

## **Gypsy and Traveller Local Plan – Implementation Options Consultation.**

Submission made by Wilmcote Parish Council to the Gypsy and Traveller Implementation Options Consultation.

### **Introduction**

The consultation exercise has been complicated by the Department for Communities and Local Government August 2015 document which sets out the Government's current planning policy for traveller sites. With regard to this policy, Community Secretary Greg Clark has said "I'm determined to ensure fairness in the planning system, so everyone abides by the same rules."

The Department for Communities and Local Government August 2015 document differentiates between those gypsies and travellers who travel and those gypsies and travellers that do not travel. It states:

- Special caravan sites should be made available for gypsies and travellers who travel permanently.
- Applications for caravan or permanent sites by gypsies and travellers who do not travel will be considered in the same way as an application from the settled community – rather than being considered under policies relating to travellers.
- Local Plans must be prepared with the objective of contributing to the achievement of sustainable development. To this end, they should be consistent with the policies in the National Planning Policy Framework, including the presumption in favour of sustainable development and the application of specific policies in the Framework, and this new planning policy for traveller sites.
- Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development.

There are a number of exceptions and these are detailed in the Department for Communities and Local Government, August 2015 document. Of course a key question is how many gypsies and travellers wish to travel permanently.

A report Stratford on Avon District Gypsy and Traveller Accommodation Assessment produced by Opinion Research Services and issued in October 2011 includes the following information:

- "89% of respondents reported that they had not travelled at all during the last 12 months. Only 6.5% have made 3 or more different trips from the permanent base".
- "Therefore, the Gypsy and Traveller population in Stratford contains many households who do not travel".

As the new Government policy differentiates between those gypsies and travellers who travel and those gypsies and travellers that do not travel this is data of prime importance when producing meaningful estimates of pitches required for gypsies and travellers who travel permanently and gypsies and travellers who do not travel.

### **The Pathlow Situation**

Pathlow is a hamlet in the Green Belt which is home to the Pathlow Park Gypsy and Traveller site. This site has 30 pitches which are significantly in excess of the recommended limit of 15 pitches which is considered conducive to providing a comfortable environment. It is also relevant to note that under current planning guidelines it would almost certainly be considered to be inappropriate development. In addition there is a further single site PATH 0003, which has temporary planning permission for a period of 3 years ending in 2017.

It is important to appreciate that Pathlow is a small hamlet with, on the current electoral roll, a total of 25 dwellings. It is therefore not unrealistic to state that Pathlow has more than its fair share of Gypsy and Traveller sites' and yet the District Council wish to add PATH 0003. It is interesting to consider page 26 of the Gypsy and Traveller Local Plan – Implementation Options Consultation which states under the heading of justification:

"This site is in the Green Belt but is considered suitable for the proposed use in all other respects. Given the difficulties associated with finding alternative sites and the scale of unmet need within the District it is considered that this site could contribute to meeting that need. Its allocation would necessitate the creation of an inset within the Green Belt."

It should also be noted that Pathlow is not within either Broad Location 1 or Broad Location 2. Stratford District Council acknowledges that it is difficult to find sites but this is no reason to fall back on a site in the Green Belt which is the result of unauthorised development.

### **Consultation Question 4:**

#### **Comments on Policy GT1 – Safeguarding existing sites**

Comments are limited to the PATH 0004 site, Birmingham Road, Pathlow

**1. Size of Site:** This site has 30 pitches which are significantly in excess of the recommended limit of 15 pitches which is considered conducive to providing a comfortable environment. CS.20 states that sites will be considered against the following criteria.

- the site will not have an unacceptable adverse impact on neighbouring residential amenity, including noise from any commercial activities; and

- arrangements are put in place to ensure the proper management of the site to seek to ensure community cohesion between the settled and traveller communities.

Possibly due to the large size of the site there are shortcomings in the management of this site by Warwickshire County Council. Problems include considerable rubbish being deposited at the exit of the site adjacent to the A3400 and the closing of those parts of AL85 and AL85A that are adjacent to the boundary of PATH 0004 due to the depositing of large amounts of rubbish which it is understood originates from the Pathlow Site. In spite of many requests Warwickshire County Council appear unable to remedy the situation.

**2. Pathlow:** It is important to understand that Pathlow is a small hamlet in the Green Belt with, a total of 25 dwellings on the current electoral roll. It is therefore surprising that although Pathlow has more than its fair share of Gypsy and Traveller sites the District Council wishes to add PATH 0003 to the sites in Pathlow.

**3. Neighbourhood Plan:** It should be noted that a Wilmcote Neighbourhood Plan is currently well under way and the consultation exercise achieved a 75% return rate. The responses included:

- 98% of respondents would not support another travellers site in Pathlow, and
- 83% of respondents would not support an increase in the size of the existing traveller site in Pathlow'

## **Consultation Question 5.**

### **Comments on Policy GT2 – New Gypsy and Traveller Sites**

Comments are limited to the PATH 0003 site, Gospel Oak Lane, Pathlow.

The site is variously referred to in the consultation document as either being close to the Dun Cow or the Armouries public house. This is not correct as permission was granted on 15 01 2015 for change of use of the existing public house to a single 4 bed roomed dwelling.

#### **1. Planning History**

- Activity on Gospel Oak Lane site commenced on Friday 23 April 2010. Considerable work was carried out including the installation of a septic tank and provision of hard standing. A mobile home and a caravan were moved onto the site on Sunday 25 April 2010.
- the first application for this site, [Application 10/00869/FUL](#), was submitted on 27 April 2010. The application was for a change of use for land for stationing of one mobile home for residential purposes and one touring caravan for a single gypsy family and the laying of hard standing within site.

- A temporary planning permission for three years was granted on 25 10 2010. Key conditions included:
  - a) "As this site is within the Green Belt, the granting of permanent permission could be seen to predetermine and prejudice the outcome of the site identification and local development framework process to, especially when alternatives to Green Belt locations should be explored. In view of this a permanent planning permission would be contrary to National and Green Belt Policy".
  - b) "In the light of the unmet need for Gypsy and Traveller sites in the District, it is Officers view that the interference of the applicant's rights to a home carries sufficient weight to justify the granting of a temporary permission. A temporary permission would enable the family to stay on the site while they find a more appropriate alternative permanent site and to await the outcome of the site allocation process through the local development framework".
  - c) "A period of 3 years for a temporary permission is considered reasonable in light of the progress of the Core Strategy and Local Development Framework."
- A second application application 13/02697/VARY was submitted on 14.October 2013 for change of use for the stationing of caravans for residential purposes for 1no. Gypsy pitch and ancillary works including septic tank and hardstanding (variation of condition 1 of permission 10/00869/FUL)

*It should be noted that the reason for the request was to make permanent or at least renew consent granted under 10/00869/FUL.*

Temporary planning permission was granted on 24 April 2014 with the following conditions:

- a) "The permission shall be for a period of 3 years from the date of this permission and at the end of this period, the use hereby permitted shall cease and all caravans and other works relating to this permission, including hardstanding, shall be removed from the application site".

Reason: This permission is only granted for a limited period in order to protect the openness of the Green Belt and to prevent inappropriate development within then Green Belt in accordance with section 9 of the NPPF and paragraph 4 of the Planning Policy for Traveller Sites.

- b) "The occupation of the site hereby committed shall be restricted to Mr Hughie Fury and his immediate family only.

Reason: The Local Planning Authority only granted temporary permission based upon the personal circumstances of the applicant.

- c) "There shall be no more than one pitch on the site. No more than two caravans, as defined in the Caravan Sites and Control of Act 1960 and the Caravan Sites Act 1968, shall be stationed at any time, of which only one caravan shall be a residential mobile home".

Reason: In order to protect the openness of the Green Belt and to prevent inappropriate development within then Green Belt in accordance with section 9 of the NPPF and paragraph 4 of the Planning Policy for Traveller Sites.

- 2. Green Belt:** it is considered that the fact that the site is in the Green Belt is not taken fully into account. Rather surprisingly it is stated in the Assessment of Potential Sites document that "at less than 0.3ha the impact is considered minimal".

It is considered that the proposal should be refused on the grounds that it comprises inappropriate development by virtue of its impact on the openness and on the purposes of Green Belt designation and that no very special circumstances have been identified.

Paragraph 87 of the NPPF states that "...inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances".

Paragraph 88 of the NPPF states that "When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations".

- 3. Status of the Occupants of Site:** In the light of the Department for Communities and Local Government August 2015 document which sets out the Government's planning policy for traveller sites it is necessary to consider the status of the occupants of this site. If the site is for gypsies and travellers that do not travel any planning applications for permanent consent to occupy the site should be considered in the same way as an application from the settled community.

- 4. Services and Facilities: Primary School:** There is considerable discussion in the report concerning access to Wilmcote C of E Primary School. This concludes that 3km is a reasonable maximum distance in terms of walking to a Primary School. It appears that no consideration has been given to the route. The route involves:

- a. crossing the A3400, a road that is both busy and dangerous.
- b. walking along the A3400 for a distance of circa 200 metres ( there is no footpath).
- c. walking along Featherbed Lane for a distance of circa 2km (there is no footpath for the majority of this distance). This is a busy road that is used by cars as a "rat run" and is not safe for adult pedestrians let alone young children.

It is considered that this route has 'unsafe route eligibility'.

- 5. Temporary Planning Permission:** Under section 72 of the Town and Country Planning Act 1990 the local authority may grant planning permission for as specified temporary period only.

Circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area or where it is expected that the planning circumstances will change in a particular way at the end of that period.

It will rarely be justifiable to grant a second temporary permission – further permissions should be normally be granted permanently or refused if there is a clear reason for doing so. There is no presumption that a temporary grant of planning permission should be granted permanently.

**6. Position of Site:** The Gospel Oak Lane site is in the Green Belt and is outside Broad Location 1 and Broad Location 2.

It is therefore inappropriate development and there are no very special circumstances to justify planning approval.

**7. Five Year Supply of Deliverable Sites:** If a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission. An exception is where the proposal is on land designated as Green Belt.

**8. Justification:** It is surprising to note that under the heading of justification of the PATH 0003 site, page 26 of the Implementation Options Consultation document states “This site is in the Green Belt but it is considered suitable for the proposed use in all other respects. Given the difficulties associated with finding alternative sites and the scale of unmet need within the District it is considered that this site could contribute to meeting that need”.

Taking into account the teachings of the National Planning Policy Framework and the Department for Communities and Local Government August 2015 document this cannot be considered to be justification for making PATH 0003 a permanent Gypsy and Traveller Site.

Wilmcote Parish Council

26 October 2015