
F5F Gypsies, Travellers and Travelling Showpeople Topic Paper August 2020

INSPECTORS QUESTIONS 53-59

53. The Plan identifies a need for 13 pitches for gypsies and travellers, to be provided through Policy HP07. This states that 'consideration' will be given to the regularisation of 8 pitches in accordance with Policy HP08. Can the Council clarify what this means? Is Policy HP07 allocating the two sites identified? Whilst the Plan states that these sites are in use as existing traveller sites, can the Council direct us to the evidence demonstrating that they are available, deliverable, and suitable?

54. Policy HP07 also seeks provision through the incorporation of 5 pitches as part of the DHGV allocation, subject to meeting the criteria in Policy HP11. Is Policy HP07 allocating these 5 pitches? If so, why is it necessary to specify that Policy HP11, which relates to windfall sites, applies in this case? Can the Council explain how these pitches are to be delivered as part of the DHGV development and demonstrate how they are available, deliverable, and suitable?

55. Can the Council clarify the timeframes for the delivery of the above sites, and direct us to the evidence showing that a five-year land supply can be demonstrated at adoption?

56. Policy HP09 identifies existing gypsy and traveller sites and seeks to safeguard them from alternative development. It would appear that these existing sites are all in the Green Belt. Paragraph 6.66 of the Plan states that the two sites in Policy HP08 'will remain washed over by Green Belt'. Relevant development proposals for all sites would therefore need to accord with national Green Belt policy including demonstrating very special circumstances. Our queries are therefore as follows:

- A. Can the Council confirm whether all existing gypsy and traveller sites are in fact in the Green Belt?
- B. How will the approach of keeping such sites in the Green Belt be effective in ensuring that needs associated with the occupants of those site can be met?

- C. Why are these sites to remain in the Green Belt when residential site allocations are proposed to be removed from the Green Belt?
- D. Has the Council considered whether there are exceptional circumstances to justify removing safeguarded and proposed new sites from the Green Belt and instead allocating them specifically as traveller sites as referred to in the national Planning Policy for Traveller Sites policy E? If so, where is this evidence?

57. Where is the evidence justifying a 10 pitch restriction on sites as specified in Policy HP10 and HP11?

58. The GTAA evidence concludes that there is a need for 66 additional pitches during the plan period for gypsies and travellers who do not meet the PPTS definition. The Plan states in paragraph 6.57 that the Council will assess and plan to meet these accommodations. Can the Council clarify where in the evidence it explained how this approach will work? Have these needs been taken in to account in the SHMA?

59. In responding to the above, the Council should produce a topic paper on gypsies, travellers and travelling showpeople clearly setting out the reasoning behind its approach, how it is to be achieved and whether it is positively prepared, justified, and effective.

Required provision

1. The Essex Gypsy, Travellers, and Travelling Showpeople Accommodation Needs Assessments (GTAA) (document C23), concludes there is a need for 13 Gypsy and Traveller pitches over the Plan period to meet the needs for those individuals who meet the PPTS definition. It also identifies an additional 66 pitches are required to meet the needs of those individuals who do not meet the PPTS definition.
2. There are no needs identified in the GTAA for Travelling Showpeople within the Borough.
3. The Local Plan includes a suite of policies to achieve the required provision of Gypsy and Traveller pitches.

New allocations

4. Policy HP07 states that the Council intends to meet the needs of those meeting the PPTS definition for a Gypsy, Traveller, and Travelling Showpeople by identifying 13 pitches – 8 pitches as identified in HP08 (7 pitches at Oaktree Farm, 1 pitch at Hunters Green), and 5 pitches at Dunton Hills Garden Village.
5. Policy HP08 seeks to regularise suitable existing Gypsy and Traveller sites within the Borough.

6. On reflection the wording of these policies is not as effective as it could be. To clarify the Inspectors questions in respect of these policies it is suggested that they are modified to better reflect their intentions. All sites in HP07 are intended to be allocated within the Plan and as such it is suggested that it would be appropriate to remove Policy HP07 and add the following supporting text to follow paragraph 6.65:

In order to meet identified need, a total of 13 permanent pitches for Gypsies and Travellers as defined by national planning policy for the period 2016-2033 will be provided through the incorporation of a minimum of 5 serviced Gypsy and Traveller pitches as part of the Dunton Hills Garden Village allocation, to be delivered in the first five years of development. A further 8 existing pitches are to be regularised in accordance with Policy HP08.

7. Policy HP08 would then allocate all the sites, including at DHGV. With its inclusion, as set out below it is not considered necessary to then refer to policy HP11 in respect of the pitches at DHGV. Amend policy HP08 to read:

~~The Council will support an application for planning permission on~~ The following sites are allocated for permanent Gypsy and Traveller accommodation, as shown on the Brentwood Policies Map and Appendix 5, and listed below, subject to compliance with identified requirements:

A. Site Ref GT16 allocated within the Green Belt

- a. Site Address: Oaktree Farm (Greenacres), Chelmsford Road
- b. Number of pitches: 7
- c. Proposals for development at this site should comply with the following site-specific requirements:
 - i. A landscape framework to be submitted to provide suitable boundary treatment to include a mixture of native trees and shrubs around the site to safeguard the character and appearance of the area.
 - ii. Given the location of the site within the Green Belt any proposals for expansion will not be allowed.

B. Site Ref GT17 allocated within the Green Belt

- a. Site Address: Hunters Green, Albys Lane, Navestock
- b. Number of pitches: 1
- c. Proposals for development at this site should comply with the following site-specific requirement:
 - i. Given the location of the site within the Green Belt any proposals for expansion will not be allowed.

C. Site Ref R01 (I) Dunton Hills Garden Village Strategic Allocation

a. Site Address: Dunton Hills Garden Village, West Horndon, Brentwood

b. Number of pitches: 5

c. Proposals for development at this site should comply with the site-specific requirements set out in policy HP11: Proposals or Gypsies, Travellers and Travelling Showpeople on Strategic and Non-Allocated Sites.

8. With these amendments policy would not refer to the need for DHGV to comply with policy HP11. It is however considered that it would appropriate to modify the title and first paragraph of Policy HP11 to clarify its purpose, to read as follows:

POLICY HP11: PROPOSALS FOR GYPSIES, TRAVELLERS AND TRAVELLING SHOWPEOPLE ON NON-ALLOCATED WINDFALL SITES

- **Planning permission for Gypsy and Traveller caravan sites and sites for Travelling Showpeople (as defined in the governments Planning Policy for Travellers) on unallocated land ~~outside development frameworks, and outside the Green Belt,~~ will only be granted in accordance with all the following criteria:**

Availability, Deliverability, and Suitability of Allocations

9. During the 2016 Draft Local Plan (Regulation 18) consultation the Council received a response stating that (site name) could be considered for a Gypsy and Travellers site. The Council later undertook a call for site however no communication was received from the landowner regarding the site's availability. No further consultation responses have been received since 2016, and therefore the site was not considered available or deliverable. Since then a portion of the site has since been approved for residential C3 use.
10. Owing to the fact that there were no suitable sites available to the Council consideration was given to other ways of delivering sites to meet the identified Gypsy and Traveller needs.
11. Majority of the Council falls within the Green Belt, resulting in any form of allocation within the Borough to be met, as this greatly limits options available to the Council. There were a number of existing, authorised sites within the Green Belt so it was pragmatic to start with considering if any of these sites could be extended.
12. As part of this process the Council undertook site assessments of all the existing Gypsy and Travellers' sites, regardless of the planning permission status, to assess the availability, suitability and deliverability of each of the sites. For the purposes of assessing availability all sites were clearly available as they are occupied by Gypsy and Travellers. A summary of the site assessments is contained in Appendix 1.
13. Firstly, consideration was given as to whether any of the existing authorised sites could be intensified. These sites were clearly available for such a use so their suitability for intensification was considered.

14. Consideration was then given to the extension of any of the existing authorised sites set out in Appendix 1. However, it was deemed as being an unsuitable option. This is owing to the fact that, as set out in Appendix 1, all sites are small individual families who own the land but there is no available land adjacent to these pitches to extend so this was not an available option.
15. Given the continued limited availability of sites that were available for the Council to consider the option of authorising any unauthorised sites was then the next consideration. Appendix 1 sets out this consideration and for the reasons set out within it concludes that it would be appropriate to authorise the existing 7 pitches at Oaktree Farm (GT16) and 1 pitch at Hunters Green (GT17).
16. Through on-going Duty to Co-operate discussions with neighbouring authorities it was evident that there would be no authority willing or able to assist in meeting these remaining needs.
17. After exploring all the above options, the Council still needed to find a further 5 pitches to meet the identified needs. The remaining requirements have been allocated for inclusion as part of the wider DHGV allocation as there was no other available land which was considered suitable for such pitches. DHGV was selected for their inclusion as it follows that the distribution of Gypsy and Traveller pitches should follow the same location and distribution of development as the Strategic Site allocations. This also ensures new inclusive communities are achieved.
18. The deliverability of the existing sites authorisation is clearly achievable as the sites are in situ at present.
19. In terms of DHGV, the five Gypsy and Travellers pitches identified have been considered through the masterplanning framework, detailed design workshops, and Dunton Hills Garden Village SPD . It is expected, as identified within the Dunton Masterplanning Document (examination library ref: **F5B1**) that the 5 gypsy and traveller pitches will come forward in the first five years (DFM, Chapter 9, page 127).
20. This process demonstrates the proposed allocation sites are available for such development, can be delivered within the Plan period, and are suitable for such development.

Timeframe for delivering the Allocations

21. The pitches to be allocated at Oaktree Farm (GT16) and Hunters Green (GT17) already exists so regularising planning applications can come forward for these as soon as the Local Plan is adopted. The occupants on both Oaktree Farm and Hunters Green have enquired as to when they can submit an application, and it is anticipated an application will be submitted shortly after the Local Plan is adopted.
22. In addition to the details contained within the DHGV FMD regarding delivery of the pitches (as set out above) it is the Council intention to include the requirement of the Gypsy and Traveller site to come forward within the first five year of Dunton Hills Garden Village development within the Statement of Common Ground. This will provide additional reassurance that this requirement comes forwarded within a reasonable time frame to meet the needs of the Gypsy and Traveller community.
23. The GTAA (evidence document C23) sets out the following delivery timeframes required to meet a five-year supply of Gypsy and Traveller sites:

Years	0-5	6-10	11-15	16-17	Total
	2016-21	2021-26	2026-31	2031-33	
	8	1	1	1	11

Table 1: Brentwood Borough Council GTAA Needs Summary, Figure 4 – Additional need for Gypsy and Traveller households in Brentwood that meet the Planning Definition by 5-year periods

24. As can be seen from the Gypsy and Traveller Trajectory attached at Appendix 2 the allocations will be delivered in a timely manner which will fulfil the requirements as set out in the GTAA and provide a 5 year supply of deliverable site at adoption of the Plan.

Gypsy and Travellers Sites remaining in the Green Belt

25. All new site allocation, with the exception of the pitches within the wider DHGV allocation are proposed to remain in the Green Belt. All existing sites in Policy HP09 are currently within and are proposed to remain within the Green Belt.
26. Retaining the Gypsy and Traveller sites within the Green Belt was concluded to be a suitable and justified approach as unlike housing and employment allocations, the existing Gypsy and Traveller sites have been established through organic rather than planned strategic growth and for the reasons set out above in this topic paper were the only available, deliverable and suitable sites for allocation in the Plan.
27. There are however all relatively small, isolated sites which are occupied by close family groups. They are also sporadic in their location with no defensible boundaries. To remove these from the Green Belt would result in various small holes punctuating throughout the Green Belt.
28. By the nature of their size and locations it is considered that there is a fundamental difference between the redrawing of Green Belt boundaries through the amendment of existing urban areas when allocating new housing sites compared with the sporadic nature of the existing Gypsy and Traveller sites proposed for permanent allocation.
29. However, if notwithstanding the above, it is concluded that the sites should be removed from the GB better to facilitate the development management process and obviate the need to demonstrate VSC, the Council is of the view, in line with its approach to housing generally, that there are exceptional circumstances in terms of need and lack of alternative non-green belt alternatives, to release the sites from the GB. If this is the preferred approach it will result in changes to the relevant policies and supporting text.
30. The exception to this is the allocation of Dunton Hills Garden Village which includes 5 pitches within the wider site allocation which is proposed to be removed from the Green Belt. The size of this new garden village community necessitates removal from Green Belt whereas the existing Gypsy and Traveller sites are considerably smaller in size. The focus was to only make

amendments to Green Belt boundaries where considered necessary, as set out further in the Green Belt topic paper.

Evidence to support 10 pitch restriction on sites

31. Policies HP10 and HP11 seek to restrict all Gypsy, Traveller and Travelling Showpeople sites to a maximum of 10 pitches or plots.
32. The existing gypsy and traveller sites are small, located within the countryside and cannot accommodate more than 10 pitches safely within their site areas, so a threshold is appropriate to limit these sites. The Council considered the following before deciding to restrict the number of pitches on gypsy and traveller sites:
 - Designing Gypsy and Traveller Sites – Good Practice Guide (2008): section 4 states that although there is no one size fits all when considering gypsy and traveller sites, paragraph 4.7 highlights the fact that a maximum of 15 pitches is conducive to providing a comfortable environment which is easy to manage. However smaller sites of 3-4 pitches can also be successful, particularly where designed for one extended family. Majority of the gypsy and traveller sites within the Borough are occupied by extended families.
 - Essex Design Guide - Gypsy, Traveller and Showpeople Guidance (2019): Principle 1: Site and Pitch Layout further supports the expired Designing Gypsy and Traveller Sites (2008) listed above stating that *'sites up to 15 pitches are considered to provide a well-balanced site where amenity, security and management of a site can be achievable...'*. The Essex Design Guidance requires 25m in length, taking into consideration the size of the trailers and manoeuvrability. Space standards also need to take into account adequate space for parking standard for daily use vehicles, storage buildings, amenity building, and Travelling Showpeople Yards.
 - Model Standards 2008 for Caravan Sites in England. Caravan Sites and Control of Development Act 1960 – Section 5: Although this guidance is not intended specifically for gypsy and travellers, it does provide space standards to take into account separation distance between caravans or health and safety, such as fire risk.
 - Local knowledge / Meeting with the Brentwood Gypsy and Traveller Support Group: The Council met with members of the Brentwood Gypsy and Traveller Support Group to discuss the Council's policies to obtain additional information from the local community to ensure the policies would meet their needs. Based on the known existing and projected demographics for each of the sites it was determined there would not be a need to extend the sites identified within the Local Plan beyond 10 pitches.

Providing for Gypsies and Travellers who do not meet the PPTS definition

33. The GTAA identified 66 additional pitches required during the Plan period for Gypsy and Travellers who do not meet the PPTS definition. These needs will be met through HP01: Housing Mix and HP04: Specialist Accommodation policies.
34. There are two mechanisms outlined within Policy HP04 which can be used to ensure adequate provision of Gypsy and Traveller accommodation for those who do not meet the PPTS definition:
- Criteria A - *'meets demonstratable established local need'*; and
 - Criteria C - *'a condition may be imposed restricting occupation to persons requiring specialist accommodation where deemed necessary'*

35. All strategic housing allocation (those sites with 500 dwelling or more) are required to provide some form of specialist accommodation to ensure local needs are being meet. Paragraph 6.27 in the supporting text for Policy HP04 states:

'The Council will refer to the latest 'Specialist Accommodation Report' during negotiations with developers in establishing local need and securing the provision, and where relevant the location of the most appropriate Specialist Accommodation. The final type, tenure and quantum of specialist accommodation provision will be determined through negotiations on individual planning applications and will be secured through S106 or other legal agreements'.

36. The Council monitors the Gypsy and Traveller needs through the annual monitoring reports. Development Management Officers will use this, along with other relevant evidence base, to determine the type of Specialist Accommodation, including Gypsy and Traveller pitches for those who do not meet the PPTS definition.
37. The Council would also like to propose the following amendment to HP04: Specialist Accommodation, under criteria C, to include the following text for the purpose of strengthening the policy regarding Gypsy and Travellers provision for those individuals who do not meet the PPTS definition:

'A condition may be imposed restricting occupation to persons requiring specialist accommodation where deemed necessary. Where a need for Gypsy and Traveller pitches are identified by the Council, Policy HP11: Proposals for Gypsies, Travellers and Travelling Showpeople on Strategic and Non-Allocated Sites would apply.'

38. The Gypsy and Travellers Accommodation Needs Assessment (GTAA, 2017) (evidence document C23) identifies the Gypsy and Travellers needs, for all those individuals who identify as a gypsy and traveller regardless of if they meet the PPTS definition.

39. The Brentwood SHMA (2018) (evidence base C19) and SHMA Part 2 (2016) (evidence base C20) takes into consideration the full Brentwood Borough population, including the Gypsy and Traveller community regardless of whether they meet the PPTS definition. Therefore, the need for housing includes the full Gypsy and Travellers community within the Objectively Assessment Needs (OAN) calculation.

Appendix 1 – Assessment of Gypsy and Traveller Sites

Site	Number of Pitches	Status	Potential for Intensification	Potential to extend	Potential to authorise	Suitability of site	Potential for inclusion in emerging Local Plan
Authorised							
Clementines Farm	1	Private: Permanent permission for 2 caravans	Limited potential for additional caravans to meet family needs but not for additional pitches	Constrained by Green Belt	N/A	Site currently has temporary permission for a single pitch. The site was not accessible during the site visits (locked gates with no view of the site). Based on aerial photographs the site is surrounded by open fields with no defensible boundaries.	Yes – HP09 Safeguarding Permitted Sites
Deep Dell Park (Willow Farm), Ingatestone	6	Private: Personal permission		Constrained by Green Belt	N/A	Site has been granted permanently permitted planning permission for 2 gypsy and traveller pitches which was first granted on appeal in 1993. Since then two temporary planning applications have been applied for and granted (April 2007 and August 2011).	Yes – HP09 Safeguarding Permitted Sites
Lilliputs, Blackmore	2	Private: Personal permission		Constrained by Green Belt	N/A	The site is located in Blackmore and currently has temporary permission. Site is suitable for permanent planning permission.	Yes – HP09 Safeguarding Permitted Sites
Meadow View, Blackmore	2	Private: Personal permission	Limited. Additional caravans could be accommodated on the existing pitches as the family grows.	Constrained by Green Belt	N/A	Temporary planning permission has been granted (93/00451/FUL). Occupants intend to apply for permanent planning permission.	Yes – HP09 Safeguarding Permitted Sites

Site	Number of Pitches	Status	Potential for Intensification	Potential to extend	Potential to authorise	Suitability of site	Potential for inclusion in emerging Local Plan
Pond End, Kelvedon Hatch	1	Private: Personal permission		Constrained by Green Belt	N/A	This site has temporary planning permission however is currently vacant due to change in circumstances for the family who own this land.	Yes – HP09 Safeguarding Permitted Sites
Ponderosa, Kelvedon Hatch	1	Private: Personal permission	Unknown	Constrained by Green Belt	N/A	Site has been granted temporary permission for 1 mobile home. It was not accessible during the site visit.	Yes – HP09 Safeguarding Permitted Sites
Poplar Farm, Ingatestone	2	Private: Personal permission		Constrained by Green Belt	N/A	Site has temporary planning permission for 2 mobile homes. The site is located on the boarder of Chelmsford and Brentwood. The A12 runs along the north side of the site.	Yes – HP09 Safeguarding Permitted Sites
Roman Triangle, Mountnessing	5	Private: Personal permission	Limited – up to 2 additional mobile homes for the entire site could be added. No potential for additional pitches.	No – site constrained by existing infrastructure and residential developments	N/A	Site is located in Mountnessing, between Roman Road and the A12. This site has been granted permanent planning permission for gypsy and travellers.	Yes – HP09 Safeguarding Permitted Sites
Rye Etch, Navestock	3	Private: 1x Permanent		Constrained by Green Belt	N/A	Site currently has permanent planning permission. It is occupied by a family who rent it from a local church.	Yes – HP09 Safeguarding Permitted Sites
The Willows, Kelvendon Hatch	1	Private: 1x Permanent	Limited	Constrained by Green Belt	N/A	Site is located in Kelvedon Hatch along Place Farm Lane. It has been granted temporary planning permission and currently has 3 mobile homes on site. The site is clean and well maintained.	Yes – HP09 Safeguarding Permitted Sites

Site	Number of Pitches	Status	Potential for Intensification	Potential to extend	Potential to authorise	Suitability of site	Potential for inclusion in emerging Local Plan
Tree Tops, Navestock	3	Private: 3x Permanent	Unable to assess if intensification of the existing pitches could be achieved.	Constrained by Green Belt	N/A	Currently used as a G&T site (Permanently permitted). Site was not accessible during the site visits (gate entrance closed). Based on examination of aerial photographs it appears that there are three plots. The site is bounded by Curtis Mill Lane, and residential to the side, and woods at the back of the site.	Yes – HP09 Safeguarding Permitted Sites
Warren Lane, Doddinghurst	1	Private: Personal permission	unknown	Constrained by Green Belt	N/A	Site has temporary planning permission which has been occupied by the same family for over 20 years. Site was not accessible during the site visits.	Yes – HP09 Safeguarding Permitted Sites
Wenlock Meadow	1	Private: Personal permission	Unknown	Constrained by Green Belt	N/A	1 mobile home (based on historic information not actually observed) as site was not accessible during the site visits	Yes – HP09 Safeguarding Permitted Sites
Tolerated – Expired Temporary Permissions							
The Willows, Kelvedon Hatch*	2	Private Expired Permission		Constrained by Green Belt	Yes	The site is within the greenbelt however it could be considered for inclusion within the emerging Local Plan as there is existing access to electricity, water, and sewage on site and it is a small site with limited impact on the Green Belt.	Yes – HP09 Safeguarding Permitted Sites
Hope Farm, Navestock	3	Private Expired Permission		Constrained by Green Belt	Yes	Site is currently used as a gypsy and traveller site with temporary planning permission granted which has since expired. The site is within the greenbelt however it could be considered for inclusion within the emerging Local Plan as there is existing	Yes – HP09 Safeguarding Permitted Sites

Site	Number of Pitches	Status	Potential for Intensification	Potential to extend	Potential to authorise	Suitability of site	Potential for inclusion in emerging Local Plan
						access to electricity and water, but no sewage on site and it is a small site with limited impact on the Green Belt.	
Orchard View, Navestock	4	Private Expired Permission		Constrained by Green Belt	Yes	The site is within the greenbelt however it could be considered for inclusion within the emerging Local Plan as there is existing access to electricity and water, but no sewage on site and it is a small site with limited impact on the Green Belt.	Yes – HP09 Safeguarding Permitted Sites
Unauthorised Sites							
Oaktree Farm, Blackmore	7	N/A	Limited	Constrained by Green Belt	Yes	The site is within the greenbelt however it could be considered for inclusion within the emerging Local Plan as there is existing access to electricity, water, and sewage on site.	Yes – HP08 Regularising Suitable Existing Travellers Sites
Hunters Green, Navestock	1	N/A	No	Constrained by Green Belt	Yes	The site is within the greenbelt however it could be considered for inclusion within the emerging Local Plan as there is existing access to electricity, water, and sewage on site and it is a small site with limited impact on the Green Belt.	Yes – HP08 Regularising Suitable Existing Travellers Sites
Lizvale Farm, Navestock	6	N/A	Intensification occurring by unauthorised works	Constrained by Green Belt	No	The site appeared to be expanding, with evidence of building works underway. Site is overcrowded. The site currently has access to electricity and water but not sewage. It is located beside two other Gypsy and Traveller sites which would result in a large intensification of Gypsy and Traveller pitches in one location, which would	No – discounted due to overcrowding and safety concerns

Site	Number of Pitches	Status	Potential for Intensification	Potential to extend	Potential to authorise	Suitability of site	Potential for inclusion in emerging Local Plan
						be harmful to this Green Belt location.	

*NOTE: The Willows, Kelvedon Hatch consists of a total of 3 pitches, 1 pitch with permanent permission and 2 pitches with personal permissions which have expired. Therefore, the Willows appears in both authorised and tolerated sections of the table.

Table 1: Gypsy and Traveller Site Assessment Summary

Appendix 2 – 5 Year Supply for Gypsy and Traveller Sites Allocated in the Local Plan

Site	Number of Pitches	Year				
		1	2	3	4	5
		2021/22	2022/23	2023/24	2024/25	2025/26
Oaktree Farm, Blackmore	7	7				
Hunters Green, Navestock	1		1			
Dunton Hills Garden Village	5				5	
Total	13	7	1		5	

Table 2: 5 Year Supply for Gypsy and Traveller Sites