref: APP/J0405/W/22/3295766

Plot 20, Sunset Park Homes, Whitfield, BRACKLEY, NN13 5TD

The appeal is allowed and planning permission is granted for Retention of 4no. Static Caravans at Caravan 20, Sunset Park Homes, BRACKLEY, NN13 5TD in accordance with the terms of the application, Ref 21/04447/APP, dated 17 November 2021, subject to the following conditions:

1. The site shall not be occupied by any persons other than Gypsies and Travellers, defined as 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.**
2. In accordance with the submitted plans, there shall be no more than 4 caravans stationed on the pitch at any one time.
3. No vehicle over 3.5 tonnes, shall be stationed, parked or stored on this site.
4. No commercial activities shall take place on the land, including the storage of materials.
5. 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 28 days of the date of failure to meet any one of the requirements set out in (i) a) to e), ii, iii and iv below:
 - (i) **Within 3 months of the date of this decision a 'site development scheme' shall be submitted to include:**
 - a) The internal layout of the site, including the layout of caravans;
 - b) the means of foul and surface water drainage of, and water supply to, the site, including the location and specification of cess pits, vertical and horizontal drain runs and water supply pipes and means of managing the foul water system and emptying any cess pit;
 - c) proposed and existing external lighting on the boundary of and within the site;
 - d) the location and details of one electric vehicle charging point; and

- e) a scheme to achieve measurable biodiversity net gain and mitigation including a timetable for implementation, monitoring and management and details of the baseline;

(Hereafter referred to as the site development scheme), shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.

(ii) If within 11 months of the date of this decision the local planning authority refuse to approve the 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.

(iii) The approved 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 retained.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other order revoking and re-enacting that order with or without modifications), no sheds or amenity/utility buildings, or other buildings or structures, walls, fences or other means of enclosure other than those shown on the approved plans shall be erected on the site unless details of their size, materials and location shall have previously been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 there shall be no means of external illumination other than that approved under condition 5(i)(c) above unless details of it have previously been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

APPENDIX 8



Winchester
City Council

Winchester City Council – including South Downs National Park (SDNP)

Gypsy and Traveller Accommodation Assessment (GTAA)

Final Report

October 2022



Opinion Research Services | The Strand, Swansea SA1 1AF
Steve Jarman, Michael Bayliss, Elliot Muldoon, Gill Craddock, and Lee Craddock
enquiries: 01792 535300 · info@ors.org.uk · www.ors.org.uk

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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 Winchester City Council (the Council). The assessment has been completed for sites in Winchester District, including those sites that are located in the South Downs National Park (SDNP) in Winchester.
- 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 2019/20 to 2038/39 to cover the Winchester Local Plan period and the 15-year requirements set out in Planning Policy for Traveller Sites (PPTS). It also includes a break to 2036 to allow for comparison with other Local Plan evidence base documents. The outcomes of this study supersede the outcomes of any previous GTAAs for Winchester City Council.
- 1.3 The time periods covered by the GTAA are set out in the table below. Whilst the 17-year GTAA period commences from 2022, which is the baseline date for the study, need and supply for the period 2019-21 which is when the Local Plan period commenced nets to zero given that a full new study was completed with a 2022 baseline date.

Figure 1 – GTAA Time periods

2019-21	2022-2026	2027-31	2032-36	2037-38
	Years 0-5	Years 6-10	Years 11-15	Years 16-17
2019-20	2022-23	2027-28	2032-33	2037-38
2020-21	2023-24	2028-29	2033-34	2038-39
2021-22	2024-25	2029-30	2034-35	
	2025-26	2030-31	2035-36	
	2026-27	2031-32	2036-37	

- 1.4 The GTAA has sought to understand the accommodation needs of the Gypsy, Traveller and Travelling Showpeople population in Winchester 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. A total of 87 interviews or proxy interviews were completed with Gypsies and Travellers living on sites in Winchester and a total of 20 interviews were completed with Travelling Showpeople in Winchester. A total of 7 interviews or proxy interviews were completed with Gypsies and Travellers living in SDNP and a total of 3 interviews were completed with Travelling Showpeople living in SDNP. A total of 12 stakeholder interviews were also completed with Officers from Winchester, SDNP and with Officers from neighbouring local authorities.

- 1.5 The fieldwork for the study was completed between September 2019 and July 2022, and the baseline date for the study is July 2022. The reason for the extended fieldwork period was primarily due to the onset of COVID-19 in March 2020 which was when the majority of the fieldwork has been completed. Further work was then undertaken following the lockdown periods to complete and update the fieldwork. Further details can be found in Chapter 3.

Key Findings

Pitch Needs – Gypsies and Travellers

- 1.6 Overall, the pitch needs for Gypsies and Travellers for the period 2022-2038/39 are set out below. Needs are set out for those households that met the planning definition of a Gypsy or Traveller (PPTS, Annex 1); for any undetermined households¹ (where an interview was not able to be completed due to households not being present despite up to three visits to each site) who may meet the planning definition; and for those households that did not meet the planning definition – although this is no longer a requirement for a GTAA.
- 1.7 Only the need from those households who met the planning definition and from those of the undetermined households who 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.
- 1.8 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.
- 1.9 In general terms, the need for those households who did not meet the 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 (NPPF) 2021. Paragraph 61 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 62 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 See Chapter 3 for further information on undetermined households.

- 1.10 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 Winchester due to data protection issues, the Council have more detailed data to enable accurate Local Plan allocation to be made.

Winchester (excluding SDNP)

- 1.11 There were 106 Gypsy or Traveller households identified in Winchester that met the planning definition; 38 undetermined households that may meet the planning definition; and 33 households that did not meet the planning definition.
- 1.12 There is a current and future need for **115 pitches for households that met the planning definition**. This is made up of 23 unauthorised pitches; 29 concealed or doubled-up households or single adults; 24 teenagers who will need a pitch of their own in the next 5 years; 3 from in-migration/roadside; and 36 from new household formation² using a growth rate of 2.00% derived from the household demographics.
- 1.13 There is a current and future need identified for **up to 40 pitches from the 38 undetermined Gypsy and Traveller households**. This is made up of 23 unauthorised pitches; 6 pitches with temporary planning permission; and new household formation of 11 from a maximum of 40 households using the ORS national formation rate of 1.50%. If the ORS national average³ of 30% proved to subsequently meet the definition this could result in a need for 12 pitches. If the locally derived proportion of households that met the planning definition (76%) were applied this could result in a need for 30 pitches.
- 1.14 Whilst not now a requirement to include in a GTAA, there is a current and future need for **45 pitches for households that did not meet the planning definition**. This is made up of 17 unauthorised pitches; 8 concealed or doubled-up households or single adults; 6 teenagers in need of a pitch of their own in the next 5 years; 1 from in-migration; and 13 from new household formation, using a growth rate of 2.20% derived from the household demographics.
- 1.15 Figure 2 summarises the identified need and Figure 3 breaks this down by 5-year periods.

Figure 2 – Need for Gypsy and Traveller households in Winchester (2022-38)

Status	2022-2038
Meet Planning Definition	115
Undetermined	0-40
Do not meet Planning Definition	45

Figure 3 – Need for Gypsy and Traveller households in Winchester that met the Planning Definition by year periods

Years	0-5	6-10	11-15	16-17	Total
	2022-26	2027-31	2032-36	2037-38	
	79	14	15	7	115

² See Chapter 7 for further information on new household formation.

³ Based on over 5,000 interviews completed by ORS across England.

Winchester (SDNP)

- 1.16 The assessment of need has also covered the parts of the South Downs National Park (SDNP) that are located within Winchester – see the shaded area on the map below. There are just 2 small Gypsy and Traveller sites located in the SDNP in Winchester, one of which also includes a bricks and mortar property. Interviews were completed with households living on both of the sites and in the house 3 households met the planning definition of a Traveller and 7 did not meet the planning definition of a Traveller.



- 1.17 There is a need for **no pitches for households that met the planning definition.**
- 1.18 There were no undetermined households on sites in SDNP in Winchester.
- 1.19 There is a need for **5 pitches for households that did not meet the planning definition.** This is made up of 3 concealed or doubled-up households or adults; and 2 from new household formation derived from the household demographics.

Figure 4 – Need for Gypsy and Traveller households in Winchester (SDNP) 2020-38

Status	2020-38
Meet Planning Definition	0
Undetermined	0
Do not meet Planning Definition	5

Figure 5 – Need for Gypsy and Traveller households in Winchester (SDNP) that meet the Planning Definition by year periods

Years	0-5	6-10	11-15	16-17	Total
	2022-26	2027-31	2032-36	2037-38	
	0	0	0	0	0

Plot Needs - Travelling Showpeople

- 1.20 Overall, the plot needs for Travelling Showpeople from 2022-2038/39 are set out below. Needs are set out for those households that met the planning definition of a Travelling Showperson (PPTS, Annex 1); 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 no longer a requirement for a GTAA).
- 1.21 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.
- 1.22 The need arising from households that met the planning definition should be addressed through yard allocation/intensification/expansion in Local Plan Policies.
- 1.23 The Council will need to carefully consider how to address any need associated with 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.
- 1.24 Any need for households who did not meet the planning definition will need to be considered as part of general housing need. See Paragraphs 1.08-1.09 for further details.

Winchester (excluding SDNP)

- 1.25 There are 13 Travelling Showperson's yards in Winchester with a total of 24 plots. There were 27 households identified that met the planning definition; 8 undetermined households that may meet the planning definition; and 2 households that did not meet the planning definition.
- 1.26 The GTAA identifies a current and future need for **27 plots for households that met the planning definition**. This is made up of 9 concealed or doubled-up households; 12 teenagers in need of a plot of their own in the next 5 years; and 6 from new household formation using a rate of 1.10% derived from the household demographics.
- 1.27 There is a need for **up to 3 plots for undetermined households** and this is all from new household formation.

- 1.28 There is a need for **3 plots for households that did not meet the planning definition**. This is made up of 1 concealed adult and 2 from new household formation derived from the household demographics.

Figure 6 – Need for Travelling Showpeople households in Winchester (2022-2038)

Status	2020-38
Meet Planning Definition	27
Undetermined	0-3
Do not meet Planning Definition	3

Figure 7 – Need for Travelling Showpeople households in Winchester that meet the Planning Definition by time periods

Years	0-5	6-10	11-15	16-17	Total
	2022-26	2027-31	2032-36	2037-38	
	21	2	3	1	27

Winchester (SDNP)

- 1.29 There is 1 Travelling Showperson yard with 3 plots in Winchester located in the SDNP area and it was possible to complete interviews with all households and all met the planning definition.
- 1.30 There is a need identified for **8 plots from the Travelling Showpeople households that met the planning definition**. This is made up of 1 doubled-up single adult; 3 teenagers in need of a pitch in the next 5 years; and 4 from new household formation derived from the household demographics.

Figure 8 – Need for Travelling Showpeople households in Winchester (SDNP) 2020-2038

Status	2020-38
Meet Planning Definition	8
Undetermined	0
Do not meet Planning Definition	0

Figure 9 – Need for Travelling Showpeople households in Winchester (SDNP) that meet the Planning Definition by time periods

Years	0-5	6-10	11-15	16-17	Total
	2022-26	2027-31	2032-36	2037-38	
	4	3	1	0	8

Transit Recommendations

- 1.31 Due to historic low numbers of unauthorised encampments, it is not recommended that there is a need for a formal public transit site in Winchester at this time. However, the situation relating to levels of unauthorised encampments should be monitored to determine if there are any increases in the number of encampments.
- 1.32 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).

- 1.33 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 Hampshire-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.
- 1.34 In the short-term the Council should continue to use its current approaches when dealing with unauthorised encampments, and management-based approaches such as negotiated stopping agreements could also be considered.
- 1.35 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.
- 1.36 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. Apart from Wickham Fair, such regular large-scale events are unlikely to occur in Winchester, the Council should still be aware of temporary arrangements that could be put in place if required.

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 Gypsy, Traveller and Travelling Showpeople accommodation in Winchester, including areas covered by the South Downs National Park (SDNP). The outcomes of the study will supersede the outcomes of the previous Traveller and Travelling Showpeople Accommodation Needs Assessment completed for Winchester City Council in 2016.
- 2.2 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, the Housing and Planning Act (2016), the National Planning Policy Framework (NPPF) 2021, and the Planning Practice Guidance (PPG) 2021.
- 2.3 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 Local Plan Policies and the provision of Traveller pitches and plots covering the period 2019/20 to 2038/39 to meet the Local Plan period and the 15-year requirements of the PPTS. It also includes a break to 2036 to allow for comparison with other Local Plan evidence base documents. 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.
- 2.4 Whilst the 17-year GTAA period commences from 2022, which is the baseline date for the study, need and supply for the period 2019-21, which is when the Local Plan period commences, nets to zero given that a full new study has been completed with a 2022 baseline date – see Figure 1.
- 2.5 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).
- 2.6 The baseline date for the study is July 2022 which was when the household interviews were completed.

Definitions

- 2.7 The planning definition for a Gypsy, Traveller or Travelling Showperson is set out in PPTS (2015). 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). 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, 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, but excludes Gypsies and Travellers as defined above.

(Planning Policy for Traveller Sites, Department for Communities and Local Government (DCLG), August 2015)

- 2.9 The key change that was made to both definitions was the removal of the term "*persons...who have ceased to travel permanently*", meaning that those who have ceased to travel permanently will no longer fall under the planning definition of a Traveller for the purposes of assessing accommodation need in a GTAA.

Definition of Travelling

- 2.10 One of the most important questions that GTAAs 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 (or have ceased to travel temporarily) 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 travel for purposes other than work – such as holidays and visiting friends or relatives. 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 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 these households will need to demonstrate that they have travelled for work in the past. In addition, households will also have to demonstrate that they plan to travel again for work in the future.
- 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 of 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
- » The Equality Act, 2010
- » Planning Policy for Traveller Sites (PPTS), 2015
- » The Housing and Planning Act, 2016
- » National Planning Policy Framework (NPPF), 2021
- » Planning Practice Guidance⁴ (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 NPPF (2021). 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.

⁴With particular reference to the sections on *Housing needs of different groups* (July 2019).

Planning Policy for Traveller Sites (PPTS) 2015

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.*
- » *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 2015 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 (NPPF) 2021

2.29 The most recent version of the NPPF was issued in July 2021. Paragraph 61 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 62 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 NPPF 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 LP. 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.

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

- 2.33 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. 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.
- 2.34 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.
- 2.35 It is too early to properly identify the impact that the judgement will have on an assessment of need for Travellers. However, the approach taken by ORS does include an assessment of need for all Travellers, and should any changes be made to the PPTS planning definition of a Traveller, the outcomes of the GTAA can be amended accordingly.

Levelling-up and Regeneration Bill (2022)

- 2.36 Among other things, this Bill seeks to make provision about town and country planning. 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.

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 in August 2015, the Housing and Planning Act (2016) the NPPF (2021), 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 (2015) contains a number of requirements for local authorities which must be addressed in any 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 since the changes to the PPTS in August 2015 the ORS GTAA methodology has been repeatedly found to be sound and robust, including through Local Plan Examinations in Bedford, Blaby, 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 A**.

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 was undertaken with key Council Officers from Winchester through telephone interviews. A total of 4 interviews were completed with Council Officers from the study area. In addition, an interview was completed with an Officer from South Downs National Park.

Working Collaboratively with Neighbouring Planning Authorities

3.10 To help support the Duty-to-Cooperate and provide background information for the study, telephone interviews were conducted with Planning Officers in neighbouring planning authorities. These interviews will help to ensure that wider issues that may impact on this project are fully understood. ORS have completed the most recent GTAA's for all of the neighbouring authorities to Winchester and have a good working knowledge of Traveller and cross-border issues. This included interviews with Officers from the Councils set out below. Again, a detailed topic guide was agreed with the Council.

- » Basingstoke & Deane Borough Council.
- » East Hampshire District Council.
- » Eastleigh Borough Council.
- » Fareham Borough Council.
- » Havant Borough Council.
- » Portsmouth City Council.
- » Test Valley Borough Council.

Survey of Travelling Communities

- 3.11 As a result of travel and social distancing restrictions due to COVID-19 that were introduced in March 2020 a 3-stage methodology was used to complete the site and yard fieldwork.

Stage 1 – Face-to-Face Interviews (September 2019-March 2020)

- 3.12 Through the desk-based research and the stakeholder interviews, ORS sought to identify all authorised and unauthorised sites/yards and encampments in the study area and attempted to complete an interview with the residents on all occupied pitches and plots.
- 3.13 In order to gather the robust information needed to assess households against the planning definition of a Traveller, up to 3 attempts were made to contact households where it was not initially possible to conduct an interview because they were not available at the time.
- 3.14 Our experience suggests that an attempt to interview households on all pitches is more robust. A sample-based approach often leads to an under-estimate of need – and is an approach which is regularly challenged by the Planning Inspectorate and at Planning Appeals.
- 3.15 ORS worked closely with the Council to ensure that the interviews collected all the necessary information to support the study. The site interview questions that were used (see **Appendix E**) have been updated to take account of recent changes to PPTS and to collect the information ORS feel is necessary to apply the planning definition. Members of ORS' dedicated team of experienced Researchers who work on our GTAA studies across England and Wales sought to visit all sites and yards in the district. Researchers attempted to conduct semi-structured interviews with residents to determine their current demographic characteristics, their current or future accommodation needs, whether there is any over-crowding or the presence of concealed households and travelling characteristics. 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 2 – Telephone Interviews (April 2020-November 2021)

- 3.18 Following the travel and social distancing restrictions as a result of COVID-19 that were put in place in March 2020, ORS' Researchers sought to complete any outstanding site and yard interviews over the telephone. Letters and reminder letters were sent to residents on all sites where contact had not been able to be made during the face-to-face interviews. The wording of the letters was agreed with members of the Travelling Community, and asked households to call ORS Researchers to complete an interview over the telephone. In addition, for sites where some

contact had been made but where not all interviews had been completed, ORS Researchers contacted households who had been interviewed and asked them to share our contact details with other households, or to provide information to complete a proxy interview.

- 3.19 In July 2020 when some of the travel and social distancing restrictions were relaxed in England, ORS completed a detailed COVID-19 Risk Assessment that allowed for limited fieldwork activities to resume. These were restricted to making observational visits to sites to confirm site names, occupancy levels, and where possible to share contact details whilst observing social distancing requirements.

Stage 3 – Baseline Review (April 2022-July 2022)

- 3.20 Prior to the Regulation 18 consultation on the emerging Local Plan, a final review was completed to ensure that the GTAA site and yard baseline accurately reflected any sites and yards where there had been changes since November 2021. This included any new sites and yards that had been granted planning permission, and any changes to existing sites and yards.

Engagement with Bricks and Mortar Households

- 3.21 The 2011 Census recorded 42 households that identified as either Gypsies or Irish Travellers who lived in a house or bungalow Winchester and 8 who lived in a flat or maisonette.
- 3.22 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 possible to give households living in bricks and mortar the opportunity to make their views known.
- 3.23 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

- 3.24 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 avoid days of known local or national events. However, due to COVID-19 restrictions the fieldwork was completed between September 2019 and November 2021, with a final review completed between April and July 2022.

Applying the Planning Definition

- 3.25 The primary change to PPTS (2015) in relation to the assessment of need was the change to the definition of a Gypsy, Traveller or Travelling Showperson for planning purposes. Through the site interviews ORS sought to collect information necessary to assess each household against the planning definition. Since the PPTS was issued in 2015, a number of relevant appeal decisions have been issued by the Planning Inspectorate on how the planning definition should be applied (see Paragraphs 2.19 and 2.20 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 due to education, ill health or old age.
- 3.26 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 main 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.
- 3.27 When the household survey was completed, the answers from these questions on travelling were used to determine the status of each household against the planning definition in PPTS (2015). 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 due to education, ill health or old age, and plan to travel again for work purposes in the future. 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 year that family members travel for work; the duration of trips for work; and where family members stay when travelling away from home for work.
- 3.28 Households that need to be considered in the GTAA fall under one of three classifications that will determine whether their housing needs will need to be assessed in the GTAA. 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 under the planning definition.
- » Households where an interview was not possible who may fall under the planning definition.

3.29 Whilst the needs of those households that do not meet the planning definition do not need to be included in the GTAA, they will be 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 (2021).

Undetermined Households

3.30 As well as calculating need for households that meet the planning definition, the needs of the households where an interview was not completed (either due to refusal to be interviewed or households that were not present during the fieldwork period) need to be assessed as part of the GTAA where they are believed to be Gypsies and Travellers who may meet the planning definition. 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 seeks an estimate of potential need from these households. This will be an additional need figure over and above the need identified for households that do meet the planning definition.

3.31 The estimate seeks to identify potential current and future need from any pitches known to be temporary or unauthorised, and through new household formation. For the latter, the ORS national rate of 1.50%⁵ has been used as the demographics of residents are unknown.

3.32 Should further information be made available to the Council that will allow for the planning definition to be applied, these households could either form a confirmed component of need to be addressed through the GTAA or through wider assessments of housing need.

3.33 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.

3.34 However, data that has been collected from over 5,000 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 400 interviews that have been completed) – and in some local authorities, no households meet the planning definition.

3.35 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 35% 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

⁵ See Appendix F for further details.

in relation to households that meet the planning definition in PPTS (2015) and should be seen as a robust statistical figure.

3.36 This would also suggest that it is likely that only a proportion of the potential need identified from undetermined households will need conditioned Gypsy and Traveller pitches, and that the needs of the majority will need to be addressed through separate Local Plan Policies.

3.37 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

3.38 Households who do not travel for work now fall outside the 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 Guidance⁶ related to this section of the Act has been published setting 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 (2021).

3.39 Paragraph 62 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

⁶ Draft guidance to local housing authorities on the periodical review of housing needs for caravans and houseboats. DCLG (March 2016). Note that this Guidance was never finalised and brought into effect. However, the key principles have been accepted.

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 Current and Future Need

^{3.40} To identify need, PPTS (2015) 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

^{3.41} 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).

^{3.42} 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

^{3.43} The second stage was to identify components of current need, which is not necessarily the need for new 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 i.e. concealed or doubled-up households or households living in bricks and mortar that are also on the waiting list:

- » Households on unauthorised developments for which planning permission is not expected.
- » Concealed, doubled-up or over-crowded households (including single adults).
- » Households in bricks and mortar wishing to move to sites.
- » Households in need on waiting lists for public sites.

Future Need

^{3.44} The final stage was to identify components of future need. This includes the following four components:

- » Teenage children in need of a pitch of their own in the next 5 years.
 - » Households living on sites with temporary planning permissions.
 - » New household formation.
 - » In-migration/roadside.
- 3.45 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 7 of this report.
- 3.46 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.
- 3.47 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 2038/39.

Pitch Turnover

- 3.48 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.

- 3.49 In addition, Best Practice for Assessing the Accommodation Needs of Gypsies and Travellers⁷ 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:

⁷ 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.

- 3.50 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 an ongoing component of supply in this GTAA.

Transit Provision

- 3.51 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 from the roadside, 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.
- 3.52 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.
- 3.53 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.
- 3.54 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.
- 3.55 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.

- 3.56 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).
- 3.57 Consideration will also have to be given to the Police, Crime, Sentencing and Courts Act which came in to force on 28 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.
- 3.58 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)⁸ 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.

⁸ Formerly the Ministry for Housing, Communities and Local Government (MHCLG).

4. Gypsy, Traveller & Travelling Showpeople Sites & 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 size⁹. 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. 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. 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

⁹ 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.

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.

Sites and Yards in Winchester (excluding SDNP)

- 4.6 In Winchester, at the base date for the GTAA, there were 27 private sites with permanent planning permission (75 pitches); 2 private sites with temporary planning permission (6 pitches); and 11 unauthorised sites (69 pitches). There were also 13 Travelling Showmen’s yards – 3 of which are tolerated for planning purposes (24 plots) and no public transit sites identified. See **Appendix D** for further details.

Figure 10 - Total amount of provision in Winchester (excluding SDNP) (July 2022)

Category	Sites/Yards	Pitches/Plots
Private with permanent planning permission	27	75
Private with temporary planning permission	2	6
Unauthorised sites	11	69
Travelling Showpeople yards	13	24
TOTAL	53	174

Sites and Yards in Winchester (SDNP)

- 4.7 In the area of Winchester covered by the SDNP, at the base date for the GTAA, there were 2 private sites with permanent planning permission (6 pitches); and 1 Travelling Showmen’s yard that is tolerated for planning purposes (3 plots). See **Appendix D** for further details.

Figure 11 - Total amount of provision in Winchester (SDNP - November 2020)

Category	Sites/Yards	Pitches/Plots
Private with permanent planning permission	2	6
Travelling Showpeople yards (tolerated)	1	3
TOTAL	3	10

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 assessment of the need to provide for transit provision and this is set out later in this report. Whilst the data from the Caravan Count cannot be robustly used to determine a need for transit provision, it does give a broad indication of numbers of unauthorised caravans on land that is not owned by Travellers.

5. Stakeholder Engagement

Introduction

- 5.1 ORS undertook a stakeholder engagement programme to complement the information gathered through interviews with members of the Travelling Community. This consultation took the form of telephone interviews which were tailored to the role of the individual.
- 5.2 The aim of these interviews was to provide an understanding of current provision and possible future need; short-term encampments; transit provision; and cross-border issues.
- 5.3 A total of four interviews were undertaken with four Council Officers from the study, and with a representative from SDNP.
- 5.4 As stated in the Planning Policy for Traveller Sites, Local Authorities have a duty to cooperate on strategic planning issues that cross administrative boundaries (S.110 Localism Act 2011). In order to explore issues relating to cross boundary working, ORS interviewed a Planning Officer from six neighbouring local authorities:
- » Basingstoke & Deane Borough Council.
 - » East Hampshire District Council.
 - » Eastleigh Borough Council.
 - » Fareham Borough Council.
 - » Havant Borough Council.
 - » Portsmouth City Council.
 - » Test Valley Borough Council.
- 5.5 Due to issues surrounding data protection, and in order to protect the anonymity of those who took part, this section presents a summary of the views expressed by interviewees and verbatim comments have not been used. The views expressed in this section of the report represent a balanced summary of the views expressed by stakeholders, and on the views of the individuals concerned, rather than the official policy of their Council or organisation.

Views of Key Stakeholders and Council Officers in Winchester

Accommodation Needs

- 5.6 Since the last GTAA, Winchester have reviewed the requirement for accommodation based on the outcomes of the GTAA.
- 5.7 Winchester had hoped to incorporate the last GTAA into the Local Plan Part 2, which was making site allocations. Winchester have instead since produced a separate Development Plan Document (DPD) on Gypsies, Travellers and Travelling Showpeople. All of the allocated sites set out in the

Development Plan Document, which had temporary permission, now have permanent permission.

- 5.8 The need for Travelling Showpeople plots has not been met. This need has been highlighted in the DPD and Winchester have done numerous calls for sites, and also asked neighbouring authorities for help accommodating the need. No potential sites have come forward and the DPD Inspector has accepted that Winchester are doing all they can on the matter.
- 5.9 The future of the former public site at Tynfield is a concern. The site was previously owned and operated by Hampshire County Council and was sold to a private Traveller site operator and it is now empty, despite Winchester City Council issuing them with a licence for the purpose of housing Travellers and the operator expressing an intention to refurbish the site.

Short-term Encampments and Transit Provision

- 5.10 Short-term unauthorised encampments occasionally occur in the area. Those that stop are visited by Enforcement Officers to assess how long encampments will be staying to ensure that the appropriate action can be taken. In the majority of cases encampments are moved on.
- 5.11 It was widely felt that some form of well managed transit provision, either in the area or across Hampshire would help with enforcement. It was also felt that a form of Hampshire-wide transit provision could benefit and assist the Gypsy and Traveller community, enabling them to temporarily settle.

Cross Border Issues

- 5.12 Officers were aware of cases involving the migration of Travellers into Winchester from southerly located neighbouring authorities, such as Eastleigh.
- 5.13 Winchester have worked closely with neighbouring authorities in the past on combined GTAA's. The council are open to working alongside neighbouring authorities in the future.
- 5.14 No issues were raised concerning Winchester or its neighbouring authorities not meeting the Duty to Cooperate.

Future Priorities

- 5.15 A future priority commonly identified was the need for some form of transit provision nearby.
- 5.16 Continuing to focus on the accommodation needs of Travelling Showpeople was also identified as being a priority.

South Downs National Park Authority

- 5.17 With regard to **overall accommodation need** in South Downs National Park, the views of the officer interviewed were as follows:

- » The South Downs Local Plan was adopted in July 2019. The plan safeguards permanent lawful sites, establishes the need for new sites and sets policy criteria for new sites that may come forward. The SDNPA have made an effort make provisions through the Local Plan to meet the needs of Gypsy, Travellers and Travelling Showpeople within the National Park, and positively with our neighbouring authorities on all planning matters.
- » In total there are 6 GTAA's that cover the National Park and these documents were used to inform the Gypsy, Traveller and Travelling Showpeople Background Paper (2018). The outcome was that the South Downs National Park is currently unable to identify sufficient sites to meet the entire identified need for Gypsies, Travellers and Travelling Showpeople within the National Park. However, the Local Plan does allocate several sites for Gypsies & Travellers.
- » There is a transit site near to SDNP; St Michael's Way with 21 transit pitches available where occupants can stay up to 3 months at a time. Despite the apparent capacity to accommodate transient visitors, there are a number of unauthorised encampments in the Brighton area of the park, which are typically seasonal. It is assumed that, for some reason, Travellers make a personal choice not to use the transit provision.

5.18 With regard to the subject of **cross border issues and the Duty to Cooperate**, the views of the officer interviewed were as follows:

- » The delivery of new homes, including 'affordable homes and pitches for Gypsies & Travellers and Travelling Showpeople' is one of six cross boundary strategic issues identified in the SDNP Local Plan. The SDNPA therefore works closely with all neighbouring Authorities on all planning matters, including the provision of housing to meet the needs of the Travelling community.
- » Through close joint working ventures, SDNP remain aware of any concerns or issues from neighbouring authorities. No specific cross-border issues were raised at this time.

Neighbouring Authorities

Basingstoke and Deane Borough Council

5.19 With regard to **overall accommodation need** in Basingstoke and Deane, the views of the officer interviewed were as follows:

- » Since the last GTAA, Basingstoke and Deane have continued to progress the delivery of its strategy, as set out in the adopted Local Plan (2011 – 2029), which involves making provision for pitches on the largest strategic housing allocation sites. This has culminated in 2 pitches being consented at outline on one of the housing allocation sites. Two other applications, comprising provision for 6 pitches, are also currently under consideration, and are expected to be determined in the

near future. Once consented this would make sufficient provision in order to meet the level of need identified by ORS in the GTAA dated April 2017.

- » The Council has had significant problems with temporary unauthorised encampments in recent years. However, this is not considered to be an indicator of a need for pitches, as the individuals in question are believed to have permanent accommodation. Additionally, the individuals in question do not appear to be in need of transit accommodation, as their permanent residences are within the local area.
- » In response to the problem of unauthorised encampments, the council has been successful in obtaining an injunction in order to prevent such incidents in the parts of the borough most effected.

^{5.20} With regard to the subject of **cross border issues and the Duty to Cooperate**, the views of the officer interviewed were as follows:

- » A cross-border issue identified was that Basingstoke and Deane receive applications from Travellers who appear to have connections to West Berkshire. The travellers in question allege that they are being forced out of a site and into bricks and mortar by West Berkshire Council. However, West Berkshire have informed that the site in question is being refurbished, not closed
- » In April 2018, Winchester wrote to Basingstoke and Deane in connection with Winchester's Gypsy and Traveller Development Plan Document. Winchester requested if Basingstoke could possibly take any of the Travelling Showpeople need. However, Basingstoke were not able to assist.

East Hampshire District Council

^{5.21} With regard to **overall accommodation need** in East Hampshire, the views of the officer interviewed were as follows:

- » Since the last GTAA, East Hampshire Council have approved planning applications for Gypsy and Traveller pitches and are progressing a new Local Plan (draft at present) which includes potential site allocations for Gypsy and Traveller pitches and Travelling Showpeople plots (including some potential provision on Large Development Sites). The Council have also liaised and met with members of the Gypsy, Traveller and Travelling Showpeople community to seek site suggestions during recent Local Plan Consultations and Call for Sites.
- » It is felt that there is a lack of provision for Travelling Showpeople accommodation and, to a lesser extent, for Gypsy and Traveller accommodation.
- » East Hampshire do experience some unauthorised encampments. The Council has been collecting information about encampments to provide an evidence base in relation to transit accommodation. However, at present, the Council has not identified a specific need for a transit site.

5.22 With regard to the subject of **cross border issues and the Duty to Cooperate**, the views of the officer interviewed were as follows:

- » It was believed there may be an unmet need for Travelling Showpeople in Winchester, following the adoption of their Traveller accommodation DPD. This should be confirmed with Winchester CC.
- » East Hampshire consider that any nearby Local Council that is starting its needs assessment and preparing DPD's in relation to Local Plans or Traveller accommodation should be considering their capacity to meet any identified unmet need in Winchester for Travelling Showpeople, and any other such identified unmet need.
- » The Council continues to work with its neighbouring councils to identify and consider how unmet needs can be met.

Eastleigh Borough Council

5.23 With regard to **overall accommodation need** in Eastleigh, the views of the officer interviewed were as follows:

- » There is a continued difficulty finding suitable sites to meet the demand in the borough due to difficulties competing with residential developers for sites.
- » Since the last GTAA, Eastleigh Council have therefore written and amended Local Plan policies. The plan includes a general policy to guide new sites, pitches and plots and site allocations to regularise some existing unauthorised tolerated sites. Applications are regularly received for new sites and intensification of existing sites, and these are assessed against the emerging policy. The new Local Plan has gone through Examination and an Inspectors Report was issued in March 2022. The new Local Plan was adopted by the Council in April 2022.
- » It was acknowledged that there is a lack of transit provision in Hampshire to deal with unauthorised encampments. It was felt that the needed transit provision should be in proximity to key transport routes in Hampshire, be that in Eastleigh, elsewhere in the county, or sub region.

5.24 With regard to the subject of **cross border issues**, the views of the officer interviewed were as follows:

- » No specific cross-border issues were identified.
- » Some of the sites in Eastleigh and Southampton are close to the border and the two authorities therefore work closely through the joint Local Plan team. Eastleigh Council are also involved as part of the recently established Hampshire Police and Crime Commissioners Gypsy and Traveller group. The group are currently compiling data on Gypsies and Travellers living in the county and monitoring encampments and changes over time.

- » It was felt that Eastleigh and all the neighbouring authorities are complying with the Duty to Cooperate. There has been a long-standing co-operation with joint GTAAs between councils in the area and discussions about how to address strategic issues, such as transit sites.

Fareham Borough Council

5.25 With regard to **overall accommodation need** in Fareham, the views of the officer interviewed were as follows:

- » In 2017, the Council formed part of a joint GTAA commission with neighbouring authorities. That GTAA identified a need for 3 additional pitches for Gypsy, Travellers for the period 2016-2036. The Council, whilst currently preparing its emerging Local Plan, undertook a call for sites process in 2018. However, no land was submitted during this period for consideration to specifically meet the identified need. The Local Plan has gone through Examination in 2022 and in September 2022 the Council received the Inspector's Post Hearings Letter.
- » The Council's Adopted Local Plan makes provision for 5 new pitches whilst allowing 4 temporary pitches to become permanent
- » There is one site in Fareham which benefits from 1 pitch temporary planning permission.
- » There are occasional short-term unauthorised encampments that occur in Fareham. These however are often quite sporadic although most likely to occur in the summer months. When encampments occur on Council owned land, the Council's usual response is to take action to move them on

5.26 With regard to the subject of **cross border issues and the Duty to Cooperate**, the views of the officer interviewed were as follows:

- » Fareham Borough Council not aware of any pressing immediate cross-border issues with regards to Gypsy, Travellers and Travelling Showpeople.
- » Fareham work with other authorities, particularly in the south of the county, informing and frequently updating on the location of travellers. In addition, Fareham is a member of Partnership for South Hampshire (PFSH) which has a working group for local authorities to come together on housing issues.
- » Planning officers from Fareham and from other member authorities meet regularly to discuss strategic issues and satisfy the requirements of Duty to Cooperate.

Havant Borough Council

5.27 With regard to **overall accommodation need** in Havant, the views of the officer interviewed were as follows:

- » Havant have met the identified need from the last GTAA and there is currently no need outstanding. A new Local Plan is currently being prepared and Stage 1 Hearings took place in July 2021.
- » Havant have experienced 18 short-term unauthorised encampments over the past year. The groups that do stop do so on the basis of passing through the borough as they journey to employment opportunities elsewhere.
- » There is no transit provision in Havant. It is believed that there is currently no need for any.

5.28 With regard to the subject of **cross border issues and the Duty to Cooperate**, the views of the officer interviewed were as follows:

- » Havant are aware that Winchester currently has an outstanding accommodation need for Travelling Showpeople.
- » Havant have been involved in meetings with Winchester in the past and are happy continue with that involvement.

Portsmouth City Council

5.29 With regard to **overall accommodation need** in Portsmouth, the views of the officer interviewed were as follows:

- » There was no accommodation need identified in the last GTAA.
- » A new Local Plan is being prepared and initial consultation took place in September and October 2021.
- » Portsmouth do experience short-term unauthorised encampments which stop in the area. In 2017 there were 7 reported instances, in 2018 there were 22 and 19 so far in 2019. Encampments are moved on and made aware of transit provision in neighbouring authorities

5.30 With regard to the subject of **cross border issues and the Duty to Cooperate**, the views of the officer interviewed were as follows:

- » No specific issues with Winchester identified.
- » There is some cross-over of migrating Travellers between Portsmouth and Havant, but it was not believed to be a substantial issue.

Test Valley Borough Council

5.31 With regard to **overall accommodation need** in Test Valley, the views of the officer interviewed were as follows:

- » Since the last GTAA, Test Valley Borough Council has undertaken a scoping report ready for the publication of a Gypsy and Traveller DPD. A new Local Plan is being prepared and Regulation 18 consultation is planned for late 2022.

- » There currently remains a deficit of authorised pitches in Test Valley which is possibly contributing to instances of overcrowding and concealed households. An update to the GTAA has recently commenced for the Borough to update the picture of current need.
- » Test Valley Borough Council are aware of short-term unauthorised encampments occurring in the area. Encampments were thought to mainly be stopping for family visiting and special occasions.
- » There is no transit provision available to meet the needs of those in short-term encampments. It was felt that the issue of transit provision should become a joint approach across a wider strategic area rather than individual authorities working separately.

^{5.32} With regard to the subject of **cross border issues and the Duty to Cooperate**, the views of the officer interviewed were as follows:

- » The officer interviewed was unaware of whether neighbouring local authorities are meeting their own individual need.
- » Successful cross-border joint working is evidenced through the Hampshire GTAA which was undertaken with six other Local Planning Authorities.
- » It was felt that more could be done regarding a cross-boundary strategic approach towards the issue of providing transit provision across Hampshire.

6. Survey of Travelling Communities

Interviews with Gypsies and Travellers

- 6.1 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.
- 6.2 Through the desk-based research and stakeholder interviews ORS identified that in Winchester (excluding SDNP) there were no public sites; 27 private sites with permanent planning permission; 2 temporary sites; no sites that are tolerated for planning purposes; 11 unauthorised sites; and 13 Travelling Showman’s yards – 3 of which are tolerated for planning purposes.
- 6.3 In the parts of Winchester that are covered by SDNP there was 1 private site with permanent planning permission; 1 unauthorised site; and 1 Travelling Showmen’s yard that is tolerated for planning purposes.
- 6.4 The tables below set out the number of pitches/plots, the number of interviews that were completed, and the reasons why interviews were not completed.
- 6.5 During the period between commencing the GTAA and reporting no further transient households were identified to interview other than those who were interviewed.

Figure 12 – Interviews completed in Winchester (excluding SDNP)

Site Status	Pitches/Plots	Interviews	Reasons for not completing interviews/Additional interviews
Public Sites			
None	-	-	-
Private Sites			
1 & 2 Willow Park (Land adjoining Stablewood Farm)	2	2	-
7 The Old Piggery, North Boarhunt (Firgrove Lane)	1	1	-
Ash Farm, Wickham	2	2	-
Ashbrook Stables, Colden Common	1	1	-
Barn Farm Caravan Park, Swanmore	5	5	-
Beacon Haven (also Bekon), Swanmore	6	6	-
Big Muddy Farm, Upham	1	1	-
Bowen Farm, Curdridge	4	4	-

East of The Old Piggery, North Boarhunt (Firgrove Lane)	1	1	-
Fir Tree Farm, Swanmore	3	3	-
Gold Oaks Farm, Upham	1	1	-
Green Acres, Shedfield (Rambling Renegade)	1	1	-
Joymount Farm, Southampton	1	1	-
Land Opposite Woodward Farm (aka Fordean Stud), Upham	1	1	-
Land west of Lasek, Mislingford	1	0	1 x no contact
Little Ranch, Fishers Pond	2	2	-
Ourlands, Knowle	3	0	3 x no contact
Riverside, Adj Chapel House, Highbridge	3	3	-
Rose View (Straightpath Paddock), Shedfield	5	5	-
Southwick Ranch, North Boarhunt	1	1	-
Stablewood Farm, Swanmore	1	1	-
The Old Piggery, North Boarhunt (Firgrove Lane)	4	0	4 x no contact
The Paddock, Durley	4	4	-
Travellers Rest, Bishops Sutton	1	0	1 x no contact
Tynefield, Whiteley	18	0	18 x vacant
West Fork, Hambledon	1	0	1 x no contact
Windy Ridge, Denmead	1	0	1 x vacant
Temporary Sites			
Land to rear of Chairmakers Arms, Denmead (3, 4, 7 & 8)	4	0	4 x no contact
Land to rear of Chairmakers Arms, Denmead (5 & 6)	2	0	2 x no contact
Tolerated Sites			
None	-	-	-
Unauthorised Sites/Pitches			
20A & 21 Firgrove Lane, North Boarhunt (Firgrove Lane)	2	0	2 x no contact
Carousel Park, Micheldever	19	12	4 x no contact, 2 x refusal, 5 x non-Travellers, 1 x vacant
Cushty Tan, Wickham	1	1	-
East of The Old Piggery, North Boarhunt (Firgrove Lane)	6	0	6 x no contact
Green Acres, Shedfield (Rambling Renegade)	2	2	-
Land at Firgrove Lane, North Boarhunt (Firgrove Lane)	1	0	1 x no contact
Oak Hill (Land east of Maybank Cottage/The Stables)	1	1	-

The Old Piggeries, North Boarhunt (Firgrove Lane)	11	11	-
The Paddock, Durley	8	0	8 x no contact
The Withy Beds, North Boarhunt (Firgrove Lane)	16	16	-
Woodley Farm, Lower Upham	2	2	-
Travelling Showpeople			
Carousel Park, Micheldever	5	5	-
Grig Ranch, Wickham	1	0	1 x no contact
Plot 1, The Nurseries, Shedfield	2	0	2 x no contact
Plot 2, The Nurseries, Shedfield	1	3	-
Plot 4, The Nurseries, Shedfield	1	1	-
Stokes Yard, Waltham Chase	1	1	-
The Bungalow, North Boarhunt	2	0	2 x no contact
The Haven, Denmead	1	1	-
The Orchard (Land at Forest Road), Swanmore	4	4	2 x no contact
The Vardo, Swanmore	1	0	1 x no contact
Plot 3, The Nurseries, Shedfield (Tolerated and allocated in DPD)	1	1	-
Plot 6, The Nurseries, Shedfield (Tolerated and allocated in DPD)	2	2	-
Plot 7, The Nurseries, Shedfield (Tolerated and allocated in DPD)	2	2	-
TOTAL	174	107	

Figure 13 - Sites and yards visited in Winchester SDNP Area

Site Status - SDNP	Pitches/Plots	Interviews	Reasons for not completing interviews
Public Sites			
None	-	-	-
Private Sites			
Eastwood Yard, Soberton	1	1	-
Four Acres, Droxford	5	5	-
Temporary Sites			
None	-	-	-
Tolerated Sites			
None	-	-	-
Unauthorised Sites/Roadside			
None	-	-	-
Bricks and Mortar			
Four Acres, Droxford	1	1	
Travelling Showpeople			
Pointers Paddock, Meonstoke	3	3	
TOTAL	10	10	

Interviews with Gypsies and Travellers in Bricks and Mortar

- ^{6.6} Following all of the efforts that were made it was possible to identify and interview 2 households living in bricks and mortar – one in Winchester and 1 in the SDNP area of Winchester.

7. Current and Future Pitch Provision

Introduction

- 7.1 This section focuses on the pitch provision which is needed in the study area currently and to 2038/39. This includes both current unmet need and need which is likely to arise in the future¹⁰. 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.
- 7.2 We would note that this section is based upon a combination of the on-site surveys, 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.
- 7.3 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

- 7.4 Nationally, in the past a household formation and growth rate of 3.00% net per annum¹¹ 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 F**.
- 7.5 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.
- 7.6 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

¹⁰ See Paragraphs 3.41 and 3.42 for details of components on current and future need.

¹¹ Page 25, *Gypsy and Traveller Accommodation Needs Assessments – Guidance* (DCLG – 2007) Now withdrawn.

assumptions, it is hard to find evidence that net Gypsy and Traveller population and household growth rates are above 2.00% per annum nationally.

- 7.7 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.
- 7.8 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.

- 7.9 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.

- 7.10 In addition, the Technical Note has been accepted as a robust academic evidence base and has been published by the Social Research Association in its journal Social Research Practice in December 2017. The overall purpose of the journal is to encourage and promote high standards of social research for public benefit.

- 7.11 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.
- 7.12 Overall, the household growth rate used for the assessment of future needs has been informed by local evidence. This demographic evidence has been used to adjust the national growth rate of 1.50% up or down based on the proportion of those aged under 18 (by planning status). This approach has been taken to determine the new household formation rate for Gypsy and Traveller households that met and did not meet the planning definition, and for Travelling Showpeople who met the planning definition in Winchester.
- » For Gypsy and Traveller households in Winchester (excluding SNDP) that met the planning definition 48% of residents were aged under 18. This demographic evidence is higher than the ORS national proportion of 36% that was identified when calculating the ORS national growth rate of 1.50%. Therefore, an adjusted rate of 2.00% has been used based.
 - » For Gypsy and Traveller households in Winchester (excluding SNDP) that did not meet the planning definition 53% of residents were aged under 18. This demographic evidence is higher than the ORS national proportion of 36%. Therefore, an adjusted rate of 2.20% has been used.
 - » For Travelling Showpeople households in Winchester (excluding SNDP) that met the planning definition 27% of residents were aged under 18. This demographic evidence is lower than the ORS national proportion of 36%. Therefore, an adjusted rate of 1.10% has been used.
 - » For SNDP, due to the very small number of households, the demographics of the residents have been used to determine new household formation.
 - » In circumstances where the numbers of households and children are low, or the population age structure is 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 will be 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. This approach has been taken to determine levels of new household formation for Travelling Showpeople households that did not meet the planning definition in Winchester due to very low number of children aged under 18.
 - » The ORS national formation rate of 1.50% has been applied to undetermined households in the absence of any demographic data for these households.

- 7.13 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

- 7.14 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 (2015). 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 Planning Definition

- 7.15 The outcomes from the household interviews were used to determine the status of each household against the planning definition in PPTS (2015). This assessment was based on the responses to the questions given to Researchers. 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 ORS's current assessment of the planning status of households that were interviewed for the Winchester GTAA. This includes any hidden households that were identified during the household interviews including concealed and doubled-up households or single adults, accepted roadside and in-migration, and households in bricks and mortar.

Figure 14 – Planning status of households in Winchester (excluding SDNP)

Status	Meet Planning Definition	Do Not Meet Planning Definition	Undetermined
Gypsies and Travellers			
Private Sites	65	3	17
Temporary Sites	0	0	6
Unauthorised Sites	37	29	23
Roadside	1	0	0
In-Migration	2	1	0
Bricks & Mortar	1	0	0
TOTAL	106	33	38
Travelling Showpeople			
Private Yards	19	2	7
Tolerated/Allocated Yards	8	0	0
Bricks and Mortar	0	0	1
TOTAL	27	2	8

Figure 15 – Planning status of households in SDNP area of Winchester

Status	Meet Planning Definition	Do Not Meet Planning Definition	Undetermined - Visited
Gypsies and Travellers			
Private Sites	2	7	0
Bricks and Mortar	1	0	0
TOTAL	3	7	0
Travelling Showpeople			
Tolerated Yards	4	0	0
TOTAL	7	7	0

- 7.16 Figure 14 shows that for Gypsies and Travellers in Winchester 106 households met the planning definition of a Traveller, and for Travelling Showpeople 27 households met the planning 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.
- 7.17 A total of 33 Gypsy and Traveller households and 2 Travelling Showpeople households did not meet the planning definition as they were not able to demonstrate that they travel away from their usual place of residence for the purpose of work, or that they have ceased to travel temporarily due to children in education, ill health, or old age. Some did travel for cultural reasons, to visit relatives or friends, and others had ceased to travel permanently.
- 7.18 It was not possible to make contact with Gypsy and Traveller households on 38 pitches, and with Travelling Showpeople households on 8 plots. These households are recorded as Undetermined for the purposes of the GTAA.
- 7.19 Figure 15 shows that in SDNP 3 Gypsy and Traveller households and 4 Travelling Showpeople households met the planning definition of a Traveller, and that 7 Gypsy and Traveller households did not. There were no undetermined households in the SDNP area of Winchester.

Interviews with Gypsies and Travellers in Bricks and Mortar

- 7.20 Following all of the efforts that were made, it was possible to identify and interview 2 households living in bricks and mortar and they both met the planning definition.

Migration/Roadside

- 7.21 The study has also sought to address in-migration (households requiring accommodation who move into the study area from outside) and out-migration (households moving away from the study area). Site surveys typically identify only small numbers of in-migrant and out-migrant households and the data is not normally robust enough to extrapolate long-term trends. At the national level, there is nil net migration of Gypsies and Travellers across the UK, but the assessment has taken into account local migration effects on the basis of the best evidence available.

- 7.22 The study also sought to identify 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 Winchester. These are referred to as roadside households or displaced in-migration.
- 7.23 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 3 households living in another local authority who are seeking to move back to a family site in Winchester, and 1 household living on the roadside in need of a pitch on a family site in Winchester.
- 7.24 ORS have found no firm evidence from other local studies that have been completed recently of any additional households wishing to move to Winchester. Therefore, apart from the identified in-migration and roadside need, 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.
- 7.25 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 a Criteria-Based Local Plan Policies.

Pitch Needs – Gypsies and Travellers that meet the Planning Definition – Winchester (excluding SDNP)

7.26 Analysis of the household interviews indicated that there is a need from 23 unauthorised pitches; 29 concealed or doubled-up households or adults; for 24 pitches for teenagers who are in need of a pitch of their own in the next 5 years; 3 pitches from in-migration/roadside; and for 36 pitches as a result of new household formation using a rate of 2.00% derived from the demographics of the residents. Therefore, the overall level of need for those households who met the planning definition of a Gypsy or Traveller is for **115 pitches** over the GTAA period.

Figure 16 – Need for Gypsy and Traveller households in Winchester (excluding SDNP) that met the Planning Definition (2022-38/39)

Gypsies and Travellers - Meeting Planning Definition	Pitches
Supply of Pitches	
Supply from vacant public and private pitches	0
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	23
Households on unauthorised encampments	0
Concealed households/Doubling-up/Over-crowding	29
Movement from bricks and mortar	0
Households on waiting lists for public sites	0
Total Current Need	52
Future Need	
5 year need from teenage children	24
Households on sites with temporary planning permission	0
In-Migration/Roadside	3
New household formation	36
<i>(Household base 120 and formation rate 2.00%)</i>	
Total Future Needs	63
Net Pitch Need = (Current and Future Need – Total Supply)	115

Figure 17 – Need for Gypsy and Traveller households in Winchester (excluding SDNP) that met the Planning Definition by time periods

Years	0-5	6-10	11-15	16-17	Total
	2022-26	2027-31	2032-36	2037-38	
	79	14	15	7	115

Pitch Needs – Undetermined Gypsies and Travellers – Winchester (excluding SDNP)

- 7.27 Whilst it was not possible to determine the planning status of a total of 38 households as they were away from their sites at the time of the fieldwork or refused to take part in an interview, the needs of these households still need to be recognised by the GTAA as they are believed to be Gypsies and Travellers and may meet the planning definition.
- 7.28 ORS are of the opinion that it would not be appropriate when producing a robust assessment of need to make any firm assumptions about whether or not households where an interview was not completed meet the planning definition based on the outcomes of households in that local authority where an interview was completed.
- 7.29 However, data that has been collected from over 5,000 household interviews that have been completed by ORS since the changes to PPTS in 2015 suggests that nationally approximately 30% of households that have been interviewed meet the planning definition. This would suggest that it is likely that only a proportion of the potential need identified from these undetermined households will require conditioned Gypsy and Traveller pitches, and that the remainder can be addressed through other means.
- 7.30 Need for **up to 40 pitches** has been identified from these households plus any concealed adult households or 5-year need arising from teenagers living in these households. This is made up of 23 unauthorised pitches, 6 temporary pitches, and 11 pitches from new household formation using the ORS national formation rate of 1.50%¹². As set out in above, it is likely that only a proportion of the 46 undetermined households will meet the planning definition. If the ORS national average of 30% were to be applied the need identified from undetermined households could be for 12 pitches. If the locally derived proportion of households that met the planning definition (76%) were to be applied this could rise to 30 pitches.
- 7.31 Tables setting out the components of need for undetermined households can be found in **Appendix B**.

Pitch Needs - Gypsies and Travellers that do not meet the Planning Definition – Winchester (excluding SDNP)

- 7.32 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)¹³ and to provide the Council with information on levels of need that will have to be addressed through separate Local Plan Policies.
- 7.33 On this basis, it is evident that whilst the needs of the 33 households who did not meet the planning definition will represent only a very small proportion of the overall housing need, the

¹² The ORS *Technical Note on Population and Household Growth (2015)* has identified a national growth rate of 1.50% for Gypsies and Travellers which has been applied in the absence of further demographic information about these households.

¹³ See Chapter 3 for details.

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.

- 7.34 Analysis of the household interviews indicated that there is a need from 17 unauthorised pitches; 8 concealed or doubled-up households or single adults; 6 from teenagers who will need a pitch of their own in the next 5 years; 1 from in-migration; and 13 from new household formation using a rate of 2.20% derived from the household demographics. Therefore, the overall level of need for those households who did not meet the planning definition of a Gypsy or Traveller is for **45 pitches** over the GTAA period. A summary of this need for households that did not meet the planning definition can be found in **Appendix C**.

Pitch Needs – Gypsies and Travellers that meet the Planning Definition - Winchester (SDNP)

- 7.35 The 3 households that were interviewed who met the planning definition were found on one of the private sites and in bricks and mortar site. Analysis of the household interviews indicated that there is current and future need for no pitches.

Figure 18 – Need for Gypsy and Traveller households in Winchester (SDNP) that met the Planning Definition (2020-38/39)

Gypsies and Travellers - Meeting Planning Definition	Pitches
Supply of Pitches	
Supply from vacant public and private pitches	0
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	0
Movement from bricks and mortar	0
Households on waiting lists for public sites	0
Total Current Need	0
Future Need	
5 year need from teenage children - Sites	0
Households on sites with temporary planning permission	0
In-migration	0
New household formation	0
<i>(No formation from 4 adults)</i>	
Total Future Needs	0
Net Pitch Need = (Current and Future Need – Total Supply)	0

Figure 19 – Need for Gypsy and Traveller households in Winchester (SDNP) that met the Planning Definition by time periods

Years	0-5	6-10	11-15	16-17	Total
	2022-26	2027-31	2032-36	2037-38	
	0	0	0	0	0

Pitch Needs – Undetermined Gypsies and Travellers – Winchester (SDNP)

7.36 It was possible to complete interviews with all households living on sites in the areas of Winchester in SDNP so there is no current or future need from undetermined households.

Pitch Needs - Gypsies and Travellers that do not meet the Planning Definition – Winchester (SDNP)

7.37 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)¹⁴ and to provide the Council with information on levels of need that will have to be addressed through separate Local Plan Policies.

7.38 On this basis, it is evident that whilst the needs of the 7 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.

7.39 Analysis of the household interviews indicated that there is a current need from 3 concealed or doubled-up households or single adults. The future need identified is for 2 from new household formation derived from the household demographics. Therefore, the overall level of need for those households who did not meet the planning definition of a Gypsy or Traveller is for **5 pitches** over the GTAA period. A summary of this need for households that did not meet the planning definition can be found in **Appendix C**.

¹⁴ See Paragraph 3.34 for details.

Travelling Showpeople Needs

Plot Needs – Travelling Showpeople Winchester (excluding SDNP) that meet the planning definition

^{7.40} Analysis of the household interviews for households that met the planning definition indicated that there is a need for 9 plots for doubled-up households or single adults; a need for 12 plots for teenagers who will need a plot of their own in the next 5 years; and a need for 6 plots from new household formation using a rate of 1.10% derived from the household demographics. Therefore, the overall level of need for those households who met the planning definition of a Travelling Showperson is for **27 plots** over the GTAA period.

Figure 20 – Need for Travelling Showpeople households in Winchester that met the Planning Definition (2022-38/39)

Travelling Showpeople - Meeting Planning Definition	Plots
Supply of Plots	
Supply from vacant public and private plots	0
Supply from pitches 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	9
Movement from bricks and mortar	0
Total Current Need	9
Future Need	
5 year need from teenage children	12
Households on yards with temporary planning permission	0
In-migration	0
New household formation	6
<i>(Household base 39 and formation rate 1.10%)</i>	
Total Future Needs	18
Net Plot Need = (Current and Future Need – Total Supply)	27

Figure 21 – Need for Travelling Showpeople households in Winchester that met the Planning Definition by time periods

Years	0-5	6-10	11-15	16-17	Total
	2022-26	2027-31	2032-36	2037-36	
	21	2	3	1	27

Plot Needs – Undetermined Travelling Showpeople Winchester (excluding SDNP)

- 7.41 Whilst it was not possible to determine the planning status of a total of 8 households as they were away from their sites at the time of the fieldwork, the needs of these households still need to be recognised by the GTAA as they are believed to be Travelling Showpeople and may meet the planning definition.
- 7.42 Need for **up to 3 plots** has been identified from these households plus any concealed adult households or 5-year need arising from teenagers living in these households. This is all made up of 3 plots from new household formation.
- 7.43 Tables setting out the components of need for undetermined households can be found in **Appendix B**.

Plot Needs – Travelling Showpeople that do not meet the Planning Definition Winchester (excluding SDNP)

- 7.44 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)¹⁵ and to provide the Council with information on levels of need that will have to be addressed through separate Local Plan Policies.
- 7.45 On this basis, it is evident that whilst the needs of the 2 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.
- 7.46 Analysis of the household interviews indicated that there is a need from 1 doubled-up household or single adult; and for 2 from new household formation derived from the household demographics. Therefore, the overall level of need for those households who did not meet the planning definition of a Travelling Showperson is for **3 plots** over the GTAA period. A summary of this need for households that did not meet the planning definition can be found in **Appendix C**.

Plot Needs – Travelling Showpeople (SDNP)

- 7.47 There was 1 Travelling Showperson yard identified in the SDNP area of Winchester and an interview was completed with all households living on the yard. All met the planning definition.
- 7.48 Analysis of the household interviews for households that met the planning definition indicated that there is a need from 1 doubled-up household or adult; 3 teenagers in need of a plot of their own in the next 5 years; and for 4 plots from new household formation derived from the household demographics. Therefore, the overall level of need identified for those households who met the planning definition of a Travelling Showperson is for **8 plots** over the GTAA period.

¹⁵ See Paragraph 3.34 for details.

Figure 22 – Need for Travelling Showpeople households in Winchester (SDNP) that met the Planning Definition (2020-38/39)

Travelling Showpeople - Meeting Planning Definition	Pitches
Supply of Plots	
Supply from vacant public and private plots	0
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	1
Movement from bricks and mortar	0
Total Current Need	1
Future Need	
5 year need from teenage children	3
Households on yards with temporary planning permission	0
In-migration	0
New household formation	4
<i>(Formation from household demographics)</i>	
Total Future Needs	7
Net Plot Need = (Current and Future Need – Total Supply)	8

Figure 23 – Need for Travelling Showpeople households in Winchester (SDNP) that met the Planning Definition by time periods

Years	0-5	6-10	11-15	16-17	Total
	2022-26	2027-31	2032-36	2037-38	
	4	3	1	0	8

Transit Requirements

- 7.49 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

- 7.50 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.
- 7.51 Data from the Traveller Caravan Count shows that there have been very low numbers of unauthorised caravans on land not owned by Travellers recorded in the study area in recent years.

Stakeholder Interviews and Local Data

- 7.52 There is currently no public transit provision in Winchester. The stakeholder interviews found that short-term unauthorised encampments occasionally occur in the area and that those that stop are visited by Enforcement Officers to assess how long encampments will be staying to ensure that the appropriate action can be taken. In the majority of cases encampments are moved on.
- 7.53 It was widely felt that some form of well managed transit provision, either in the area or across Hampshire would help with enforcement. It was also felt that a form of Hampshire-wide transit provision could benefit and assist the Gypsy and Traveller community, enabling them to temporarily settle.

Transit Recommendations

- 7.54 Due to historic low numbers of unauthorised encampments, it is not recommended that there is a need for a formal public transit site in Winchester at this time. However, the situation relating to levels of unauthorised encampments should be monitored to determine if there are any increases in the number of encampments.
- 7.55 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).

- 7.56 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 Hampshire-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.
- 7.57 In the short-term the Council should continue to use its current approaches when dealing with unauthorised encampments, and management-based approaches such as negotiated stopping agreements could also be considered.
- 7.58 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.
- 7.59 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. Apart from the Wickham Horse Fair, other large-scale events are unlikely to occur in Winchester, the Council should still be aware of temporary arrangements that could be put in place if required.

8. Conclusions

8.1 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 (PPTS) 2015, the Housing and Planning Act 2016, the National Planning Policy Framework (NPPF) 2021, and Planning Practice Guidance (PPG) 2021. It also provides the evidence base which can be used to support Local Plan Policies. Whilst the need evidenced at individual sites is not included in this report, additional evidence has been provided to the Council to enable them to address needs more specifically when allocating pitches and investigating opportunities for the intensification or expansion of sites.

Gypsies and Travellers – Winchester (excluding SDNP)

- 8.2 In summary there is a need for:
- » 115 pitches in Winchester (excluding SDNP) over the GTAA period to 2038/39 for Gypsy and Traveller households that met the planning definition.
 - » Up to 40 pitches for undetermined Gypsy and Traveller households that may meet the planning definition.
 - » 45 pitches for Gypsy and Traveller households who did not meet the planning definition.

Gypsies and Travellers – Winchester (SDNP)

- 8.3 In summary there is a need for:
- » No pitches in Winchester (SDNP) over the GTAA period to 2038/39 for Gypsy and Traveller households that met the planning definition.
 - » No pitches for undetermined Gypsy and Traveller households that may meet the planning definition.
 - » 5 pitches for Gypsy and Traveller households who did not meet the planning definition.

8.4 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 [mobile home] and touring caravan, parking space for two vehicles and a small garden area.

8.5 However, it is recommended that alternative approaches should also be considered when seeking to address the levels of need identified in this GTAA, especially when seeking to meet the need through the intensification or expansion of existing sites.

- 8.6 The first approach to consider is in relation to single concealed or doubled-up adults and teenagers who will be in need of a pitch of their own in the next 5 years. In the short to medium term, it is likely that the accommodation needs of these individuals could be met through additional touring caravans on existing sites which are, generally, each equivalent to the provision of a pitch, as opposed to more formally set out pitches.
- 8.7 The second approach to consider is for sites occupied by larger extended family groups. Again, sites like this may be able to meet the overall accommodation needs through a combination of shared static caravans, tourers and dayrooms on existing sites which are, generally, each equivalent to the provision of a pitch – as opposed to more formally set out sites with separate pitches. It is common for conditions in Decision Notices for Travellers sites to simply place limits on the numbers and types of caravans as opposed to placing limits on the number of pitches.
- 8.8 Another approach to consider is the regularisation of planning permission for sites that currently have temporary permission or for those sites that are currently unauthorised where it is difficult to identify alternative sites or could be accommodated without harm.
- 8.9 To explore some of these options, the Council also commissioned ORS to complete a Pitch Deliverability Assessment (PDA) to determine what proportion of the need identified in this GTAA could be accommodated on existing private sites with permanent planning permission in Winchester. The outcomes of the PDA are summarised in Chapter 9 of this report.
- 8.10 As far as Local Plan policies are concerned it is recommended that need for households that met the PPTS planning definition is addressed through new pitch allocations and the intensification or expansion of existing sites – considering some of the alternative approaches set out above. If this is not possible, a criteria-based policy would allow future needs to be met. Given that all of identified need comes from households living on private sites it is likely that it will need to be addressed through the provision of private pitches or sites. As set out in Paragraph 8.1 the Council have been provided with additional information that will allow them to consider sites that are suitable for intensification or expansion. Some of these sites have been considered in the PDA.
- 8.11 The Council could also explore options for bringing the currently vacant pitches on the former public site at Tynefield back in to use – either as a public site or to lease to Travellers to run as a private site. This site is an allocation in the Winchester Gypsy and Traveller DPD.
- 8.12 The Council will need to carefully consider how to address any needs from undetermined households, from windfall applications from households seeking to move to Winchester (in-migration), or from households currently living in bricks and mortar. In terms of Local Plan Policies, the Council should continue to use their existing Criteria-Based Policies (as suggested in PPTS).
- 8.13 In general terms, it is the Government’s intention that the need for those households who do not fall within the PPTS planning definition should be met as part of general housing need, as all Travellers that do not meet the planning definition will have been included as part of the overall Local Housing Need determined through the Government’s Standard Methodology. This is reflected in the NPPF (2021).

- 8.14 It is recognised that the Council are in the process of reviewing their Local Plan that sets out how overall housing need will be addressed. 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.

Travelling Showpeople – Winchester (excluding SDNP)

- 8.15 In summary there is a need for:
- » 27 plots in Winchester (excluding SDNP) over the GTAA period to 2038/39 for Travelling Showpeople households that met the planning definition.
 - » Up to 3 plots for undetermined Travelling Showpeople households that may meet the planning definition.
 - » 3 plots for Travelling Showpeople households who did not meet the planning definition.

Travelling Showpeople – Winchester (SDNP)

- 8.16 The GTAA identifies a need for 8 plots for households that met the planning definition in Winchester (SDNP). There was no need identified for undetermined households or households that do not meet the planning definition.

Transit Provision

- 8.17 Due to historic low numbers of unauthorised encampments, it is not recommended that there is a need for a formal public transit site in Winchester at this time. However, the situation relating to levels of unauthorised encampments should be monitored to determine if there are any increases in the number of encampments.
- 8.18 It is also recommended that a review of evidence relating to unauthorised encampments should be undertaken on a Hampshire-wide basis. This will establish whether there is a need for investment in any new transit provision or emergency stopping places across Hampshire, or whether a local managed approach is preferable.

Summary of Need to be Addressed – Gypsies and Travellers Winchester (excluding SDNP)

- 8.19 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 tables below sets out the likely number of pitches that will need to be addressed either as a result of the GTAA and through a Gypsy and Traveller Local Plan Policy, or through the Councils Housing Need Assessment (HNA) process and through separate Local Plan Policies.

8.20 Total need from Gypsy and Traveller households that met the planning definition; from undetermined households that may meet the planning definition; and from households that did not meet the planning definition is for 200 pitches.

8.21 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 76% (the locally derived proportion that met the planning definition).
- » The number that did not meet the planning definition.
- » 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 24% (the locally derived proportion that did not meet the planning definition).

8.22 Need from households that meet or are likely to meet the planning definition will need to be addressed through a Local Plan Policies and may be through a combination of site allocations, intensification or expansion, and through a Criteria-Based Policy. Need for households that did not meet the planning definition will need to be met through other Local Plan Housing Policies.

Figure 24 – Need for Gypsy and Traveller households in Winchester (excluding SDNP) broken down by Local Plan Policy Type – ORS National %

Delivery Status	Gypsy & Traveller Policy	Housing Policy	TOTAL
Meet Planning Definition	115	-	115
30% Undetermined Need	12	-	12
Do Not Meet Planning Definition	-	45	45
70% Undetermined Need	-	28	28
TOTAL	127	73	200

Figure 25 – Need for Gypsy and Traveller households in Winchester (excluding SDNP) broken down by Local Plan Policy Type – Winchester %

Delivery Status	Gypsy & Traveller Policy	Housing Policy	TOTAL
Meet Planning Definition	115	-	115
73% Undetermined Need	30	-	30
Do Not Meet Planning Definition	-	45	45
27% Undetermined Need	-	10	10
TOTAL	145	55	200

Summary of Need to be Addressed – Travelling Showpeople Winchester (excluding SDNP)

- 8.23 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 tables below sets out the likely number of plots that will need to be addressed either as a result of the GTAA and through a Gypsy and Traveller Local Plan Policy, or through the Councils Housing Need Assessment (HNA) process and through separate Local Plan Policies.
- 8.24 Total need from Travelling Showpeople households that met the planning definition; from undetermined households that may meet the planning definition; and from households that did not meet the planning definition is for 33 plots.
- 8.25 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 70% (the ORS national average of Travelling Showpeople that meet the planning definition) of need from undetermined households and 93% (the locally derived proportion that met the planning definition).
 - » The number that did not meet the planning definition.
 - » The likely proportion of need from undetermined households that will not meet the planning definition. It does this by taking 30% (the ORS national average of Gypsies and Travellers that do not meet the planning definition) of need from undetermined households and 7% (the locally derived proportion that did not meet the planning definition).
- 8.26 Need from households that meet or are likely to meet the planning definition will need to be addressed through a Local Plan Policies and may be through a combination of yard/plot allocations, intensification or expansion, and through a Criteria-Based Policy.
- 8.27 Need for households that did not meet the planning definition will need to be met through other Local Plan Housing Policies.

Figure 26 – Need for Travelling Showpeople households in Winchester (excluding SDNP) broken down by Local Plan Policy Type – ORS National %

Delivery Status	Gypsy & Traveller Policy	Housing Policy	TOTAL
Meet Planning Definition	27	-	27
30% Undetermined Need	2	-	2
Do Not Meet Planning Definition	-	3	3
70% Undetermined Need	-	1	1
TOTAL	29	4	33

Figure 27 – Need for Travelling Showpeople households in Winchester (excluding SDNP) broken down by Local Plan Policy Type – Winchester %

Delivery Status	Gypsy & Traveller Policy	Housing Policy	TOTAL
Meet Planning Definition	27	-	27
93% Undetermined Need	3	-	3
Do Not Meet Planning Definition	-	3	3
7% Undetermined Need	-	0	0
TOTAL	30	3	33

Summary of Need to be Addressed – Gypsies and Travellers Winchester (SDNP)

- 8.28 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 tables below sets out the likely number of pitches that will need to be addressed either as a result of the GTAA and through a Gypsy and Traveller Local Plan Policy, or through the Councils Housing Need Assessment (HNA) process and through separate Local Plan Policies.
- 8.29 Total need from Gypsy and Traveller households that met the planning definition; from undetermined households that may meet the planning definition; and from households that did not meet the planning definition is for 5 pitches.
- 8.30 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 30% (the locally derived proportion that met the planning definition).
 - » The number that did not meet the planning definition.
 - » 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 70% (the locally derived proportion that did not meet the planning definition).
- 8.31 Need from households that meet or are likely to meet the planning definition will need to be addressed through a Local Plan Policies and may be through a combination of site allocations, intensification or expansion, and through a Criteria-Based Policy.
- 8.32 Need for households that did not meet the planning definition will need to be met through other Local Plan Housing Policies.

Figure 28 – Need for Gypsy and Traveller households in Winchester (SDNP) broken down by Local Plan Policy Type – ORS National %

Delivery Status	Gypsy & Traveller Policy	Housing Policy	TOTAL
Meet Planning Definition	0	-	0
30% Undetermined Need	0	-	0
Do Not Meet Planning Definition	-	5	5
70% Undetermined Need	-	0	0
TOTAL	0	5	5

Figure 29 – Need for Gypsy and Traveller households in Winchester (SDNP) broken down by Local Plan Policy Type – Winchester %

Delivery Status	Gypsy & Traveller Policy	Housing Policy	TOTAL
Meet Planning Definition	0	-	0
30% Undetermined Need	0	-	0
Do Not Meet Planning Definition	-	5	5
70% Undetermined Need	-	0	0
TOTAL	0	5	5

Summary of Need to be Addressed – Travelling Showpeople Winchester (SDNP)

- 8.33 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 tables below sets out the likely number of plots that will need to be addressed either as a result of the GTAA and through a Gypsy and Traveller Local Plan Policy, or through the Councils Housing Need Assessment (HNA) process and through separate Local Plan Policies.
- 8.34 Total need from Travelling Showpeople households that met the planning definition; from undetermined households that may meet the planning definition; and from households that did not meet the planning definition is for 8 plots.
- 8.35 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 70% (the ORS national average of Travelling Showpeople that meet the planning definition) of need from undetermined households and 100% (the locally derived proportion that met the planning definition).
 - » The number that did not meet the planning definition.

- » The likely proportion of need from undetermined households that will not meet the planning definition. It does this by taking 30% (the ORS national average of Gypsies and Travellers that do not meet the planning definition) of need from undetermined households and 0% (the locally derived proportion that did not meet the planning definition).
- 8.36 Need from households that meet or are likely to meet the planning definition will need to be addressed through a Local Plan Policies and may be through a combination of yard/plot allocations, intensification or expansion, and through a Criteria-Based Policy.
- 8.37 Need for households that did not meet the planning definition will need to be met through other Local Plan Housing Policies.

Figure 30 – Need for Travelling Showpeople households in Winchester (SDNP) broken down by Local Plan Policy Type – ORS National %

Delivery Status	Gypsy & Traveller Policy	Housing Policy	TOTAL
Meet Planning Definition	8	-	8
30% Undetermined Need	0	-	0
Do Not Meet Planning Definition	-	0	0
70% Undetermined Need	-	0	0
TOTAL	8	0	8

Figure 31 – Need for Travelling Showpeople households in Winchester (SDNP) broken down by Local Plan Policy Type – Winchester %

Delivery Status	Gypsy & Traveller Policy	Housing Policy	TOTAL
Meet Planning Definition	8	-	8
100% Undetermined Need	0	-	0
Do Not Meet Planning Definition	-	0	0
0% Undetermined Need	-	0	0
TOTAL	8	0	8

9. Pitch Deliverability Assessment

Background

- 9.1 Following the calculation of the need for sites in Winchester and the SDNP area of Winchester, the Council commissioned ORS to complete a Pitch Deliverability Assessment (PDA).
- 9.2 The primary objective of the PDA is to provide the Council with robust advice on the suitability, availability and achievability of any existing private Gypsy and Traveller sites with permanent planning permission to meet all or a proportion of the accommodation need for Gypsies and Travellers identified in this GTAA. It is anticipated that the outcomes of the PDA will assist the Council in preparing a revised Local Plan.
- 9.3 The PDA sought to understand the capacity of existing private Gypsy and Traveller sites with permanent planning permission through a combination of desk-based research and engagement with members of the Travelling Community living on sites in Winchester, including those sites in SDNP area.

Methodology Summary

- 9.4 The approach used by ORS sought to complete work to identify whether there is a viable opportunity on existing private sites with permanent planning permission to meet identified need through intensification, expansion, or reconfiguration of sites. The PDA:
- » Assessed existing private sites with full planning permission including an estimation of capacity; evaluation against development management constraints; and the suitability, availability, and achievability of additional pitches.
 - » Sought to understand the accommodation requirements of Gypsies and Travellers living on these sites.
 - » Makes clear recommendations on how the Council could ensure the delivery of suitable pitches to meet some or all of the identified need.
- 9.5 A breakdown of the methodology can be found in the full PDA Report (October 2022).

Summary of PDA Findings

- 9.6 The initial stage of the PDA covered a total of 29 private Gypsy and Traveller sites in Winchester, including 2 private sites in the SDNP. Following a preliminary RAG assessment of each site (see Methodology in the full PDA Report for further details) it was concluded there may be planning constraints that could prevent additional pitches being delivered on 18 of the sites at the time of the assessment. At this stage the PDA did not look at need from Travelling Showpeople. A total of 10 sites were taken forward to the next, more detailed, stage of the PDA. On one of the private sites in the SDNP area of Winchester (Four Acres) there was no need identified in the GTAA. These were:

- » 1 & 2 Willow Park.
- » Beacon Haven.
- » Bowen Farm.
- » Eastwood Yard (SDNP).
- » Fir Tree Farm.
- » Joymont Farm.
- » Little Ranch.
- » Riverside.
- » Southwick Ranch.
- » Tynefield.

9.7 The PDA concluded that, in principle, current need can be met for the following pitches in Winchester City Council for the period 2022-26 for households that met the planning definition of a Traveller through the intensification or expansion of existing sites:

- » 15 of the 15 pitches identified as being needed for Gypsies and Travellers.

9.8 The PDA has concluded that, in principle, future need can be met for the following in Winchester City Council for the period 2027-2038/39 for households that met the planning definition of a Traveller through the intensification or expansion of existing sites and yards:

- » 11 of the 12 pitches identified as being needed for Gypsies and Travellers.

9.9 The PDA has also sought to identify the likely proportion of current and future need identified for households that did not meet the planning definition of a Traveller in the GTAA. Following the initial RAG rating exercise there was no current or future need identified from households that did not meet the planning definition of a Traveller on the 9 sites in Winchester that were taken forward to the second stage of the PDA.

9.10 Current need for 3 pitches was identified from the site in the SDNP in Winchester. However, it was not possible to determine whether this need could be met on the site without encroaching on to agricultural land.

Conclusions

9.11 It is recommended that the Council consider the outcomes of the PDA to contribute towards the need identified in the GTAA in terms of the potential allocation of pitches to contribute towards meeting 5-year need and the identification of broad locations to meet future need requirements.

9.12 The Council may also wish to consider specific allocations for pitches on the sites that have been assessed in order to make a clear link between the need that has been identified and the sites that are in a position to potentially meet this need.

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Appendix A: Glossary of Terms / Acronyms used

Amenity block/shed	A building where basic plumbing amenities (bath/shower, WC, sink) are provided.
Bricks and mortar	Mainstream housing.
Caravan	Mobile living vehicle used by Gypsies and Travellers. Also referred to as trailers.
Chalet	A single storey residential unit which can be dismantled. Sometimes referred to as mobile homes.
Concealed household	Households, living within other households, who are unable to set up separate family units.
Doubling-Up	Where there are more than the permitted number of caravans on a pitch or plot.
Emergency Stopping Place	A temporary site with limited facilities to be occupied by Gypsies and Travellers while they travel.
Green Belt	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	The process where individuals form separate households. This is normally through adult children setting up their own household.
In-migration	Movement of households into a region or community
Local Plans	Local Authority spatial planning documents that can include specific policies and/or site allocations for Gypsies, Travellers and Travelling Showpeople.
Out-migration	Movement from one region or community in order to settle in another.
Personal planning permission	A private site where the planning permission specifies who can occupy the site and doesn't allow transfer of ownership.
Pitch/plot	Area of land on a site/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	An authorised site owned privately. Can be owner-occupied, rented or a mixture of owner-occupied and rented pitches.
Site	An area of land on which Gypsies, Travellers and Travelling Showpeople are accommodated in caravans/chalets/vehicles. Can contain one or multiple pitches/plots.
Social/Public/Council Site	An authorised site owned by either the local authority or a Registered Housing Provider.
Temporary planning permission	A private site with planning permission for a fixed period of time.
Tolerated site/yard	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	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	Caravans on land owned by Gypsies and Travellers and without planning permission.
Unauthorised Encampment	Caravans on land not owned by Gypsies and Travellers and without planning permission.
Waiting list	Record held by the local authority or site managers of applications to live on a site.
Yard	A name often used by Travelling Showpeople to refer to a site.

GTAA	Gypsy and Traveller Accommodation Assessment
GTANA	Gypsy and Traveller Accommodation Needs Assessment
HEDNA	Housing and Economic Development Needs Assessment
HMA	Housing Market Assessment
LPA	Local Planning Authority
DLUHC	Department of Levelling Up, Housing and Communities
NPPF	National Planning Policy Framework
ORS	Opinion Research Services
PDA	Pitch Deliverability Assessment
PPG	Planning Practice Guidance
PPTS	Planning Policy for Traveller Sites
SHMA	Strategic Housing Market Assessment
TSP	Travelling Showpeople

Appendix B: Undetermined Households

Figure 32 - Need for undetermined Gypsy and Traveller households in Winchester (excluding SDNP) 2022-38/39

Gypsies and Travellers – Undetermined Visited	Pitches
Supply of Pitches	
Supply from vacant public and private pitches	0
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	23
Households on unauthorised encampments	0
Concealed households/Doubling-up/Over-crowding	0
Movement from bricks and mortar	0
Households on waiting lists for public sites	0
Total Current Need	23
Future Need	
5 year need from teenage children	0
Households on sites with temporary planning permission	6
In-migration	0
New household formation	11
<i>(Household base 38 and formation rate 1.50%)</i>	
Total Future Needs	17
Net Pitch Need = (Current and Future Need – Total Supply)	40

Figure 33 – Need for undetermined Gypsy and Traveller households in Winchester (excluding SDNP) by time periods

Years	0-5	6-10	11-15	16-17	Total
	2022-26	2027-31	2032-36	2037-38	
	32	3	4	1	40

Figure 34 - Need for undetermined Travelling Showpeople households in Winchester (excluding SDNP) 2022-38/39

Travelling Showpeople – Undetermined Visited	Plots
Supply of Plots	
Supply from vacant public and private plots	0
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
Movement from bricks and mortar	0
Total Current Need	0
Future Need	
5 year need from teenage children	0
Households on sites with temporary planning permission	0
In-migration	0
New household formation	3
<i>(Household base 8 and formation rate 1.50%)</i>	
Total Future Needs	3
Net Plot Need = (Current and Future Need – Total Supply)	3

Figure 35 – Need for undetermined Travelling Showpeople households in Winchester (excluding SDNP) by time periods

Years	0-5	6-10	11-15	16-17	Total
	2022-26	2027-31	2032-36	2037-36	
	1	1	1	0	3

Figure 36 - Need for undetermined Gypsy and Traveller households in Winchester (SDNP) 2022-38/39

Gypsies and Travellers – Undetermined Visited	Pitches
Supply of Pitches	
Supply from vacant public and private pitches	0
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	0
Movement from bricks and mortar	0
Households on waiting lists for public sites	0
Total Current Need	0
Future Need	
5 year need from teenage children	0
Households on sites with temporary planning permission	0
In-migration	0
New household formation	0
<i>(No undetermined households)</i>	
Total Future Needs	0
Net Pitch Need = (Current and Future Need – Total Supply)	0

Figure 37 – Need for undetermined Gypsy and Traveller households in Winchester (SDNP) by time periods

Years	0-5	6-10	11-15	16-17	Total
	2022-26	2027-31	2032-36	2037-38	
	0	0	0	0	0

Figure 38 - Need for undetermined Travelling Showpeople households in Winchester (SDNP) 2022-38/39

Travelling Showpeople – Undetermined Visited	Plots
Supply of Plots	
Supply from vacant public and private plots	0
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
Movement from bricks and mortar	0
Total Current Need	0
Future Need	
5 year need from teenage children	0
Households on sites with temporary planning permission	0
In-migration	0
New household formation	0
<i>(No undetermined households)</i>	
Total Future Needs	0
Net Plot Need = (Current and Future Need – Total Supply)	0

Figure 39 – Need for undetermined Travelling Showpeople households in Winchester (SDNP) by time periods

Years	0-5	6-10	11-15	16-17	Total
	2022-26	2027-31	2032-36	2037-36	
	0	0	0	0	0

Appendix C: Households that did not meet the Planning Definition

Figure 40 - Need for Gypsy and Traveller households in Winchester (excluding SDNP) that did not meet the Planning Definition (2022-38/39)

Gypsies and Travellers - Not Meeting Planning Definition	Pitches
Supply of Pitches	
Supply from vacant public and private pitches	0
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	17
Households on unauthorised encampments	0
Concealed households/Doubling-up/Over-crowding	8
Movement from bricks and mortar	0
Households on waiting lists for public sites	0
Total Current Need	25
Future Need	
5 year need from teenage children	6
Households on sites with temporary planning permission	0
In-migration/Roadside	1
New household formation	13
<i>(Household base 40 and formation rate 2.20%)</i>	
Total Future Needs	20
Net Pitch Need = (Current and Future Need – Total Supply)	45

Figure 41 – Need for Gypsy and Traveller households in Winchester (excluding SDNP) that did not meet the Planning Definition by time periods

Years	0-5	6-10	11-15	16-17	Total
	2022-26	2027-31	2032-36	2037-38	
	32	5	5	3	45

Figure 42 - Need for Travelling Showpeople households in Winchester (excluding SDNP) that did not meet the planning definition (2022-38/39)

Travelling Showpeople - Not Meeting Planning Definition	Plots
Supply of Plots	
Supply from vacant public and private plots	0
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	1
Movement from bricks and mortar	0
Total Current Need	1
Future Need	
5 year need from teenage children	0
Households on yards with temporary planning permission	0
In-migration	0
New household formation	2
<i>(Formation from household demographics)</i>	
Total Future Needs	2
Net Plot Need = (Current and Future Need – Total Supply)	3

Figure 43 – Need for Travelling Showpeople households in Winchester (excluding SDNP) that did not meet the Planning Definition by time periods

Years	0-5	6-10	11-15	16-17	Total
	2022-26	2027-31	2032-36	2037-38	
	1	1	1	0	3

Figure 44 - Need for Gypsy and Traveller households in Winchester (SDNP) that did not meet the Planning Definition (2022-38/39)

Gypsies and Travellers - Not Meeting Planning Definition	Pitches
Supply of Pitches	
Supply from vacant public and private pitches	0
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	3
Movement from bricks and mortar	0
Households on waiting lists for public sites	0
Total Current Need	3
Future Need	
5 year need from teenage children	0
Households on sites with temporary planning permission	0
In-migration/Roadside	0
New household formation	2
<i>(Formation from household demographics)</i>	
Total Future Needs	2
Net Pitch Need = (Current and Future Need – Total Supply)	5

Figure 45 – Need for Gypsy and Traveller households in Winchester (excluding SDNP) that did not meet the Planning Definition by time periods

Years	0-5	6-10	11-15	16-17	Total
	2022-26	2027-31	2032-36	2037-38	
	3	0	1	1	5

Figure 46 - Need for Travelling Showpeople households in Winchester (SDNP) that did not meet the planning definition (2022-38/39)

Travelling Showpeople - Not Meeting Planning Definition	Plots
Supply of Plots	
Supply from vacant public and private plots	0
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
Movement from bricks and mortar	0
Total Current Need	0
Future Need	
5 year need from teenage children	0
Households on yards with temporary planning permission	0
In-migration	0
New household formation	0
<i>(No Travelling Showpeople not meeting planning definition)</i>	
Total Future Needs	0
Net Plot Need = (Current and Future Need – Total Supply)	0

Figure 47 – Need for Travelling Showpeople households in Winchester (excluding SDNP) that did not meet the Planning Definition by time periods

Years	0-5	6-10	11-15	16-17	Total
	2022-26	2027-31	2032-36	2037-38	
	0	0	0	0	0

Appendix D: Site and Yard Lists (July 2022)

Site/Yard	Authorised Pitches or Plots	Unauthorised Pitches or Plots
Public Sites		
None	-	-
Private Sites with Permanent Permission		
1 & 2 Willow Park (Land adjoining Stablewood Farm)	2	-
7 The Old Piggery, North Boarhunt (Firgrove Lane)	1	-
Ash Farm, Wickham	2	-
Ashbrook Stables, Colden Common	1	-
Barn Farm Caravan Park, Swanmore	5	-
Beacon Haven (also Bekon), Swanmore	6	-
Big Muddy Farm, Upham	1	-
Bowen Farm, Curdridge	4	-
East of The Old Piggery, North Boarhunt (Firgrove Lane)	1	-
Eastwood Yard, Soberton (SDNP)	1	-
Fir Tree Farm, Swanmore	3	-
Four Acres, Droxford (SDNP)	5	-
Gold Oaks Farm, Upham	1	-
Green Acres, Shedfield (Rambling Renegade)	1	-
Joymount Farm, Southampton	1	-
Land Opposite Woodward Farm (aka Fordean Stud), Upham	1	-
Land west of Lasek, Mislingford	1	-
Little Ranch, Fishers Pond	2	-
Ourlands, Knowle	3	-
Riverside, Adj Chapel House, Highbridge	3	-
Rose View (Straightpath Paddock), Shedfield	5	-
Southwick Ranch, North Boarhunt	1	-
Stablewood Farm, Swanmore	1	-
The Old Piggery, North Boarhunt (Firgrove Lane)	4	-
The Paddock, Durley	4	-
Travellers Rest, Bishops Sutton	1	-
Tynefield, Whiteley	18	-
West Fork, Hambledon	1	-
Windy Ridge, Denmead	1	-
Private Sites with Temporary Planning Permission		
Land to rear of Chairmakers Arms, Denmead (3, 4, 7 & 8)	4	-
Land to rear of Chairmakers Arms, Denmead (5 & 6)	2	-

Tolerated Sites		
None	-	-
Unauthorised Sites		
20A & 21 Firgrove Lane, North Boarhunt (Firgrove Lane)	-	2
Carousel Park, Micheldever	-	19
Cushty Tan, Wickham	-	1
East of The Old Piggary, North Boarhunt (Firgrove Lane)	-	6
Green Acres, Shedfield (Rambling Renegade)	-	2
Land at Firgrove Lane, North Boarhunt (Firgrove Lane)	-	1
Oak Hill (Land east of Maybank Cottage/The Stables)	-	1
The Old Piggeries, North Boarhunt (Firgrove Lane)	-	11
The Paddock, Durley	-	8
The Withy Beds, North Boarhunt (Firgrove Lane)	-	16
Woodley Farm, Lower Upham	-	2
TOTAL PITCHES	87	69
Travelling Showpeople Yards		
Carousel Park, Micheldever	5	-
Grig Ranch, Wickham	1	-
Plot 1, The Nurseries, Shedfield	2	-
Plot 2, The Nurseries, Shedfield	1	-
Plot 4, The Nurseries, Shedfield	1	-
Stokes Yard, Waltham Chase	1	-
The Bungalow, North Boarhunt	2	-
The Haven, Denmead	1	-
The Orchard (Land at Forest Road), Swanmore	4	-
The Vardo, Swanmore	1	-
Plot 3, The Nurseries, Shedfield (Tolerated)	-	1
Plot 6, The Nurseries, Shedfield (Tolerated)	-	2
Plot 7, The Nurseries, Shedfield (Tolerated)	-	2
Pointers Paddock, Meonstoke (Tolerated) (SDNP)	-	3
TOTAL PLOTS	19	8

Appendix E: Household Interview Questions

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):
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)			

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

Mobile homes	Touring Caravans	Day Rooms	Other (please specify)
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

A9 Is this site your main place of residence? If not where is it?
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											
<p>E1 Do you plan to move from this site in the next 5 years? If so, why? <i>INTERVIEWER: Please cross one box only</i></p> <p>Yes <input type="checkbox"/> If yes → Continue to E2 No <input type="checkbox"/> If no → Go to E5</p> <div style="border: 1px solid black; padding: 5px; width: fit-content; margin-left: auto;"> If so, why? (please specify) </div>											
<p>E2 Where would you move to? <i>INTERVIEWER: Please cross one box only</i></p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%; text-align: center;"> Another site in this area <i>(specify where)</i> </td> <td style="width: 20%; text-align: center;"> A site in another council area <i>(specify where)</i> </td> <td style="width: 20%; text-align: center;"> Bricks and mortar in this area <i>(specify where)</i> </td> <td style="width: 20%; text-align: center;"> Bricks and mortar in another council area <i>(specify where)</i> </td> <td style="width: 20%; text-align: center;"> Other (e.g. land they own elsewhere) <i>(Please specify)</i> </td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table> <div style="border: 1px solid black; padding: 10px; margin-top: 10px; text-align: center;"> <p><i>Please specify where they would move to if they own land elsewhere - probe for details</i></p> </div>		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"/>
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"/>							
<p>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? <i>INTERVIEWER: Please cross one box only</i></p> <table style="width: 100%; text-align: center;"> <tr> <td>Private buy</td> <td>Private rent</td> <td>Public rent</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>		Private buy	Private rent	Public rent	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Private buy	Private rent	Public rent									
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>									
<p>E4 Can you afford to buy a private pitch or site? <i>INTERVIEWER: Please cross one box only</i></p> <table style="width: 100%; text-align: center;"> <tr> <td>Yes</td> <td>No</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>		Yes	No	<input type="checkbox"/>	<input type="checkbox"/>						
Yes	No										
<input type="checkbox"/>	<input type="checkbox"/>										
<p>E5 Are you aware of, or do you own any land that could have potential for new pitches? <i>INTERVIEWER: Please cross one box only</i></p> <table style="width: 100%; text-align: center;"> <tr> <td>Yes</td> <td>No</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table> <div style="border: 1px solid black; padding: 10px; margin-top: 10px; text-align: center;"> <p><i>Please ask for details on where land/site is located, and who owns the land/site?</i></p> </div>		Yes	No	<input type="checkbox"/>	<input type="checkbox"/>						
Yes	No										
<input type="checkbox"/>	<input type="checkbox"/>										

F Travelling	
F1	<p>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? <i>INTERVIEWER: Please cross one box only</i></p> <p style="text-align: center;"> <input type="checkbox"/> 0 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5+ </p> <p style="text-align: center;"> ↓ Go to F6a } Continue to F2 </p>
F2	<p>If you or members of your family have travelled in the last 12 months, which family members travelled? <i>INTERVIEWER: Please cross one box only</i></p> <p style="text-align: center;"> All the family Adult males Other If other, please specify </p> <p style="text-align: center;"> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> </p>
F3	<p>What were the reasons for travelling? <i>INTERVIEWER: Please cross all that apply</i></p> <p style="text-align: center;"> Work Holidays Visiting family Fairs Other </p> <p style="text-align: center;"> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> </p> <p style="border: 1px solid black; padding: 2px; text-align: center;"> Details / specify if necessary. If fairs—probe for whether this involves work. </p>
F4	<p>At what time of year do you or family members usually travel? And for how long? <i>INTERVIEWER: Please cross one box only</i></p> <p style="text-align: center;"> All year Summer Winter </p> <p style="text-align: center;"> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> </p> <p style="border: 1px solid black; padding: 2px; text-align: center;"> And for how long? </p>
F5	<p>Where do you or family members usually stay when they are travelling? <i>INTERVIEWER: Please cross all boxes that apply</i></p> <p style="text-align: center;"> LA transit sites Private transit sites Roadside Friends/family Other If other, please specify </p> <p style="text-align: center;"> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> </p> <p style="border: 1px solid black; padding: 2px; text-align: center;"> INTERVIEWER: Ask F6a — F8 ONLY if F1 = 0. Otherwise, go to F9 </p>
F6a	<p>Are there any reasons why you don't you travel at the moment?</p> <p style="border: 1px solid black; padding: 2px; text-align: center;"> Details </p>
F6b	<p>Have you or family members ever travelled? <i>INTERVIEWER: Please cross one box only</i></p> <p style="text-align: center;"> Yes <input type="checkbox"/> —————→ Continue to F7 No <input type="checkbox"/> —————→ Go to F9 </p>
F7a	<p>When did you or family members last travel? <i>INTERVIEWER: Please write in</i></p> <p style="border: 1px solid black; padding: 2px; text-align: center;"> Details </p>
F7b	<p>What were the reasons for travelling? <i>INTERVIEWER: Please cross all that apply</i></p> <p style="text-align: center;"> Work Holidays Visiting family Fairs Other </p> <p style="text-align: center;"> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> </p> <p style="border: 1px solid black; padding: 2px; text-align: center;"> Details / specify if necessary. If fairs—probe for whether this involves work. </p>

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

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G Any other information	
G1	Any other information about this site or your accommodation needs? <i>INTERVIEWER: Please write in</i>
	<p>Details (e.g. can current and future needs be met by expanding or intensifying the existing site?)</p>
G2	Site/Pitch plan? Any concerns? <i>INTERVIEWER: Please sketch & write in</i>
	<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?	
<p>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?</p> <p><i>INTERVIEWER: Please cross one box only</i></p>	
Yes	No
<input type="checkbox"/>	<input type="checkbox"/>
<p>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.</p>	
Respondent's Name.....	<input type="text"/>
Respondent's Telephone.....	<input type="text"/>
Respondent's Email.....	<input type="text"/>
Interview log	
<p><i>INTERVIEWER: Please record the date and time that the interview was carried out</i></p>	
Date.....	<input type="text"/>
Time of interview.....	<input type="text"/>

Appendix F: Technical Note on Household Formation and Growth Rates



Technical Note

Gypsy and Traveller Household Formation and Growth Rates

June 2020

Opinion Research Services



As with all our studies, this research is subject to Opinion Research Services' Standard Terms and Conditions of Contract.

Any press release or publication of this research requires the advance approval of ORS. Such approval will only be refused on the grounds of inaccuracy or misrepresentation.

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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	All households in England		Gypsy and Traveller households in England	
	Number of households	Percentage of households	Number of households	Percentage households
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	All households in England		Gypsy and Traveller households in England	
	Number of households	Percentage of households	Number of households	Percentage households
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 GTAAs that ORS have completed across England and Wales involving over 4,300 household interviews.