



Hambleton District Council Gypsy and Traveller Accommodation Assessment



Update Report
June 2016

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1. Update Summary

Introduction and Methodology

- 1.1 The primary objective of the Hambleton Gypsy and Traveller Accommodation Assessment (GTAA) Update is to provide a robust assessment of current and future need for Gypsy, Traveller and Travelling Showpeople accommodation in Hambleton. The primary reason for completing the Update was the publication of a revised version of Planning Policy for Traveller Sites (PPTS) in August 2015. This included a change to the definition of Travellers for planning purposes.
- 1.2 The GTAA Update provides a robust and credible evidence base which can be used to aid the implementation of Development Plan policies and the provision of new Gypsy and Traveller pitches and Travelling Showpeople plots for the period 2016-2031. The outcomes of this Update supersede the outcomes of the Hambleton Traveller Housing Needs Study that was published in September 2012. This identified a net need for 26 additional pitches for the period 2012-2027. The 2012 assessment included interviews with 41 Gypsy and Traveller households living on authorised and unauthorised sites, 8 interviews with Gypsy and Traveller households living in bricks and mortar (none of whom wished to move to a site), and no interviews with Travelling Showpeople.

Figure 1 – 2012 GTAA additional pitches needed for Gypsies and Travellers in Hambleton from 2012-2027

Reason for Requirement/Vacancy	Gross Requirement	Supply	Net Requirement
Supply of Pitches			
Additional supply from empty pitches	-	0	
Additional supply new/unimplemented sites	-	0	
Total Supply		0	
Current Need			
Unauthorised developments/encampments seeking to stay in the area	5	-	
Currently seeking planning permission	2		
Concealed/Doubled-up households	0	-	
Net Movement from bricks and mortar	-1	-	
Waiting list for public sites	0	-	
Total Current Need	6		
Future Needs			
Currently on sites with temporary planning permission	0	-	
Net migration	-2	-	
Net new household formation	22	-	
Total Future Needs	20	-	
Total	26	0	26

Methodology

- ^{1.3} 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 recently in light of changes to PPTS in August 2015, as well as responding to recent changes set out by The Government, 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.
- ^{1.4} The revised PPTS that was published in August 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 new definition for Gypsies, Travellers and Travelling Showpeople.

Survey of Travelling Communities

- ^{1.5} ORS sought to identify all pitches on the authorised public sites in Hambleton and worked closely with the Council to ensure that the Site Record Form would collect all the necessary information to support the study. This form has been updated to take account of recent changes to PPTS to collect the information ORS feel is necessary to apply the new household definition. A full list of sites can be found in **Appendix A**.
- ^{1.6} ORS sought to undertake a full demographic study of all occupied pitches, as our experience suggests that a sample-based approach very often leads to an under-estimate of current and future needs which can be the subject of challenge at subsequent appeals and examinations. All occupied pitches were visited by experienced ORS researchers who conducted interviews with as many residents as possible to determine their current demographic characteristics, whether they have any current or likely future accommodation needs and how these may be addressed, whether there are any concealed households or doubling-up, and their travelling characteristics (to meet the new requirements in PPTS). Staff also sought to identify contacts living in bricks and mortar to interview. The Site Record Form can be found in **Appendix C**.
- ^{1.7} Fieldwork was undertaken in December 2015 and May 2016. A total of 30 new interviews were completed with Gypsy and Traveller households and 2 with Travelling Showpeople households. Information about travelling was collected for all of the households. It was not possible to complete an interview on a number of sites or pitches for reasons including refusal to be interviewed or the household not being available to interview at the time of the fieldwork, in which cases basic details were collected.

Engagement with Bricks and Mortar Households

- ^{1.8} From previous experience, Planning Inspectors and Appellants have called into question the accuracy of GTAA assessments in relation to those Gypsies and Travellers living in bricks and mortar accommodation who may wish to move on to a site. ORS feel that the only practical approach is to take all possible measures to identify as many households in bricks and mortar who may want to

take part in an interview to determine their future accommodation needs, including whether they wish to move to a permanent pitch in the study area. The 2011 only identified 30 Gypsy or Irish Traveller households living in bricks and mortar in Hambleton.

- 1.9 Contacts in bricks and mortar were sought through a wide range of sources including speaking with people living on the existing sites to identify any friends or family living in bricks and mortar who may wish to move to a site and other local intelligence from the Council.
- 1.10 In addition adverts were placed in Worlds Fair, Travellers Times and on the Friends, Families and Travellers Facebook pages. These can be seen below.



Opinion Research Services
Excellent research for the public, voluntary and private sectors

Gypsy, Traveller & Travelling Showpeople Accommodation Assessments

Opinion Research Services (ORS) is an independent research company who carry out Gypsy, Traveller and Travelling Showpeople Accommodation Assessments across the country. These assessments must be carried out by every council to inform them how many new pitches and plots will need to be provided in the future.

ORS would like to speak to Gypsies, Travellers and Travelling Showpeople who are looking to develop a site or yard or who live in bricks and mortar and would prefer to live on a site or yard in any of the following areas:

Aylesbury Vale, Basildon, Blackpool, Braintree, Brentwood, Bristol, Cambridge, Castle Point, Central Bedfordshire, Chelmsford, Cheltenham, Chiltern, Colchester, Cotswold, Daventry, East Cambridgeshire, Eastleigh, Elmbridge, Forest Heath, Forest of Dean, Fylde, Gloucester, Hambleton, Harlow, Huntingdonshire, King's Lynn and West Norfolk, Lambeth, Lewisham, Maldon, Northampton, Peterborough, Plymouth, Reigate and Banstead, Rochford, Selby, South Bucks, South Cambridgeshire, South Gloucestershire, South Hams, South Northamptonshire, Southend-on-Sea, St Edmundsbury, Stroud, Tandridge, Tendring, Tewksbury, Thurrock, Tower Hamlets, Uttlesford, Vale of Glamorgan, West Devon, Wycombe, Wyre and York

Your views are very important to us.

If you would like to speak to ORS about your accommodation needs please contact **Claire Thomas** on **01792 535337** or email claire.thomas@ors.org.uk



- 1.11 Through this approach we endeavoured to do everything within our means to publicise that a local study was being undertaken in order to give all households living in bricks and mortar who may wish to move on to a site the opportunity to make their views known to us.
- 1.12 However despite these efforts no households living in bricks and mortar were identified to complete an interview with.

Calculating Current and Future Need

- 1.15 The revised version of PPTS now requires a GTAA to determine whether households living on sites, yards, encampments and in bricks and mortar fall within the new 'planning' definition of a Gypsy, Traveller or Travelling Showperson. Only if households fall within the new definition will their housing requirements need to be assessed separately from the wider population in the GTAA. The new definition now excludes those who have ceased to travel *permanently*. A Briefing Note has been prepared by ORS that sets out the implications of the revised PPTS on GTAA studies. This can be found in **Appendix B**.

Current and Future Pitch/Plot Needs

- 1.16 The primary change to the 2015 PPTS in relation to the assessment of need is the change in 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 new definition. As the new PPTS has only recently been issued only a small number of appeal decisions have been issued by the Planning Inspectorate on how the new definition should be applied – these support the view that households need to be able to demonstrate that they travel for work purposes to meet the new definition, and stay away from their usual place of residence when doing so. It is also understood that there may be future legal challenges made to the change in definition following the outcomes of planning and appeal decisions.

- 1.17 To identify need, PPTS requires an assessment for current and future pitch requirements, whilst the 2007 GTAA Guidance does suggest an approach to undertaking an assessment of need, it is outdated and the Government have stated that they wish to repeal it. More recently draft guidance on assessing the needs of households living in caravans and on boats has been issued and the approach taken in this study is consistent with this draft guidance. 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. The key factors in each of these elements are set out below.
- 1.18 Whilst households who do not travel fall outside the new definition of a Traveller, Romany households and Irish and Scottish Travellers may be able to demonstrate a right to culturally appropriate accommodation under the Equalities Act 2010. In addition provisions set out in the new 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 Guidance¹ related to this section of the Housing and Planning 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 new ‘planning’ definition of a Traveller will need to be assessed as part of the wider housing needs of the area through the SHMA process, and will form a subset of the wider need arising from households residing in caravans.

Applying the New Definition

- 1.19 The outcomes from the questions in the household survey on travelling were used to determine the status of each household against the new definition in PPTS. Only those households that meet the new definition, or could potentially meet the new definition, will form the components of need to be assessed in the GTAA:
- » Households that travel under the new definition.
 - » Households that have ceased to travel temporarily under the new definition.
 - » Households where an interview was not possible but who could meet the new definition.

New Definition of Gypsies and Travellers

- 1.13 Information that was sought from the 32 households where an interview was completed allowed each household to be assessed against the new definition of a Traveller. This 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. The table below sets out the travelling status of households that were interviewed in Hambleton. Based on the oral responses given to interviewers² This shows that for Gypsies and Travellers 6 households and 2 Travelling Showpeople

¹ “Draft guidance to local housing authorities on the periodical review of housing needs for caravans and houseboats.” (March 2016)

² It is our understanding that oral evidence of gypsy status is capable of being sufficient when determining whether households meet the new definition.

households meet the new definition of a Traveller in that they were able to provide information demonstrating that they travel for work purposes and stay away from their usual place of residence. The remaining 24 households did not demonstrate that they travel away from their usual place of residence for the purpose of work, or have ceased to travel *temporarily* due to children in education, ill health or old age. Some did travel for cultural reason to visit fairs, relatives or friends, and others had ceased to travel permanently. In addition the travelling status of 25 households living on the remaining pitches was unable to be determined as an interview was not possible due to refusals or households not being present on the 3 occasions the pitch was visited.

Figure 2 - Travelling Status of Households Interviewed in Hambleton

Site Status	Meets New Definition	Does Not Meet New Definition	Unknown
Public Sites	3	12	17
Private Sites	3	12	8
Unauthorised Sites	0	2	0
Total Gypsies and Travellers	6	24	25
Travelling Showpeople Yards	2	0	0

Key Demographic Findings

- 1.14 Ethnicity data that was captured from the 6 Gypsy and Traveller households that meet the new definition of a Traveller indicated that 5 are Romany Gypsies and 1 Irish Travellers. Ethnicity data that was captured from the 24 Gypsy and Traveller households that do not meet the new definition of a Traveller indicated that 14 are English Travellers, 7 are Romany Gypsies and 3 are Irish Travellers.
- 1.15 The households that meet the new definition comprised 23 residents – 13 adults and 10 children and teenagers aged under 18. This equates to 56% adults and 44% children and teenagers.
- 1.16 The households that do not meet the new definition comprised 65 residents – 42 adults and 23 children and teenagers aged under 18. This equates to 65% adults and 35% children and teenagers.
- 1.17 Although not a direct comparison, data from the 2011 Census for Hambleton as a whole (the settled community and the Gypsy or Irish Traveller community) has been compared to the demographics recorded in the household interviews. This shows a significantly lower proportion of those aged under 18 in the Hambleton population as a whole.

Revised Pitch Needs – Gypsies and Travellers

- 1.18 Households who meet the new definition of Travelling were found on 2 public sites and 3 private sites. Analysis of the household interviews for indicated that there is no immediate need for additional pitches. There is need for 1 additional pitch for a younger family member in the next 5 years, and whilst 2 younger family members on another pitch were identified as being in need of a pitch of their own in the next 5 years – it was stated that these pitches would be sought on sites outside of Hambleton. The demographics of residents suggests that a new households formation rate of 1.80% should be used and this gives a further 2 households of the 15 year GTAA period. In addition there are 2 pitches on public sites due to become vacant due to households moving away.

- 1.19 Therefore, based on the revised definition of Gypsies and Travellers for planning purposes in the 2015 Planning Policy for Traveller Sites, the overall level of additional need for those households who meet the new definition of a Gypsy or Traveller is for **1 additional pitch over the 15 year GTAA period**. This need identified could be met through existing vacant pitches on the public sites.

Figure 3 – Addition Need for ‘Travelling’ Households

Local Authority	2016-21	2021-26	2026-31	Total
Hambleton	-1	1	1	1

Revised Pitch Needs – ‘Unknown’ Gypsies and Travellers

- 1.20 Whilst it was not possible to determine the travelling status of a total of 25 households as they either refused to be interviewed, or were not on site at the time of the fieldwork, the needs of these households still need to be recognised as they are ethnic Gypsies and Travellers.
- 1.21 Should further information be made available to the Council that will allow for the new definition to be applied, based on the revised definition of Gypsies and Travellers for planning purposes in the 2015 Planning Policy for Traveller Sites, the overall level of need could rise by **6 additional pitches through new household formation** and any associated need through concealed or doubled up households within the 25 households. This figure uses a base of 25 households and future household formation of 6 using a net growth rate of 1.50%³.

Figure 4 – Additional Need for ‘Unknown’ Households

Local Authority	2016-21	2021-26	2026-31	Total
Hambleton	2	2	2	6

- 1.22 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 new definition based on the outcomes of households where an interview was completed.
- 1.23 However data that has been collected from over 1,250 household interviews that have been completed by ORS since the changes to PPTS in 2015 suggests that overall between 10%-20% of households who have been interviewed meet the new definition – and in some local authorities, particularly other London Boroughs, 100% of households do not meet the new definition.
- 1.24 This would suggest that it is likely that only a small proportion of the potential need identified from these households will need to be included in the GTAA.

Revised Pitch Needs – Non-Travelling Gypsies and Travellers

- 1.25 It is not a requirement to include details of need from Non-Travelling Gypsies and Travellers in the GTAA. However for illustrative purposes only these figure are included.

³ The ORS Technical Note on Population and Household Growth has identified a national growth rate of 1.50% which has been applied in the absence of further demographic information about these households.

- 1.26 Whilst households who do not travel fall outside the new definition of a Traveller; Romany Gypsies and Irish and Scottish Travellers may be able to demonstrate a cultural need and right to a caravan site under the Equalities Act 2010⁴. As set out already provisions set out in the new Housing and Planning Act (2016) now include a duty 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. The implication is therefore that the housing needs of any Gypsy and Traveller households who do not meet the new ‘planning’ definition of a Traveller will need to be assessed as part of the wider housing needs of the area through the SHMA process, and will form a subset of the wider need arising from households residing in caravans. On this basis, it is evident that whilst the needs of the 24 households who do not meet the new 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 some identified as Romany Gypsies or Irish Travellers.
- 1.27 Analysis of the household interviews for those who do not meet the new definition indicated that there is a current need for 1 pitch from a concealed adult, a further need for 1 pitch in the next 5 years for a younger family member, and that there is 1 unauthorised pitch. Future need is made up of 7 from new household formation using a formation rate of 1.50% that has been derived from the demographics of the households that were interviewed. In addition there are 5 public pitches due to become vacant due to households moving away from the sites. Based on the revised definition of Gypsies and Travellers for planning purposes in the 2015 Planning Policy for Traveller Sites, this gives an overall need for **5 additional pitches** over the 15 year GTAA period.

Figure 5 – Additional Need for ‘Non-Travelling’ Households

Local Authority	2016-21	2021-26	2026-31	Total
Hambleton	0	2	3	5

- 1.28 As things currently stand⁵ there are a number of additional points to consider when seeking to address the needs of those Gypsy and Traveller households who do not meet the new definition.
- 1.29 As set out in this report one of the requirements set out in the new Housing and Planning Act (2016) is that the housing needs of any Gypsy and Traveller households who do not meet the new ‘planning’ definition of a Traveller will need to be assessed as part of the wider housing needs of the area through the SHMA process, and will form a subset of the wider need arising from households residing in caravans.
- 1.30 ORS agree that a position where Gypsy, Traveller and Travelling Showpeople households will form part of the household projections, concealed households and market signals which would underwrite an OAN calculation in a SHMA. The needs of these households need to be counted as part of an overall OAN; therefore any needs identified in this part of the GTAA would be a component of, and not additional to, an OAN figure that would be identified in a SHMA. This also means that any land supply for pitches and plots should be counted towards the general 5-year land supply as the needs the Council will need to address would be included within an overall housing OAN.

⁴ These groups have their ethnicity recognised as a protected characteristic.

⁵ Draft guidance to local housing authorities on the periodical review of housing needs (Caravans and Houseboats) was published by the Government in March 2016. This is not yet in place but will have further impacts on the assessment of those who do not meet the new definition.

Waiting Lists

- 1.31 There are 2 public sites in Hambleton, both of which are managed by a third party. The Council have confirmed that there are three separate families on the waiting list for both Stokesley Site and Thirsk Site. Whilst the sites are currently full the site interviews indicated that a number of households are seeking to vacate their pitches so therefore there will be supply to meet the needs of the households on the waiting list – if they meet the planning conditions for occupying pitches on the site.

Transit Sites / Temporary Stopping Places

- 1.32 There is the possibility that changes to PPTS could result in increased levels of travelling but it is not recommended that there is a need for the Council to consider any transit provision at this time as there is already 5 transit pitches on one of the private sites, and additional transit provision on another private site which has planning permission but has not yet been implemented.
- 1.33 The situation relating to levels of unauthorised encampments by households that meet the new definition of a Traveller, and occupation levels of any unauthorised roadside encampments, should however be continually monitored whilst the changes associated with the new PPTS develop.

Travelling Showpeople Needs

- 1.34 The assessment did identified 2 small Travelling Showpeople yards in Hambleton and interviews were completed on both of them. Both households meet the new definition of a Traveller.
- 1.35 Therefore based on the revised definition of Gypsies and Travellers for planning purposes in the 2015 Planning Policy for Traveller Sites, and using the evidence collected during the interviews the provision needed for the GTAA period is for **6 additional plots**. This is based on the need for 4 new plots for younger family members in the next 5 years, and 2 new households to form.

Figure 6 – Additional Need for ‘Travelling’ Showpeople

Local Authority	2016-21	2021-26	2026-31	Total
Hambleton	4	1	1	6

Conclusions and Recommendations

Need for ‘Travelling’ Gypsies and Travellers

- 1.36 Based upon the evidence collected during the 30 household interviews and following an assessment against the new definition of a Traveller, the baseline additional pitch provision needed in Hambleton to 2031 for the 6 Gypsy and Traveller households who meet the new definition of a Traveller **is for 1 additional pitch**. This need identified could be met through existing vacant pitches on one of the public sites.
- 1.37 In addition should additional information be provided by the 25 households where an interview was not possible the overall level of need could rise by **5 additional pitches through new household formation** and any associated need through concealed or doubled up households within these 25 households.

Need for ‘Non-Travelling Gypsies’ and Travellers

- 1.38 It is not a requirement to include details of need from Non-Travelling Gypsies and Travellers in the GTAA. However for illustrative purposes only these figure are included.
- 1.39 Need to provide an **additional 5 pitches** arises from the 24 households who do not meet the new definition. This will need to form a sub-set of need for wider caravan dwellers in the SHMA following changes brought in by the Housing and Planning Act (2016).

Need for Transit Provision

- 1.40 it is not recommended that there is a need for the Council to consider any transit provision at this time as there is already 5 transit pitches on one of the private sites, and additional transit provision on another private site which has planning permission but has not yet been implemented.
- 1.41 The situation relating to levels of unauthorised encampments by households that meet the new definition of a Traveller, and occupation levels of any unauthorised roadside encampments, should however be continually monitored whilst the changes associated with the new PPTS develop.

Need for Travelling Showpeople

- 1.42 Based on the evidence collected during the interviews the provision needed for the GTAA period is for **6 additional plots**. This is based on the need for 4 new plots for younger family members in the next 5 years, and 2 new households to form.

Appendix B – List of Sites in Hambleton

Site/Yard	Authorised Pitches/Plots	Unauthorised Pitches/Plots
Public Sites		
Bankside Close, Thirsk	16	-
Hillfield Close, Seamer	16	-
Private Sites with Permanent Permission		
Bullamoor	1	-
Carolina Farm, Stokesley	3	-
Easby Road, Great Broughton	1	-
Goulton Lane, Potto	2	-
Green Bank Farm, Great Broughton	1	-
Hillside View Farm, Tame Bridge	1	-
Land adjacent Bankside Close, Thirsk (The Yard)	2	-
Longbeck Farm, Stokesley	6	-
Moor Lane, Bagby	1	-
Old Football Pitch, Ranch House	1	-
Ranch House Farm, Skutterskelfe	1	-
Riverside Nurseries, Stokesley	1	-
Sutton on the Forest	8	-
The Stables, Broughton Grange, Great Broughton	1	-
The Workshop, Stokesley Road	1	-
World's End, Sowerby	3	-
Private Sites with Temporary Permission		
None	-	-
Tolerated Sites – Long-term without Planning Permission		
None	-	-
Unauthorised Sites		
Plot 11 Ings Lane, Great Broughton	-	1
Rosies Ranch, Great Busby	-	1
TOTAL PITCHES	66	2
Private Travelling Showpeople Yards		
Dalton Sawmill, Dalton	1	-
The Fairfield, Northallerton	1	-
TOTAL PLOTS	2	0

Appendix B – PPTS 2015 Briefing Note

Gypsy and Traveller Accommodation Assessments

ORS Briefing on the Implications of Changes to Planning Policy for Traveller Sites

September 2015

Please note that these are the current views of ORS on the implications of the changes to PPTS and clarification has not yet been sought from DCLG on our interpretation of the potential changes to the definition of Gypsies, Travellers and Travelling Showpeople in relation to undertaking GTAA's.

Background

The recent changes to PPTS that were published on 31st August will now require a GTAA to determine whether households living on sites, encampments and in bricks and mortar fall within the new definition of a Gypsy, Traveller or Travelling Showperson. Only if they fall within the new definition will their housing needs need to be assessed separately from the wider population, as required by the Housing Act (2004).

There are a number of issues that will need to be considered when seeking to apply the new definition and this short briefing covers the views of ORS on these in relation to completing a GTAA.

Conflicting Definitions of a Traveller

It is our understanding there are now 3 definitions for a Gypsy, Traveller or Travelling Showperson. The PPTS (2015) definition, the Housing Act (2004) definition, and the Equality Act (2010) definition (which only applies only to Romany and Irish Travellers as an ethnic group).

1. In their response to the consultation on Planning and Travellers DCLG stated that *the Government will, when parliamentary time allows, seek to amend primary legislation to clarify the duties of local authorities to plan for the housing needs of their residents.* This should bring the Housing Act definition in line with the PPTS definition.

The key issue is that there will be Romany and Irish Travellers who no longer travel so will not fall under the Planning or Housing definition, but Council's may still need to meet their needs through the provision of *culturally suitable* housing under the requirements of the Equality Act.

We believe that this will now create a new category of Gypsy, Traveller or Travelling Showperson - *a Non-Travelling Romany or Irish Traveller* - that Council's will need to consider in terms of housing provision. The needs of households that fall within this category *will not necessarily* be assessed in a GTAA and will need to be assessed separately under the NPPF.

The 'Planning Definition' in PPTS:

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.*

The ‘Housing Definition’ in the Housing Act 2004

Section 225: Every local housing authority must, when undertaking a review of housing needs in their district under section 8 of the Housing Act 1985 (c. 68), carry out an assessment of the accommodation needs of gypsies and travellers residing in or resorting to their district...gypsies and travellers has the meaning given by regulations made by the appropriate national authority.

The definition of Gypsies and Travellers as referred to at Section 225 of the Act is that set out for the purposes of planning by the Secretary of State for Communities and Local Government.

Therefore the definition of ‘gypsies and travellers’ for this purpose is specified in ‘The Housing (Assessment of Accommodation Needs) (Meaning of Gypsies and Travellers) (England) Regulations 2006’ (Statutory Instrument: 2006 No. 3190).

The following definition of “gypsies and travellers” should now be used:

(a) persons with a cultural tradition of nomadism or living in a caravan; and

(b) all other persons of a nomadic habit of life, whatever their race or origin, including:

(i) such persons who, on grounds only of their own or their family’s or dependant’s educational or health needs or old age, have ceased to travel temporarily or permanently; and

(ii) members of an organised group of travelling showpeople or circus people (whether or not travelling together as such).

The ‘Equality Act’ 2010 Definition

The courts have determined that Romany Gypsies and Irish Travellers are protected against race discrimination because they are included under the Protected Characteristics as an ethnic group. Culturally suitable housing should be provided for this group.

Definition of Travelling

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

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.

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.

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*.

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.

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.

It is our understanding that the implication of these rulings in terms of applying the new definition is that it will include those who travel but also have a permanent site or place of residence, but that it will not include those who travel for purposes other than work – such as visiting horse fairs and visiting friends or relatives. It will in our view not cover those who commute to work daily from a permanent place of residence.

It will also be the case in our view that a household where some family members travel for nomadic purposes on a regular basis, but where other family members stay at home to look after children in education, or other dependents with health problems etc. the household unit would be defined as travelling under the new definition.

Households will also fall under the new 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 or health needs or old age. In order to have ceased to travel temporarily these households will need to demonstrate that they have travelled in the past. In addition households may also have to demonstrate that they plan to travel again in the future. These issues are covered later in this briefing.

Changes to Fieldwork Requirements

In determining whether households fall within the new definition it is important that GTAA fieldwork is undertaken in a robust and inclusive manner, with efforts made to speak with households living on *all pitches and plots* in any given local authority area. Attempts to speak with every household is likely to increase the costs of site fieldwork but it is felt that robust and defensible evidence on household travelling characteristics can only be obtained by speaking with a member from each family directly. If this does not happen the determination of whether a household falls within the new definition is likely to be challenged.

Interviewers will need to follow an approach similar to what is being advocated by Welsh Government in their recent GTAA Guidance which requires interviewers to make a minimum of 3 attempts to complete a successful household interview before seeking information from a third party. The keeping of an Interview Log to record dates and times of unsuccessful visits, and reasons for a refusal to be interviewed is also recommended.

Qualifying Questions and Evidence to Support Travelling Status

A series of *qualifying questions* will need to be asked during the more intensive household interviews to determine whether each household will fall under the new definition. There will be a need to ask questions to determine for example:

- » The ethnicity of households;
- » Whether they travel for nomadic purposes as defined by case law;
- » If they do not travel, whether they have travelled for nomadic purposes in the past;
- » Whether they have ceased to travel permanently or temporarily;
- » The reasons why they have ceased to travel temporarily; and
- » Whether and when they plan to resume travelling for nomadic purposes.

The responses to these questions should enable the new planning/housing and ethnicity definitions of Gypsies, Travellers and Travelling Showpeople to be applied to each household in the first instance.

One of the most difficult issues to address will be to evidence households that claim to have *ceased travelling temporarily* as a result of their own or their family's or dependants' educational or health needs or old age. This will need to include evidence that households have travelled in the past.

Example of evidence to support the new definition and households that claim to have ceased to travel temporarily could include:

- » Details of previous travelling by the applicant or by family members for the purpose of work could include originals or copies of family photographs.
- » Evidence to support household members ceasing to travel temporarily could include letters or reports from GPs or consultants; and Letters from head teachers and/or Traveller Education Officers.
- » Evidence to support not being able to travel due to a lack of sites or transit provision could include details of attempts to find alternative sites, including, for

example, letters to local estate agents and evidence of enquiries to local authorities.

- » Evidence to support a nomadic way of life for work purposes could include records of work undertaken such as quotes and invoices; receipts for stays on transit sites; and details of enforcement of unauthorised encampments; and details of schools attended and GP registrations whilst away travelling.

The practical implications of this in relation to the fieldwork element of a GTAA will be whether this evidence actually needs to be produced or whether households will simply need to be asked if they would be able to provide evidence if requested at a later date.

Applying the Definition

When the household survey is complete the outcomes from the qualifying questions will need to be used to determine the status of each household on each site. Decisions will need to be made whether it will be for a local authority, a third party undertaking the GTAA, or a combination of both, to make the final determination of whether households fall within the new definition.

It is highly likely that this will result in sites with a mixture of household statuses – even on smaller private family sites. We think that households will fall under one of 4 classifications that will determine whether their housing needs will need to be assessed in the GTAA.

- » Households that travel under the new definition – *Yes*
- » Households that have ceased to travel temporarily under the new definition - *Yes*
- » Households that do not travel under the new definition - *No*
- » Romany or Irish Travellers who do not travel under the new definition - *No*

In practical terms, a current GTAA may have a need for 100 pitches from new household formation over its local plan period. If 50% of these households do not meet the new definition of being a Traveller then it could be argued that the need from new household formation should fall from 100 to 50. However, this assumes that the children of current non-Travelling households will also not travel themselves in the future and will not have their needs from new household formation met. This is going to be very difficult to evidence in practice.

This also raises the question of who is responsible for assessing the needs of the 50 households who have been removed from the assessment of need in the GTAA. The Equalities Act requires that *Romany and Irish Travellers* are provided with *culturally sensitive* accommodation. It may therefore be that the GTAA will exclude 50 households on the grounds that they no longer meet the planning/housing definition of being Travellers, but the requirements of the Equalities Act mean that these households' ethnic status will still lead to the need to provide caravan pitches. These may be on park home sites rather than Gypsy and Traveller sites.

In practice it may be that the new definition has a very large impact on a small number of planning applications where households who no longer travel will not be deemed Travellers. However, for the existing population and sites it is unlikely the effect will be as dramatic as being envisaged. Given that the majority of Councils do not have 5 year land supplies for either housing or Gypsy and Traveller sites, it may simply be that planning applications are moved from being for Gypsy and

Traveller sites to being for park home sites – using case law established by *Wenman v Secretary of State* Judgement and subsequent changes made to Paragraphs 49 and 159 in the NPPF in July 2015.

Paragraph 49

From today, those persons who fall within the definition of ‘traveller’ under the Planning Policy for Traveller Sites, cannot rely on the lack of a five year supply of deliverable housing sites under the National Planning Policy Framework to show that relevant policies for the supply of housing are not up to date. Such persons should have the lack of a five year supply of deliverable traveller sites considered in accordance with Planning Policy for Traveller Sites.

Paragraph 159

Planning Policy for Traveller Sites sets out how ‘travellers’ (as defined in Annex A of that document) accommodation needs should also be assessed. Those who do not fall under that definition should have their accommodation needs addressed under the provisions of the National Planning Policy Framework.

Conclusions

As a result of the changes to PPTS ORS have identified that there are a number of key points that local authorities need to be aware of in relation to their GTAA:

- » It is unclear at the present time whether the changes will be applied retrospectively to GTAAs that have already been published and have been through a Local Plan Examination – however they will need to be taken into consideration when dealing with new planning applications and appeals. This will impact on the identification of a 5 year supply of deliverable Traveller sites as the level of need will be unknown without applying the definition to all households.
- » In the majority of cases it may be necessary to undertake new site fieldwork to gather up-to-date and robust information from each household on their travelling characteristics in order for the new definition to be properly applied for the purpose of assessing household need.
- » The definition of a *Traveller* and what constitutes *Travelling* appear to be clearly set out in case law. What local authorities will need to consider how to robustly apply the outcomes of the qualifying questions when determining whether a household has ceased to travel temporarily?
- » It is difficult at this stage to consider the future needs (new household formation) of the children of current non-travelling households as it will be very hard to evidence whether or not they will travel themselves in the future.
- » In short this will not reduce the number of households seeking to live on sites in caravans. Local authorities will still need to consider how to address the housing needs of Romany and Irish Travellers who do not travel but fall under the requirements of the Equality Act. For the remainder of those households who do not fall under the new definition local authorities will still need to consider how they should have their accommodation needs addressed under the provisions of the National Planning Policy Framework. These will most likely need to be met on park home sites as opposed to Traveller sites.

- » It is also important to note that the definition will need to be applied in a consistent manner to households living in caravans on sites and encampments, and for those living in bricks and mortar, as there is nothing in the definition that states that a household needs to live in a caravan or other mobile structure.
- » There are also likely to be practical implications in the reporting of GTAAs as the assessment will now need to be on a pitch-by-pitch basis, and may involve the publication of sensitive and personal information that may lead to issues with data protection requirements.

Appendix C – Site Record Form

Hambleton GTAA Questionnaire 2015



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

You do not have to answer all the questions but the more information you can provide the better the survey will be. The survey will take around 10-15 minutes to complete.

For each question, put a cross in the appropriate box like this . Mark only one box for each question unless otherwise instructed. If you mark the wrong box, fill in the box and cross the correct one.

A General Information

A1 Name of planning authority: *INTERVIEWER please write in*

A2 Date/time of site visit(s): *INTERVIEWER please write in*

DD/MM/YY	TIME
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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	Unauthorised	Bricks and Mortar
<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 <i>(please specify)</i>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

A9 How long have you lived here? If you have moved in the past 5 years, where did you move from?

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

A10 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 <input type="checkbox"/>	No option <input type="checkbox"/>	If no option, why?
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A11 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 all that apply

YES - good access to...

Schools <input type="checkbox"/>	Work <input type="checkbox"/>	Healthcare <input type="checkbox"/>	Family & Friends <input type="checkbox"/>	Motorway <input type="checkbox"/>	Other <input type="checkbox"/>
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Details / specify if necessary

NO - poor access to... *INTERVIEWER: Please cross all that apply*

Schools <input type="checkbox"/>	Work <input type="checkbox"/>	Healthcare <input type="checkbox"/>	Family & Friends <input type="checkbox"/>	Motorway network <input type="checkbox"/>	Other <input type="checkbox"/>
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Details / specify if necessary

A12 How many separate families or unmarried adults live on this pitch?

INTERVIEWER: Please cross one box only

1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input type="checkbox"/>	6 <input type="checkbox"/>	7 <input type="checkbox"/>	8 <input type="checkbox"/>	9 <input type="checkbox"/>	10 <input type="checkbox"/>
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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*

1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input type="checkbox"/>	6 <input type="checkbox"/>	7 <input type="checkbox"/>	8 <input type="checkbox"/>	9 <input type="checkbox"/>	10 <input type="checkbox"/>
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Other *Please specify*

C2(a) How many of your children will need a home of their own in the next 5 years as a result of getting married or leaving home and where will these be needed?

<i>Please cross one box in each row as applicable</i>	On this site	Public site in Hambleton	Private site in Hambleton	Site not in Hambleton	Housing in Hambleton	Housing not in Hambleton
Household 1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Household 2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Household 3	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Household 4	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Household 5	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

C2(a) When will these be needed?*Please cross one box in each row as applicable*

	Now	In 1-2 years	In 2-5 years
Household 1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Household 2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Household 3	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Household 4	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Household 5	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

1 2 3 4 5 6 7 8 9 10

No Other (Please specify) Details (Please specify) **E****Future Accommodation Needs****E1** Do you plan to move from this site in the next 5 years? If so, why?*INTERVIEWER: Please cross one box only*

Yes If yes —————> Continue to E2
 No If no —————> Go to F1

If so, why? (please specify) **E2(a)** Where would you move to? *INTERVIEWER: Please cross one box only*

Another site in this area (go to E2b) A site in another council Bricks and mortar in this area or in another council Other (Please specify)

Please specify in terms of the geographical area you wish to move to. **E2(b)** *INTERVIEWER: IF THEY WOULD MOVE TO ANOTHER SITE IN THIS AREA PROMPT FOR WHERE*Please specify in terms of the geographical area you wish to move to.

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

Public pitch

Private pitch

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

Yes

No

E5 Do you own another site or land which you would like to develop?

INTERVIEWER: Please cross one box only

Yes

No

What is the location of this site/land?

F

Travelling

F1 How many trips, living in a caravan or trailer, have you or members of your family made away from your permanent base in the last 12 months?

INTERVIEWER: Please cross one box only

0

1

2

3

4

5+

Go to F6

Continue to F2

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

All the family

Adult males

Other

If other, please specify

F3 What was the main reason for travelling? *INTERVIEWER: Please cross one box only*

Work

Holidays

Visiting family

Fairs

Other

Details / specify if necessary

F4 At what time of year do you or family members usually travel? And for how long?

INTERVIEWER: Please cross one box only

All year

Summer

Winter

And for how long?

F5 Where do you or family members usually stay when they are travelling?

INTERVIEWER: Please cross all boxes that apply

Transit sites

Roadside

Friends/family

Other

If other, please specify

F6 *INTERVIEWER: Ask F6 — F8 ONLY if F1 = 0. Otherwise, go to F9*

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

Yes

Continue to F7

No

Go to F9

F7 When did you or family members stop travelling? *INTERVIEWER: Please write in*

Details

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 family members plan to travel in the future?

INTERVIEWER: Please cross one box only

Yes → Continue to F10
No → Go to G1

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

Details

G

Bricks & Mortar Contacts

G1 Contacts for Bricks and Mortar interviews? INTERVIEWER: Please write in

Details

G2 Any other information about this site or your accommodation needs?

INTERVIEWER: Please write in

Details (e.g. can current and future needs be met
by expanding or intensifying the existing site?)

G3 Site/Pitch plan? Any concerns? INTERVIEWER: Please sketch & write in

Sketch of Site/Pitch — any concerns?

INTERVIEWER: May I also take your name, telephone number and address? ORS may wish to contact you to confirm that this interview took place. These details will only be used for this purpose and will not be passed onto anyone else.

Respondent's Name.....

Respondent's Telephone.....

Respondent's Email.....

INTERVIEWER: Thank you for your time and help completing this questionnaire

INTERVIEWERS DECLARATION:

I certify that I have conducted this interview personally with the person named above in accordance with the Market Research Society Code of Conduct

Interviewers Signature: