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CHARTERED TOWN PLANNER

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Arun District Council
Maltravers Street
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Monday, 07 December 2009

Dear Sir/Madam:

Re: Dragonfly Paddock, Eastergate Lane, Walberton

Continuation of use of land as a residential caravan site.

I write in connection with the above case and have the pleasure of enclosing my clients' application.

A fee of £335 is due and this has been sent by post.

Background to the Case – Gypsy Status

The applicant, Selia Evans, was born into a gypsy family, the Doe's, and led a gypsy way of life from birth until 1999 when she and her husband moved into a house in Durrington. They stayed there for four years and then in July 2003 they moved into a new house at The Farmhouse, Eastergate Lane, Walberton.

Previous to that they lived in caravans and moved from place to place. She confirms that they have lived at Easthampnett WSCC site; land at Angmering; and on grazing land adjacent to the A259 at Angmering bypass.

On 12 June 2008 they moved into their current caravan on land at Dragonfly Paddock, Eastergate Lane, Walberton.

ARUN DISTRICT COUNCIL WA/1/10/

She lives with her husband, Peter Evans, and they have two children: Henry (8) and Tuuli (5) both of whom attend Walberton Primary School.

She confirms in her Statutory Declaration that she is an ethnic gypsy and have lived in caravans for the majority of her life. Her father's family are ethnic gypsies and have lived in the area around Arun for a considerable period of time.

Between 1999 and 2008 her travelling reduced due to the fact that they started a family. However she indicates [see Statutory Declaration] that in the last four years her travelling has resumed and she recommenced travelling to fairs with a colleague, Tabatha Pratt. As she is in Lingfield it is not uncommon for horses that she buys to be kept at her property rather than bring them all the way back to the South coast. Indeed she has some 40 acres of land and 20 stables whilst Mrs Evans now just has one acre although other grazing land is rented locally. She attaches at SE1 a letter from Tabatha Pratt dated 31st July 2009 which confirms this working arrangement.

This year she has resumed her travelling for an economic purpose throughout the period of May to early Autumn and this will continue in future years. In this regard she confirms that they have their own touring caravan which when not in use is stored on site. Her husband is a builder by profession and where possible he travels with her to the horse fairs and seeks employment undertaking small construction jobs on their way to and from the horse fairs.

She goes on to state that if they are forced to move off the land at Eastergate Lane, the family will be forced to go on the road and be moved on from place to place by the police. This will not be acceptable with young children and the lack of a settled base would be disruptive to their educational needs. In this respect she attaches at SE2 an undated letter from the Headteacher at Walberton & Binstead CE Primary School. This letter confirms that their children have settled in well to the local village school.

In respect of her gypsy status her Statutory Declaration includes two supporting letters, from experts in their fields.

First there is Dr Bhpoal's letter of 25 September 2009 (attached at SE3) which states:

> *"I can confirm that in my professional opinion Mr and Mrs Evans are Gypsies as defined in Ciruclar 01/2006."*

Dr Bhopal goes on to state that:

> *"In my view this* [sic loss of a settled base] *will have devastating effects on the educational experience of their two children .... This could seriously disrupt the children's education."*

ARUN DISTRICT COUNCIL WA/1/10/

They have also been interviewed by Dr Kalwant Bhopal from the University of Southampton. Dr Bhopal undertakes research on educational achievement, attendance and identity for Gypsy, Traveller and nomadic groups for over a decade. Their professional opinion must therefore carry significant weight.

Secondly they have also been interviewed by Martin Myers from the Open University. He is an academic and writer specialising in work that examines the lives of Gypsy, Roma and Travellers living in the UK. In his undated letter is attached at SE4. In the final paragraph on the first page of his letter he states:

> *"My own observations of the Evans family is that they are very clearly a family who are rooted in the culture, traditions and heritage of English Gypsies."*

On page 2 on his letter he concludes:

> *"..circular 01/2006 gives a very clear definition of those people who should be classes as Gypsies or Travellers and it is apparent that the Evans family fall within the category of such people."*

Martin Myers also stresses the importance of a settled base for their children's' educational needs.

On the basis of the foregoing evidence I am satisfied that Selia Evans satisfies the definition of a gypsy as set out in Circular 01/2006.

Planning Policy and the Current Situation Within Arun

Under Section 225 of the **Housing Act 2004**, Local Authorities have to produce an assessment of Gypsy and Traveller accommodation need.

PPS 3 Housing (para 21) states that

> *"Local Planning Authorities should plan for a mix of housing on the basis of the different types of households that are likely to require over the housing period. This will include having particular regard to:-*
>
> - *The diverse range of requirements across the area, including the need to accommodate Gypsies and Travellers"*

Circular 1/06 (Feb 2006) '**Planning for Gypsy & Traveller Sites**' sets out guidance which means that Local Planning Authorities need to identify appropriate land for Gypsy and Traveller sites through the planning system in line with the need in their area, to deal with the growing shortage of sites and prevent unauthorised sites in problem locations.

The planning definition within the Circular specifically excludes organised groups of show people and travelling circus people. The planning definition given is:-

ARUN DISTRICT COUNCIL WA/1/10/

'Persons of nomadic habitat of life whatever their race or origin including such persons who on grounds of their own or their family's or dependents' education or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such'.

The guidance from C1/06 states that "The core strategy should set out criteria for the location of gypsy and traveller sites which will be used to guide the allocation of sites in the relevant DPD. These criteria will also be used to meet unexpected demand" (Para 31). It goes onto say that "Local authorities must allocate sufficient sites for gypsies and travellers, in terms of the number of pitches required by the RSS" (para 33).

The application site lies within countryside with no special designations. In this regard paragraph 38 is very material:

"Sites on the outskirts of built-up areas may be appropriate. Sites may also be found in rural or semi-rural settings. ***Rural settings, where not subject to special planning constraints, are acceptable in principle*** *and local authorities should be realistic about the availability, or likely availability, of alternatives to the car in accessing local services. Sites should respect the scale of and not dominate the nearest settled community serving them. They should also avoid placing an undue burden on the local infrastructure."* [my emphasis]

The South East Regional Strategy

In June 2009 a partial review of the regional spatial strategy for the South East was published. This relates to 'Provision for Gypsies, Travellers and Travelling Showpeople.

It makes recommendations for a new policy H7.

Whilst it will be examined at an EiP in February 2010 I consider that its evidence base can be given considerable weight since it represents the most up to date analysis of gypsy site need and provision in the region.

Table H7a sets out 'Permanent residential pitch baseline **and net additional pitch provision requirements** for 2006-2016.

For Arun the Gypsy figures indicate a 2006 baseline of 17 pitches and a requirement [over and above the baseline figure] for 17 pitches.

The 2006 baseline clearly includes those existing pitches which have a temporary planning permission.

ARUN DISTRICT COUNCIL WA/1/10/

The Approach by Arun District Council

In October 2008 Baker Associates submitted an initial report to Arun on potential sites, making recommendations and developing a criteria based spatial planning policy. Consultations were undertaken on this report in early 2009 and a subsequent report 'Further Site Assessment' is dated June 2009.

At the Councils Cabinet meeting on 12th October 2009 a report was considered on 'Recommended Provision for Gypsy, Traveller and Travelling Showpeople Sites'. A decision on this report was deferred and the matter is to be reconsidered on 21st December 2009.

The Report acknowledges a shortfall of sites and that unauthorised sites are allowed on appeal.

The approach recommended is that the most appropriate way forward is to prepare a Development Planning Document (DPD) which would have to follow the successful adoption of the LDF Core Strategy, which is currently scheduled for 2010.

The projected time frame is possible adoption in early 2011. I would submit that such a timeframe is optimistic. It does not take into account the Core Strategy timeframe and delays that could occur there.

On balance, I conclude that the Council is unlikely to have an approved DPD until 2012. It is not until the DPD is approved that new sites will be able to come forward to secure the long term provision of gypsy sites within the District.

In the meantime each case must be considered on its own merits but having regard to Circular 01/2006 advice in respect of such situations. In this regard paragraphs 45 and 46 are critical. They state:

> *"45. Advice on the use of temporary permissions is contained in paragraphs 108 - 113 of Circular 11/95, The Use of Conditions in Planning Permission. Paragraph 110 advises that a temporary permission may be justified where it is expected that the planning circumstances will change in a particular way at the end of the period of the temporary permission. Where there is unmet need but no available alternative gypsy and traveler site provision in an area but there is a reasonable expectation that new sites are likely to become available at the end of that period in the area which will meet that need, local planning authorities should give consideration to granting a temporary permission.*
>
> *46. Such circumstances may arise, for example, in a case where a local planning authority is preparing its site allocations DPD. In such circumstances, local planning authorities are expected to give substantial weight to the unmet need in considering whether a temporary planning permission is justified. The fact that temporary permission has been granted on this basis should not be regarded as*

ARUN DISTRICT COUNCIL WA/1/10/

setting a precedent for the determination of any future applications for full permission for use of the land as a caravan site. In some cases, it may not be reasonable to impose certain conditions."

It therefore follows that if it is considered that there is a realistic prospect of alternative sites coming forward at the end of any temporary planning permission (usually a 3 year period) ie by the end of 2012, then a temporary planning permission should automatically be granted.

Conclusions.

The site has no special planning designations. Accordingly, for planning purposes it is within 'ordinary' countryside.

Paragraph 54 of Circular 01/2006 says that rural settings, where not subject to special planning constraints, are **acceptable in principle**. [my emphasis]

The evidence on need indicates that it is great with no sign of being addressed in the immediate future. It is clear that a site will need to be found through the DPD process. However that clearly needs to meet future requirement - not address the current situation within the Borough.

Circular 01/2006 makes clear [sic para 46] that if the applicants gypsy status is accepted then at the very least a temporary planning permission **must** be granted.

I trust that, in the light of the submissions that I have made the case officer will be able to recommend that planning permission be granted for the continued use of the land as a single gypsy plot, making a valuable, albeit small, contribution to addressing the LPAs long standing gypsy site provision shortfall.

However, can I ask that if there are any queries concerning the application that the case officer, prior to any formal recommendation being formulated, contacts me?

Yours sincerely,

[redacted]

STEPHEN JUPP
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Chartered Town Planner

ARUN DISTRICT COUNCIL WA/1/10/