

## **GYPSIES, TRAVELLERS AND TRAVELLING SHOWPEOPLE**

### **BACKGROUND PAPER MAY 2017**

The SAD is supported by several pieces of evidence that show how the need for sites for these communities has been calculated and how potential sites to be allocated have been identified. This evidence is provided on the council's website and the key documents are listed and summarised below. However, it is considered that further clarification is needed about some issues that arise from the evidence base. This paper therefore seeks to provide the following:

- Explanation of terminology
- Summary of evidence
- Explanation of site need
- Explanation of how site capacity has been calculated
- Details of certain individual sites

Following the Publication stage of the SAD, planning applications have been received in relation to two of the sites proposed for allocation (one of these was an application for general housing whilst the other is a proposal to use a site for car rentals). The owner of the car rental application site has submitted a representation that is attached as an appendix to this paper. These applications were awaiting determination at the time of preparation of this paper.

#### **Explanation of terminology**

A number of specific terms are used in the evidence base that reflect the accommodation needs and sensitivities of the different communities. The term 'Gypsy' refers to Romany Gypsies, many of whom have been established in England for centuries. 'Travellers' is an abbreviation of 'Irish Traveller', however the term 'traveller' (lower case) is used by Government in national policy (in the Planning Policy for Traveller Sites) to refer to both gypsies, travellers and travelling showpeople. Both Gypsies and Irish Travellers are recognised ethnic groups.

Travelling Showpeople are business people who make a living by running funfairs and circuses (although many members of the community in Walsall are retired). They are not an ethnic group, although some showpeople are also Gypsies or Travellers.

By definition, Gypsies, Travellers and Travelling Showpeople traditionally spend much of their time travelling as part of their employment or lifestyle. However, many Gypsies and Travellers seek to have a permanent home to which they will return for much of the year, whilst children are in school, or because old age or ill health prevents them or dependent relatives from travelling. Showpeople will usually require winter quarters for use when they are not away at fairs and other events. The proposed sites to be allocated in the SAD are for permanent homes (but where the main living accommodation is in caravans or mobile homes), although the BCCS identifies a separate requirement for transit sites, to be used by travellers on a short term basis (between a few days and a few weeks) as stopping places as they travel either between other parts of the country or pursue short term work in the area.

Many people with a Gypsy or Traveller heritage live in conventional "bricks and mortar" housing. The housing needs of such residents are addressed as part of the assessment of housing need for the general population, except that some assessments of traveller housing

need (including the GTAA 2008) include in the need for pitches an allowance for some residents who currently live in bricks and mortar but who it is claimed have a psychological aversion to such accommodation and require housing in caravans.

A “pitch” is a unit of accommodation occupied by a single family of Gypsies or Travellers. It typically comprises two or more touring caravans with an amenity block or a more permanent structure such as a static caravan that does not move from the site.

A “plot” is a unit of accommodation occupied by a single family of showpeople. It can be similar to a traveller pitch but can also be a conventional bricks and mortar dwelling. However, a show person’s plot will also normally include space to store and maintain equipment used for the business such as fairground rides or hot food trailers (although many of the showpeople in Walsall are retired).

A site can contain one or more pitches or plots, and amenity blocks or parking/ storage areas on a site can be communal. The existing sites in Walsall contain up to 20 pitches or plots each. However, some travellers prefer to live on a site that only comprises a single family pitch to avoid the community tensions that can arise on larger sites where several families live together. In this document, “site” is used as a general term.

### **Summary of evidence**

The evidence base of need and potential sites comprises the following main documents:

- Black Country Gypsy and Traveller Accommodation Needs Assessment (July 2008) Fordham Research Group (GTAA 2008)
- Walsall Council Gypsy, Traveller and Travelling Showpeople Site Assessment and Appendix (November 2010 but published March 2013) Roger Tym and Partners (GTTSSA)
- Gypsy, Traveller and Travelling Showpeople Preferred Options Background Document (August 2015) Walsall Council (POBD)
- Walsall Site Allocation Document Gypsies, Travellers and Travelling Showpeople Site Assessment Matrix (January 2016) Walsall Council (SAM)
- Walsall Gypsy and Traveller Accommodation Assessment Revision 2016 (updated March 2017) Walsall Council (GTAA 2016)

GTAA 2008: This provided the base evidence of need for policy HOU4 of the BCCS. The figures it contained also comprised the Black Country element of the site requirements for the entire West Midlands Region that were to be contained in the Regional Spatial Strategy (RSS). The figures were never incorporated into a revision of the RSS that was proposed prior to its revocation in 2012, however the GTAA has remained as the most recent evidence. As is the case for general housing need, the figures for traveller sites set out in the BCCS have been used as the basis of work in the SAD. The GTAA 2008 was based on a survey of the traveller community.

GTTSSA: As part of the initial work in the preparation of the SAD, the Council commissioned a survey of potential sites to meet the need identified in the GTAA. The GTTSSA was completed in 2010 but was not published until 2013 as it was considered that a high proportion of the sites identified were unsuitable. This was because they lay in the Green Belt or involved large areas of good quality open space.

POBD: This explains that many of the potential sites identified in the GTTSSA were considered unsuitable. The POBD describes the reasons for this and also explains a search for other potential sites that was carried out. This resulted in a number of other potential sites being identified. The 'long list' of potential sites identified in the POBD formed the basis of the sites proposed for allocation in the Preferred Options Draft SAD.

The POBD began by seeking to identify potential sites that lay in public ownership or where the landowner was believed to be sympathetic, and then widened to include other sites that appeared to meet the criteria in the existing BCCS Policy HOU4. The search included sites that were already proposed for allocation for general housing, and other surplus previously developed land including land formerly used for employment. Sites with good road access and where commercial activities could be carried (especially for showpeople sites) were preferred.

However, it was not possible in all cases to identify the current owner, for example where sites had been sold subsequent to a previous planning permission for residential development. It should be noted that this was also the case for sites proposed to be allocated for general housing under SAD Policy HC1. The complex pattern of land ownership in the urban area means that it is not practical to identify and notify all owners of sites that might be affected by proposals in a development plan document.

SAM: Public consultation about the Preferred Options Draft SAD allowed the Council to draw up an assessment matrix of the potential sites. This resulted in several sites being eliminated for various reasons, including opposition from the public. In one case (Mill Street, Walsall), the owner came forward to advise that they were not willing to support a travellers' site on their land. An owner of another site has also come forward subsequent to the consultation stages on the plan in response to the submission of a planning application for another use on one of the sites (site HO157a, Former Autocraft, Walsall Wood: see appendix to this paper). However, in the latter case this objection was not duly made in time so this will be a matter for the discretion of the inspector.

GTAA 2016: The 2008 GTAA and the targets in the BCCS only identify the needs for traveller sites to 2018. This was because the transient nature and small size of the population made it difficult to make an accurate estimate of the likely needs for the full time period to 2026 that the BCCS was intended to cover. However, the SAD seeks to identify sites to meet needs for all types of housing to 2026. The national Planning Policy for Traveller Sites (PPTS) introduced by Government in 2012 and updated in 2015 also now expects local planning authorities to identify and maintain a 5-year supply of traveller sites in a similar way to general housing sites.

GTAA 2016 therefore seeks to estimate the likely need for pitches to 2026, primarily by reviewing the assumptions that were used in the calculation of need in the GTAA 2008. This is only an interim estimate. During preparation of the SAD, the Government revised the PPTS to amend the definition of travellers for planning purposes. It also revised the provisions of the Housing Act relating to the requirement to assess the needs of people living in caravans. However, some previous guidance about assessing need remained in place, despite the legislation and national policy it related to having been superseded. These changes, which are explained in GTAA 2016, make it difficult to provide a comprehensive up to date assessment of the need for sites without causing undue delay to the preparation of the SAD: such delay would further hinder the provision of sites.

GTAA 2016 does not review the need for showpeople plots as the calculation of the need for plots is less reliant on assumptions. For example, a large proportion of the need for pitches is derived from members of the community who currently live in bricks and mortar housing but have a psychological aversion to such accommodation: such need does not arise from showpeople.

It is expected that a full assessment of the need for traveller sites, including for the period beyond the end of the current BCCS, will be carried out as part of the overall assessment of housing need in the BCCS review.

### Explanation of site need

The GTAA 2008 noted that there were 20 existing pitches (plus 6 at the Willenhall Lane site that were being refurbished at that time) and 55 existing plots. 39 new pitches and 35 new plots were required by 2018. These figures formed the target in table 9 attached to BCCS Policy HOU4. Provision of these additional pitches and plots would result in there being a total of 65 pitches and 90 plots.

SAD tables HC4a and HC4c note that, as at 2015, there were 33 existing permanent pitches and 65 existing plots. A further 8 pitches (on two sites) were the subject of personal or temporary permissions (details of these two sites are explained below). 24 additional pitches and 25 additional plots would therefore be required to meet the BCCS targets to 2018.

It should be noted that the latter two figures are different to those in the final column of table H4c (which state 20 and 30 respectively). A modification is proposed to this table to correct the discrepancy. The following table should provide clarification:

	Pitches	Plots
Actual provision in 2008	20 (plus 6 being refurbished at Willenhall Lane)	55
BCCS target for additional provision by 2018	39	35
Total provision in 2018 if BCCS target was met	65	90
Actual provision in 2015	37 (includes 34-38 Gould Firm Lane but excludes Cartbridge Lane)	66
GTAA 2016 target for additional provision by 2026	14 to 24	n/a
Total provision in 2026 if GTAA 2016 target was met	51 to 61	n/a

The GTAA 2016 provides a lower estimate of the need for pitches, and states that only 14 to 24 additional pitches would be needed by 2026. The principle reasons for this reduction are changes to assumptions about the proportion of members of the community having a psychological aversion to living in bricks and mortar, and household formation rates. As noted above, the GTAA 2016 does not review the need for plots.

This apparent reduction in the need for permanent pitches appears to be supported by evidence. In the last few years there has been a large increase in the number of unauthorised encampments in Walsall and the other Black Country authorities. However, most of these

encampments appear to be from travellers passing through or visiting the area for just a short time. Welfare visits carried out by the Council's enforcement officers indicate that few of the travellers express a need for accommodation in the area.

There have also been very few enquiries from showpeople seeking plots. Although no representations have been received from the Showmen's Guild, one of the Council's elected Members is a showman and has advised informally that there is little demand for additional plots.

The minimum target of 14 additional pitches could be met by making Cartbridge Lane permanent (4 pitches) and providing a new site at Dolphin Close (10 pitches). Nevertheless, the council would continue to encourage the provision of additional pitches elsewhere on suitable locations.

### **Explanation of how site capacity has been calculated**

Table HC4a attached to policy HC4 identifies new sites with a total capacity of 15 pitches and 13 plots. A further 8 pitches would be provided if the two existing sites with personal or temporary permissions were made permanent. These figures, both for pitches and for plots, are below the targets set out in the BCCS, although the figure for pitches would be within the range estimated in the GTAA 2016. In addition, two of the potential showpeople sites (HO157a and HO157c) are not currently available (site HO157c is occupied by a quasi-retail use whilst a planning application has been submitted to use site HO157a for a car rental business) but could still come forward during the plan period. This reflects the difficulty in identifying suitable sites in an urban area such as Walsall for what are often controversial uses.

This shortfall, especially for showpeople plots, is acknowledged in the policy justification to policy HC4, which explains that more plots could be contained on sites if they were only used for residential purposes and did not include equipment or vehicle storage or parking. Many showpeople in Walsall are retired, whilst the existing sites at Goscote Lane (GT9 to GT13) and Toberland (GT15) have separate storage/ parking areas away from the residential section. The GTTSS 2010 referred to in the policy justification assumed that gypsy and traveller sites could accommodate 20 to 40 pitches per hectare, which is similar to the density of bricks and mortar housing, whereas a showpeople plots would only have a density of 2.5 per hectare. On this basis, a pitch indicated in the SAD as having capacity for 1 to 2 plots could accommodate 10 to 20 plots if they were only used for residential purposes.

The SAD also suggests that some 'consider for release' employment sites (see policy IND4), most of which would be suitable for general housing, would also be suitable for either gypsy and traveller or showpeople use. This is because some activities on storage and traveller sites amount to a quasi-industrial use, and 'consider for release' sites are often in peripheral locations between industrial and residential areas. The nature of 'consider for release' sites means that it is not possible to identify which specific sites might come forward or be suitable at the plan-making stage.

The nature of the urban area means that it is likely that other small sites are also likely to come forward. An example is a site in Croft Street, Willenhall, where a row of derelict garages on the edge of the district centre has been developed as a pitch for a single family who acquired the site from the previous owner. Planning permission for this pitch was granted in 2016.

Planning permission for a small extension to the Toberland showpeople site was also granted in 2016 to provide an additional plot on part of the adjacent vacant industrial land.

The sites identified in policy HC4 therefore only represent a selection of sites that would be suitable for gypsy and traveller or travelling showpeople use. The policy includes criteria that can be used to assess proposals for other sites that might come forward.

No objection to this shortfall or this approach has been forthcoming from the Showmens' Guild. The representation from the National Federation of Gypsy Liaison Groups (rep number UR647) relates to the criteria to be used to assess potential sites and does not criticise the number of sites identified.

### **Details of certain individual sites**

Two existing traveller sites, both of which lie in the Green Belt, are the subject of temporary or personal permissions as follows:

#### **GT5: Cartbridge Lane**

This site was originally granted on appeal on 10th February 2009 (planning application 06/1386/FL and appeal reference APP/V4630/A/08/2063407). Conditions of the permission include:

- 1) The use hereby permitted shall be carried on only by Mr and Mrs Z Finney, Mr and Mrs N Finney, Mr and Mrs J Smith, Miss L Lee, and their resident dependant relatives and shall be for a limited period being the period of 4 years from the date of this decision, or the period during which the premises are occupied by them, whichever is the shorter.
- 2) When the premises cease to be occupied by the persons specified in Condition 1 or at the end of 4 years, whichever shall first occur, the use hereby permitted shall cease, all materials and equipment brought on to the premises in connection with the use shall be removed and the land restored to its former condition.
- 3) The site shall not be occupied by any persons other than gypsies and travellers as defined in paragraph 15 of ODPM Circular 01/2006.
- 4) No more than 6 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 4 shall be a static caravan or mobile home) shall be stationed on the site at any time.

An application to renew this permission was granted by the Council on 2<sup>nd</sup> September 2013 for a further 3 years (application reference 13/0148/FL). This permission expired in September 2016. No application to renew the permission has been submitted, but this is because of awaiting the examination of the SAD.

#### **GT6: 34-38 Gould Firm Lane**

This site was granted on appeal by the Secretary of State on 4<sup>th</sup> June 1992 (planning permission reference BC30730P). Conditions state that a maximum of 4 caravans (including the mobile home) shall be allowed to occupy the site, and the use shall be carried on only by the applicant (Mr and Mrs J and Y Evans), their children and grandchildren.

It should be noted that although the current permissions for these sites (which have lapsed in the case of Cartbridge Lane) are both personal to a single family, both sites have been indicated in the SAD as having capacity for 4 pitches. This is based on the size of the sites. In the case of Cartbridge Lane, the site already contains up to 4 static caravans or mobile homes in addition to touring caravans.

The SAD does not currently propose to make any alterations to the boundary of the Green Belt. However, the inspector examining the Solihull Metropolitan Borough Council Gypsy & Traveller Site Allocation Document recommended that the plan be modified to include the proposed traveller sites (as well as existing ones to be safeguarded) as Green Belt Insets. This was to avoid any subsequent development of the sites being inappropriate development. The Solihull report was dated October 2015 so pre-dates the revision to the PPTS in August 2015, but it may be appropriate to modify the SAD in the same way.

### **Conclusions**

Policy HC4 does not identify specific sites to full meet the evidence of need, especially in respect of sites for travelling showpeople, however it safeguards existing sites and provides criteria to deliver suitable sites that might come forward. Since publication of the draft policy, two sites, one for travellers and one for showpeople, have already been supported and granted planning permission.