



## The Traveller Movement

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## Government changes to Planning Policy for Traveller sites

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### Introduction

Over the August Bank Holiday weekend the Government introduced dramatic new changes to [Planning Policy for Traveller sites](#) (PPTS), the planning guidance used by Local Authorities and Inspectors to determine Traveller site applications. In the words of Housing Minister Brandon Lewis, the new PPTS will address “the blight” and “misery” caused by unauthorised Traveller sites and ensure that planning rules [“apply fairly to every community.”](#)

The Traveller Movement (TM) believe that the new measures will do the opposite and make it significantly harder for Gypsies and Travellers to obtain planning permission, adding to the existing [chronic shortage of Traveller sites in England](#). We expect this in turn to result in many community members being forced onto the road, increasing numbers of unauthorised sites and damaging community cohesion; all issues which the new guidance apparently aims to improve. At the heart of these changes lies a deep misunderstanding of the culture and lives of England’s Gypsies and Travellers and a failure by Government to meaningfully recognise their ethnic minority status in the planning system.

### Key areas of the guidance

For TM the key areas in the [new guidance](#) that will have the most negative impact are:

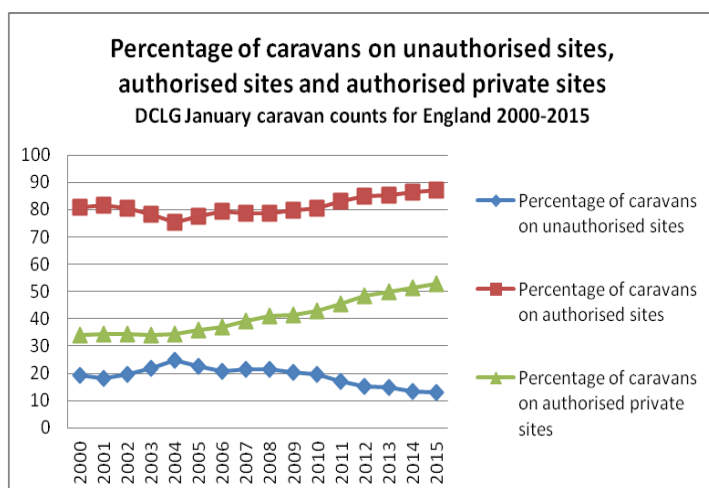
- The new guidance **redefines who Gypsies and Travellers are for the purposes of planning**. In short if a Gypsy or Traveller stops travelling permanently, even for the reasons of education, health or old age, they will cease to be a Gypsy or Traveller and consequently will not be eligible to apply for planning permission for a Traveller site (annex 1).
- In the Government’s [response to the consultation](#) they have stated their intention to **bring the 2004 Housing Act definition of Gypsies and Travellers (which recognises a cultural tradition of nomadism) in line with the revised definition in PPTS**.
- **Traveller sites (temporary or permanent) in the Green Belt are to be considered inappropriate development** and even the best interests of the child, personal circumstances and unmet need are unlikely to outweigh harm to the Green Belt (para 16).
- Local Planning Authorities (LPAs) should **very strictly limit new traveller site development in open countryside** (para 25).
- LPAs will **not be fully required to meet Traveller site needs where they have been burdened by a large-scale unauthorised site** (para 12).
- **Failure by an LPA to demonstrate an up-to-date 5 year supply of deliverable sites will no longer be a significant material consideration** in planning decisions

where the proposal is on land designated as Green Belt; Local Green Space, an Area of Outstanding Natural Beauty or within a National Park (or the Broads); etc (para 27).

- **The [cancellation of guidance](#) on enforcement powers and designing Gypsy and Traveller sites** without any form of consultation

## Key areas of concern

**The Government's justification and evidence for the changes is spurious.** The Government cites [DCLG caravan count](#) figures evidencing a 'four-fold increase in the numbers of caravans on unauthorised sites' between 2000 and 2009 to justify the new policy. However, these figures are 6 years old, before the Coalition Government even came to power and are a tiny sub category of the DCLG caravan count. As evidenced by the graph, unauthorised sites have actually decreased from approximately 20 percent of all caravans in England to 13 percent in the years 2009-2015, whilst authorised sites have steadily increased from 80 to 87 percent of all caravans for the same period, mainly through private Traveller site provision.



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**The new planning definition of Gypsies and Travellers will place many community members in a *Catch 22* situation**, in that they will be forced to travel for periods of the year in order to qualify to live on a permanent authorised Traveller site. This will result in an increase in unauthorised encampments and potentially have a detrimental impact on the elderly, disabled, those in poor health, community members work opportunities and children's education. The [EHRCs response](#) to the consultation specifically stated that the '*proposed amendment would be inconsistent with the Government's obligations under both domestic and international law*' and that '*the best interests of the child*' were not properly considered. Legal challenges would most likely be brought on the grounds of discrimination against Romany Gypsies and Irish Travellers under the Equalities Act 2010 and/or a breach of Article 8 (right to private and family life) under the Human Rights Act.

**Government plans to amend legislation and revoke guidance that requires LPAs to carry out Gypsy Traveller needs assessment will result in the accommodation needs of a majority of these groups being ignored.** Section 225 of the Housing Act 2004 currently requires LPAs to assess Gypsies and Travellers accommodation needs, including those who have ceased to travel for various reasons. The Government's response to the consultation states its intention to '*lay before Parliament a proposal to revoke "Gypsy and Traveller Accommodation Needs Assessments – Guidance" (2007)*' and amend primary legislation.

**The changes are contrary to PPTS stated aims of 'addressing under provision' of Traveller sites and 'reducing tensions between settled and Traveller communities'.**

According to DCLG [planning application statistics](#) Gypsy and [Traveller sites are significantly less likely to be granted planning permission](#) when compared to residential dwellings. The raft of new measures in the new PPTS further limiting the development of Traveller sites (as outlined above) will exacerbate the existing inequalities and obstacles Gypsies and

Travellers experience in the planning system. This will most likely result in another decade of under provision and increased tensions between settled and Traveller communities.

**The new PPTS unfairly targets Gypsies and Travellers in the Green Belt (and other land designations) whilst rewarding LPAs who fail to address the under provision of Traveller sites.** The Campaign for Rural England recently found that over [200,000 houses are proposed to be built on Green Belt land](#), a figure that dwarfs the tiny number of Traveller site applications in the Green Belt. TM believe that the primary focus of the new PPTS in limiting the development of Traveller sites in the Green Belt and other land designations is disproportionate to the scale of the issue in hand, considering that for the year ending March 2015 just 0.15 percent of all applications received by LPAs were for Traveller sites. It's also worth noting that in January 2015 the DCLG Secretary of State was found by the High Court to have ['discriminated unlawfully against a racial group'](#) by subjecting planning applications from Gypsies and Travellers in the Green Belt to special scrutiny.

**As part of the new changes the Government cancelled the following guidance without any consultation with stakeholders:** *Part 1 (2006); Guide to effective use of enforcement powers – Part 2 (2007); Designing Gypsy and Traveller Sites – Good Practice Guide (2008)?*

### If it's not broken, don't fix it...but you can improve it

Evidence from the DCLG caravan count indicates that the previous PPTS, and before that [Circular 01/06](#), combined with requirements on LPAs to access Gypsy and Traveller accommodation needs under the 2004 Housing Act, have had a consistent and positive impact increasing authorised and decreasing unauthorised Traveller sites since 2004/2006. The TM strongly believe that the new changes to PPTS fail to learn from and build on the policies that went before it. We believe that the new changes will actually create the problem the Government says it aims to solve, in terms of increasing unauthorised sites, failing to address under provision and increasing community tension. Some examples of how the Government could build on good practice are:

- *Replicate the Welsh Government's [Housing \(Wales\) Act 2014](#) which recognizes Gypsies and Travellers as having a cultural tradition of nomadism for the purposes of planning and places a duty on local authorities to provide sites for Gypsies and Travellers where a need has been identified*
- *Develop a community cohesion and social inclusion initiative focused on promoting greater dialogue and understanding between Gypsies, Travellers and settled communities, specifically on planning and accommodation issues.*
- *Promote the use of Leeds City Council's and Leeds GATE's [Negotiated Stopping Places Model](#) that has been proven to cost effectively address unauthorised encampments whilst improving community cohesion*

### Key Questions

- *What evidence informed the changes to PPTS, separate from the consultation process?*
- *Will applications by Gypsies and Travellers for permanent caravan sites submitted outside of PPTS be monitored, considering the inequalities these groups experience in the planning system and the under provision of caravan sites nationally?*
- *What consultation process was conducted in reaching the decision to cancel guidance on enforcement powers and designing Gypsy and Traveller sites (as detailed above)*
- *Could the Government provide more details as to how long Gypsies and Travellers are required to travel for each year to qualify as Travellers under the new PPTS?*
- *Could the Government specify what constitutes a 'large scale unauthorised site' and a 'Local Green Space'?*
- *Could the Government specify how many constitutes 'many' and how many constitutes 'some' in their response to the consultation on PPTS?*