

Hambleton Gypsy, Traveller and Travelling Showpeople Guidance Note

July 2016

GUIDANCE
PLANNING PERMISSION POLICY SITES ADVICE
CONDITIONS
TRAVELLER
LOCAL ENFORCEMENT APPLICATIONS
GYPSY NATIONAL

Draft for Consultation

There are Gypsies, Travellers and Showpeople living within Hambleton District and the council has a duty 'to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community' (Planning Policy for Traveller Sites DCLG 2015, para3)

It must consider the needs of these communities when determining relevant planning applications and also when preparing its Local Plan, just as it does for the settled community.

Purpose of this Guidance Note

This guidance note sets out the information and evidence that the council will require to be provided by Gypsies, Travellers and Showpeople who are considering submitting a planning application for a new residential Traveller site or who are seeking to extend or improve an existing Traveller site. The same information and evidence will be sought in the investigation of any unauthorised sites. The Guidance Note draws upon national planning policy and the council's most recent research, and seeks to ensure that future provision for Traveller Sites will only be permitted where it meets a proven need that cannot be accommodated on an existing site and where it accords with national and local planning policy.

In this document "traveller" should also be taken to mean "gypsy" or "travelling showperson" except where a specific distinction is made.

The guidance clearly sets out when planning permission will be required, what the planning application process involves and what information and evidence the council will need to determine a planning application. Failure to provide satisfactory evidence to support the need for a new site or to extend an existing one will delay the planning application being considered and could ultimately lead to a refusal of planning permission.

National Planning Policy

A new Planning Policy for Traveller Sites was published in August 2015. It sets out the Government's aims in respect of traveller sites including local planning authorities making their own assessment of need, working collaboratively to develop fair and effective strategies to meet need, addressing under provision, reducing the number of unauthorised encampments and for Local Plans to include fair, realistic and inclusive policies. An extract from this document setting out the Government's aims in respect of traveller sites is attached as Appendix 1 of this guide.

The new national planning policy redefines 'traveller' (including gypsies) and travelling showpeople to exclude those who no longer travel permanently. The planning definition of travellers is now limited to those who have a nomadic habit of life. If someone has given up travelling, except where on the grounds of only their own or their family's dependent's needs for reasons of health, education or old age they have ceased to travel temporarily, they are to be treated no different from the settled population.

Travelling Showpeople are defined as members of a groups organised for the purposes of holding fairs, circuses or shows, whether or not travelling together. They include people who on the grounds of their own or their own family's dependents more localised pattern of trading, educational, health needs or old age have ceased to travel temporarily.

Definitions taken directly from Annex1 of the national planning policy are attached as Appendix 2 of this note.

The guidance can be downloaded at:
planningguidance.communities.gov.uk

Local Planning Policy

Planning applications for traveller sites will be assessed in the light of national planning policy and policies contained in the Hambleton Local Development Framework, primarily policy CP8 (Type, Size and Tenure of Housing) of the Core Strategy document, adopted April 2007, and the policy DP14 (Gypsies and Travellers' Sites) of the Development Policies document primarily the which are attached at Appendix 3 of this document.

The council is preparing a new Local Plan which once adopted in 2018 will contain the policies against which planning applications will be assessed up to 2035. As part of this process the council will review, amongst other policies CP8 and DP14 to ensure it is up to date and reflects national policy.

Policy DP14 only permits provision of new accommodation where it would meet an established need and all criteria are met. Criteria cover matters such as scale, size and location and the need for development to enable integration with neighbouring communities.

Gypsy, Traveller and Showpeople's Needs

In December 2015 independent consultants were commissioned to assess the accommodation needs of Gypsies, Travellers and Showpeople in Hambleton up to the period 2035. This provides a key evidence base for the preparation of policy and against which the council will assess any planning applications for new residential sites and extensions to existing sites and also for the allocation of additional sites and extensions to existing sites through the emerging Local Plan.

The findings of the study can be downloaded at:

It is important that the findings of this research are kept up to date and therefore the study will be reviewed regularly.

Planning Applications

In almost all cases, planning permission is needed for new homes even where no 'building' as such is taking place. A 'new home' includes a caravan or other type of mobile home as well as a bricks and mortar house.

Travellers who are seeking to live in their own caravan on their own site must get planning permission. Extensions to existing sites also need planning permission and those planning to adapt or change their site in any way may also need planning consent, including for the construction of sheds, kennels, outbuildings etc.

Applications must be made to the council to get planning permission.

Finding a site

Before looking for a new site, Travellers should consider moving to a vacant pitch or plot on an existing site if there are any available. The supply of vacant pitches or plots will be a material consideration in determining any planning application for new provision (including extensions to existing sites) and the council will require evidence that these options have been exhausted if a new site is proposed. Applications will not normally be permitted where there is evidence of existing supply.

In the event a new site is being considered, undertaking research, including finding out the likelihood of planning permission being granted, should be carried out before buying a site. It is important that copies of any permissions and licences are obtained.

Also before applying for planning permission applicants are encouraged to seek formal pre-application advice from the council to get a view on the need for and the suitability of the site. There is a charge for this but it will help identify the planning issues and provide an indication of whether the application is likely to be approved or refused so may save abortive costs going forward.

To seek advice please ring the Development Management Team on:
01609 779977 or download the form at:

hambleton.gov.uk/downloads/download/176/pre-application_enquiry_form

Applying for Planning Permission

A planning application form must be completed. This can be collected from the local council offices or downloaded at:

hambleton.gov.uk/downloads/20559/application_forms
or the planning portal: **www.planningportal.gov.uk**

If applicants are unsure what to do and what is needed in terms of providing key evidence such as confirmation of Traveller status it may be advantageous to use an agent or planning consultant to complete the form. The planning application form must be submitted alongside a signed completed version of the form attached at Appendix 4 of this note, the required fee and plans to the council. Details of planning fees can be found at:

hambleton.gov.uk/info/20174/planning_applications/244/fees_for_planning_applications_and_enquiries

Provided the council receives a planning application, and all the documentation is in order, it will be validated, given a unique reference number and allocated to a case officer.

If the required information is not submitted the application will not be processed. We will write to you advising what steps are necessary to rectify the decisions in the application.

Evidence to be provided by the applicant:

The form attached as Appendix 4 must be completed and submitted as part of the planning application.

The information provided on the form and supporting documents will be used to scrutinise the planning application and to assess whether or not the development is needed. It includes providing the necessary information for Traveller status to be considered (if this is being claimed); details of who will be living on the site, their relationships and any health issues they may have; the number and type of caravans that will normally be on the site; details of any buildings that are proposed; an explanation why the site is needed, the reasons for choosing this site and written evidence wherever possible of what efforts have been made to investigate suitability of alternative sites, including existing sites.

Applicants will be required to provide evidence to support the answers they have given to the questions asked on the form. For example receipts/invoices to confirm where individuals have travelled to, the work that was undertaken whilst travelling and Council Tax information to confirm who lives as part of the family group.

If anything is missing the council will contact the applicant explaining what other information is needed and any outstanding information must be sent as quickly as possible. With the exception of sensitive personal data, any information sent will be made available for anyone to see. If all the information required is not provided the application may not be determined or may be refused.

You can speak to the case officer to check how your application is progressing.

The council will contact people and organisations eg neighbours, parish council, the local highway authority etc. that may be affected by or have a view on the application. The council will aim to reach a decision within 8 weeks or an alternative date agreed between the council and the applicant although this is not always possible. Anyone can write to the council and comment on the application either to support or object but they must give valid planning reasons if they are to be considered.

Determination of planning applications

In line with Government policy the council will consider the following matters when determining applications for new Traveller sites or extensions to existing sites:

- Local Development Plan policies.
- The existing level of local provision and need for sites within the district.
- The availability (or lack) of alternative accommodation for the applicants.
- Other personal circumstances of the applicant eg health or educational issues.
- The character of the site.
- The location of the site.
- If the site is on land designated as Green Belt or subject to other environmental protection.
- Whether the site floods.
- The effect of the proposal on local infrastructure eg highways, schools, public services, utilities, drainage.

Importance will be given to the following:

- The effective use of previously developed (brownfield) untidy or derelict land.
- A site which is well planned or soft landscaped positively enhancing the environment and increasing openness.
- If the site promotes opportunity for healthy lifestyles eg adequate play equipment for children.
- Close proximity to shops and other local services ie within approximately 2km and preferably with a footway connection from the site to these facilities.
- Sites in rural areas respecting the scale of the nearest settled community.
- Avoidance of sites that are in open countryside.
- Appropriate levels of enclosure that ensure that occupants are not deliberately isolated from the rest of the community.

The Decision

A planning officer will deal with the application but the decision will be made by the Planning Committee or a senior planner, under delegated powers.

If the decision is made by the Planning Committee, applicants can attend the meeting at which the decision is to be made and they or their agent can speak for 3 minutes in support of the application provided that they register beforehand to do so.

The Planning Committee does not have to make a decision if it decides it needs more information or wishes to visit the site first. The decision may then be deferred to the next meeting. The council can decide to approve the application (usually subject to conditions) or to refuse it. The decision will be detailed in a Decision Notice which will be sent out to the applicant or agent.

Planning permission will not usually be granted if it is established that there are existing sites available in the District.

Conditions

There will almost certainly be a list of planning conditions attached if planning permission is granted. These will depend on the nature and form of the application and the site. Some examples of conditions are:

- The development must commence within three years.
- Non-residential use such as a business activity is defined and limited to a certain part of the site, in order to minimise the visual impact and noise.
- Provision and maintenance of services such as septic tanks.
- The number of caravans is limited.
- Permissions for showpeople's yards will also include conditions limiting the number of trailers and regulating their repair, maintenance and testing.

In the event an applicant considers that their exceptional circumstances warrant the granting of a planning consent, whereby the use of the site is limited to the applicant and their family (personal permission) it will be for them to demonstrate such a case. This may be where there are particular circumstances allowing them to focus their search on a particular area eg health or educational issues to justify this.

Failure to comply with these conditions will leave you liable to enforcement action. In instances where business activity is allowed on a certain part of the site there will be a requirement to pay business rates.

Right to Appeal

Appeals can be made against the refusal of planning permission and also against any conditions that are felt to be unfair or unreasonable.

The appeal process involves an independent government inspector from the Planning Inspectorate who will reconsider the planning application and the council's reasons for refusing it. Applicants have six months to make an appeal from the date of the refusal.

Following an appeal it can take up to six months for a decision to be issued

| Enforcement

The council has powers to act against anyone who does not have planning permission to live on their site. Failure to do what the council says may end in prosecution. If an injunction is issued and not acted upon this might result in a prison sentence.

The council will normally seek to recover its costs in such circumstances.

Types of Enforcement Action

- Temporary Stop Notice - which comes into force straight away and stops any further development for 28 days
- Enforcement Notice - identifies the breach of planning control and the next steps needed to be taken to resolve the issue. Appeals can be made to the Planning Inspectorate.
- Stop Notice - which can only be issued at the same time as an Enforcement Notice and is used to stop the development before the Enforcement Notice comes into effect.
- Injunction - an application to the courts to stop the development.
- Breach of Condition Notice - requires the owner or occupier to comply with any outstanding requirements of a condition imposed on the planning permission. No right of appeal.

| The Local Plan Process

Travellers who anticipate needing multiple pitch or plot sites or site extensions for more than one family should progress these matters through the Local Plan process.

Hambleton has commenced work on a new Local Plan which will guide development up to 2035. A key purpose of the Local Plan is to meet the housing needs of all groups in society and to get the right development in the right place.

The timetable for adoption of the Plan is December 2018. Should anyone have sites that they wish to be considered for inclusion in the emerging Local Plan they should:

contact the Planning Policy team on **01609 779977** or email
planningpolicy@hambleton.gov.uk

I Appendix 1

Government's aims in respect of traveller Sites (direct extract from National Planning Policy)

- a.** that local planning authorities should make their own assessment of need for the purposes of planning
- b.** to ensure that local planning authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites
- c.** to encourage local planning authorities to plan for sites over a reasonable timescale
- d.** that plan-making and decision taking should protect Green Belt from inappropriate development
- e.** to promote more traveller site provision while recognising that there will always be those travellers who cannot provide their own sites
- f.** that plan-making and decision taking should aim to reduce the number of unauthorised development and encampments and make enforcement more effective
- g.** for local planning authorities to ensure that their Local Plan includes fair, realistic and inclusive policies
- h.** to increase the number of traveller sites in appropriate locations with planin permission, to address under provision and maintain an appropriate level of supply
- i.** to reduce tensions between settled and traveller communities in plan-making and planning decisions
- j.** to enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure
- k.** for local planning authorities to have regard to the protection of local amenity and local environment

■ | Appendix 2

Definitions (Extract from Planning Policy for Traveller Sites, Annex 1 Glossary, DCLG August 2015)

Gypsies and travellers: Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds of only their own or their family's 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'

Travelling Showpeople: 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 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.

Pitch: Means a pitch on a gypsy and traveller site

Plot: Means a pitch on a 'travelling showpeople' site (often called a yard)

■ | Appendix 3

Policy CP8: Type, Size and Tenure of Housing (Hambleton Local development Framework Core Strategy Document, adopted April 2007)

Proposals for housing must take appropriate account of local housing needs in terms of size, type and tenure of dwellings. These needs will include appropriate provision for all sectors of the community, for example including the needs of elderly people and also for the particular needs of gypsies and travellers.

Policy DP14: Gypsies and Travellers (Hambleton Local Development Framework Development Policies Document adopted 2008)

Permission will be granted for the provision of accommodation that meets the needs of gypsies and travellers' communities where the proposal would represent a way of meeting an established need, in accordance with the following criteria. These criteria will also be used as a basis for allocating sites to meet a need for Gypsy and Traveller accommodation identified through a Gypsy and Traveller Accommodation Assessment.

Sites should:

- i.** be located within reasonable distance of services and community facilities, within or close to a Service centre or Service Village, in order that residents should have access on the same basis to shops, social, educational and health facilities;
- ii.** provide an acceptable living environment, where there is potential for future improvements in accordance with the needs of the community
- iii.** be of an appropriate size which reflects both:
 - a.** the planned number of caravans and the need for separate space for commercial vehicles, a play area for children, access roads and space for safe circulation of vehicles and construction of amenity blocks; and
 - b.** the need to ensure a scale of development which allows integration with neighbouring local communities taking into account the size and density of development in the locality and availability of local infrastructure;
- iv.** have safe and convenient access to the road network. Vehicle movements should not cause hazard to other users, eg onto a bridleway or footpath;
- v.** avoid creating demonstrable harm to the amenity of existing communities, or to the natural, archaeological and historic environment, including wildlife sites and any trees and woodland in the area, and provide mitigating measures (for example landscaping) where necessary;
- vi.** not be located on contaminated land (unless remedial measures are undertaken first). This does not necessarily rule out all locations near or adjoining motorways, power lines, landfill sites or railways, any more than it would for conventional housing.

Appendix 4

Form to be completed and submitted as part of the Planning Application

Confirmation of Gypsy status (if this is being claimed)	
How many trips, living in a caravan or trailer has the applicant or family members made away from their permanent base in the last 12 months? When did these trips take place? (ie dates)	
Which family members travelled (ie all the family/ adult males), how long for and what was the main reason for travelling (ie work/holidays/visiting family/fairs)?	
At what time of year do the applicants or family members usually travel and for how long (ie all year/summer/winter)?	
Where do the applicant or family members usually stay when travelling (ie transit sites/roadside/friends/family etc.)?	
If the applicant has ceased to travel temporarily have they travelled in the past? If so when?	
If the applicant has travelled in the past why have they stopped and do they plan to travel again in the future?	
Other information	
Who will be living on the site including names (if known) and family relationships?	
If more than one family (parent(s) and children) intend to occupy the site, how long have they travelled together and how important is it that they stay together?	
If more than one family do the applicants want to be treated as a single group or as individual families?	
How many caravans will normally be on the site, and what type (ie touring or static)?	

Are any buildings (day rooms, stables, toilet blocks etc.) proposed? if so, provide details	
Is any business use of the site proposed?, if so provide details	
Why is a site is needed?	
Why has this site been chosen?	
Does this applicant own other sites or permanent accommodation? If so please give details.	
Can any written evidence be provided to show what efforts have been made to find an alternative site? (eg approaches to local planning authority's housing and planning departments including applications for a pitch on a Local Authority site, estate agents, landowners, other gypsies and travellers.)	
Are there any health issues which affect the day to day lives or educational needs of the applicants? (Written evidence in support of these matters must be submitted but these may become public documents and should be written with this in mind. The confidentiality of personal information will be respected in line with Data Protection laws).	
Is planning permission sought on a temporary basis? If so how long for and why? When will travel re-commence and what then will become of the site?	

**This information is available in
alternative formats and languages**



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