

YORK

CITY OF YORK
GYPSY, TRAVELLER AND SHOWPEOPLE
ACCOMMODATION NEEDS
SUPPORTING PAPER (JUNE 2013)

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1.0 Introduction

- 1.1 Key evidence including the Equality and Human Rights Commission report *Inequalities Experienced by Gypsy and Traveller Communities (2009)* suggests that today Gypsies & Travellers are the most marginalised and disadvantaged of all minority groups nationally, suffering the greatest inequalities across a range of indicators as well as from significantly lower life expectancy, higher infant mortality rates and are at an increased risk of poor health. In many ways accommodation is the key to understanding the inequalities and barriers to service access experienced by Gypsies & Travellers. Access to appropriate accommodation (whether on sites or in housing) is fundamental to enabling people to avail themselves of the health, education and other public services which exist in twenty-first century Britain.
- 1.2 The purpose of this paper is to provide further background and context for the approach taken in the Local Plan Preferred Options to provision for Gypsy, Traveller and Showpeople's accommodation needs. Importantly this paper demonstrates how accommodation need in York has been calculated and goes on to propose potential locations to accommodate Gypsy & Travellers and Showpeople.
- 1.3 The main objectives of this paper is to consider the following:
- guidance relating to provision for Gypsy & Travellers and Showpeople;
 - assessment of need; and
 - assessment of supply.
- 1.4 It should be recognised that this paper is to support the Local Plan Preferred Options and comments received through consultation will be used in considering the most appropriate way forward. This includes views expressed by local residents and members of the Gypsy & Traveller and Showpeople communities.
- 1.5 City of York Council is a member of Local Government North Yorkshire and York, and the North Yorkshire and York Spatial Planning and Transport Board. It is the secretariat for the latter. The City of York is also one of the authorities within the Leeds City Region (LCR) and is represented on the LCR Heads of Planning Group and the LCR Strategic Planning Leads Group. These groups have been established to promote effective collaborative working between local authorities on strategic spatial planning and transport issues that extend across geographical and organisational boundaries. During the consultation period on the Preferred Options Local Plan it is intended that issues surrounding the provision for Gypsy & Travellers and Showpeople will be discussed with these groups.

2.0 **Guidance**

National Planning Policy Framework

- 2.1 The National Planning Policy Framework (NPPF) was published in March 2012 and has replaced the suite of Planning Policy Guidance notes and Planning Policy Statements.
- 2.2 The importance of allocating sites for the travelling community is reflected in the fact that this topic is specifically referred to in the NPPF. Paragraph 4 makes reference to planning for travellers, which reads that the NPPF

“should be read in conjunction with the Government’s planning policy for traveller sites. Local planning authorities preparing plans for and taking decisions on traveller sites should also have regard to the policies in this Framework as far as relevant.”

- 2.3 The further importance of this issue is reflected in the publishing of a supplementary document specifically dedicated to Gypsies, Travellers and Showpeople: *Planning Policy for Traveller Sites (March 2012)*. Available to download from <https://www.gov.uk/government/publications/planning-policy-for-traveller-sites>

Planning Policy for Traveller Sites (March 2012)

- 2.4 *Planning Policy for Traveller Sites (PPTS)* replaces circulars *ODPM Circular 01/200: Planning for Gypsy and Traveller Caravan Sites* and *Circular 04/2007: Planning for Travelling Showpeople*. The PPTS comprehensively sets out how Local Authorities should approach planning for traveller sites in Local Plans, including policies for plan making and decision making for traveller sites.
- 2.5 The PPTS, for the purposes of this supporting paper defines travellers as both “Gypsies and Travellers” and “Travelling Showpeople”. This paper separates Gypsies and Travellers from Travelling Showpeople, referring to the latter as Showpeople. This is to reflect the different needs of these groups.
- 2.6 Another important aspect of the current government guidance covered under the NPPF is the need to ensure all development types are deliverable. NPPF paragraph 173:

“Pursuing sustainable development requires careful attention to viability and cost in plan-making and decision making. Plans should be deliverable. Therefore, the sites and scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to

a willing land owner and willing developer to enable the development is deliverable.”

Figure 1: Below sets out the key aspects of the PPTS pertinent to the work of the Local Plan.

Paragraph 4 of the ‘Planning Policy for Traveller Sites’ sets out government policy in advising that Local Planning Authorities should:

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

Paragraph 9 advises that Local planning authorities should, in producing their Local Plan:

- identify and update annually, a supply of specific deliverable sites sufficient to provide five years’ worth of sites against their locally set targets;
- identify a supply of specific, developable sites or broad locations for growth, for years 1 to 10 and, where possible, for years 11-15;
- consider production of joint development plans that set targets on a cross-authority basis, to provide more flexibility in identifying sites, particularly if a local planning authority has special or strict planning constraints across its area (local planning authorities have a duty to cooperate on planning issues that cross administrative boundaries);
- relate the number of pitches or plots to the circumstances of the specific size and location of the site and the surrounding population’s size and density; and
- protect local amenity and environment.

If local authorities identify no need for the plan period they should set criteria based policies to assess potential sites which may arise in the future. Planning Policy for Traveller Sites notes on Page 3 that :

“Criteria should be set to guide land supply allocations where there is identified need. Where there is no identified need, criteria-based policies should be included to provide a basis for decisions in case applications nevertheless come forward. Criteria based policies should be fair and should facilitate the traditional and nomadic life of travellers while respecting the interests of the settled community.”

- 2.7 To meet the requirements of government guidance, there is a need and purpose for both allocation and criteria based planning policies. The Local Plan for the City of York aims to be fully compliant with both the NPPF and PPTS, addressing the points highlighted in Figure 1. During the consultation period there will be further engagement with the Gypsy & Traveller community, Showpeople, relevant partners, stakeholders and the public to help ensure that the approach advocated is fully compliant and all issues surrounding local amenities and environment are fully considered

Designing Gypsy and Travellers sites: Good practice guide (2008)

- 2.8 This document, published by Communities and Local Government (CLG) sets out those factors considered important to consider in designing Gypsy & Traveller sites. It advises that whilst no size of sites or number of pitches is ideal, experience of site managers and residents alike suggest that a maximum of 15 pitches is conducive to providing a comfortable environment which is easy to manage. Through discussions with specialist officers in the Housing Options and Homelessness Team it has been agreed that the maximum number of pitches on a site will be 20 because experience of deliverability and management in the York context suggests that this is an appropriate number. The city, for example, already has a site with 23 pitches on and site managers consider this a comfortable, well managed site. It is considered, however, where pitch numbers exceed 15, sites should be designed with smaller “closes” for extended families of 3 to 4 pitches, maintaining the close knit sense of community and security.
- 2.9 This document does not outline any specific pitch size but consideration of national best practice indicates that pitches range nationally between 200-500 m² but account must be taken into account that some mobile homes can be around 25 meters in length and trailers 15 meters in length and so pitches must provide space to manoeuvre.

3.0 Assessment of Need

Site Specific Requirements

- 3.1 Gypsy & Traveller and Showpeople provision has its own specific terminology. Gypsy & Traveller provision is expressed in ‘pitches’ on sites whereas Showpeople provision is expressed as ‘plots’ on sites often called a ‘yard’. This terminology recognises the different needs of the Gypsy & Traveller community and the Showpeople community and that the two different groups should not be located on the same areas of land. Showpeople need flat, hard standings and covered sheds for the maintenance and storage of large

fairground rides outside the fair season, whereas Gypsy & Travellers are far more likely to have horses, requiring grazing land.

- 3.2 Pitches and plots are terms that refer to the area a family lives on, whether it be hard standing or grassed area of approximately 200-500 m². A pitch or a plot tends to be for an extended family unit, comprising of a static caravan and a tourer. On Local Authority sites, each pitch or plot has an amenity block which comprises a bathroom with WC and a living area allowing for a washing machine and cooker.
- 3.3 The different definitions for the two communities living arrangements come from the very different and specific needs they have. Showpeople are much more likely to have large vehicles and fairground attractions and rides, resulting in a need for space to test and repair machinery. They are also much more likely to travel for longer periods of time, as the fair calendar dictates. The majority of Showpeople belong to the Showman's Guild which is a professional guild which aims to uphold a positive reputation of Showpeople through enforcing strict rules and regulations of both Showpeople's yards and their profession.
- 3.4 Gypsy & Travellers traditionally also work seasonally but are more likely to work in the immediate vicinity. They traditionally have horses and this is a tradition they are keen to maintain. Discussions with the Council's Housing Options and Homelessness Team and site managers indicate that Gypsy & Travellers are travelling less as stop over (transit) locations are lost and the pressure to retain their own permanent pitch increases, though large numbers do still travel to horse fairs in the summer.

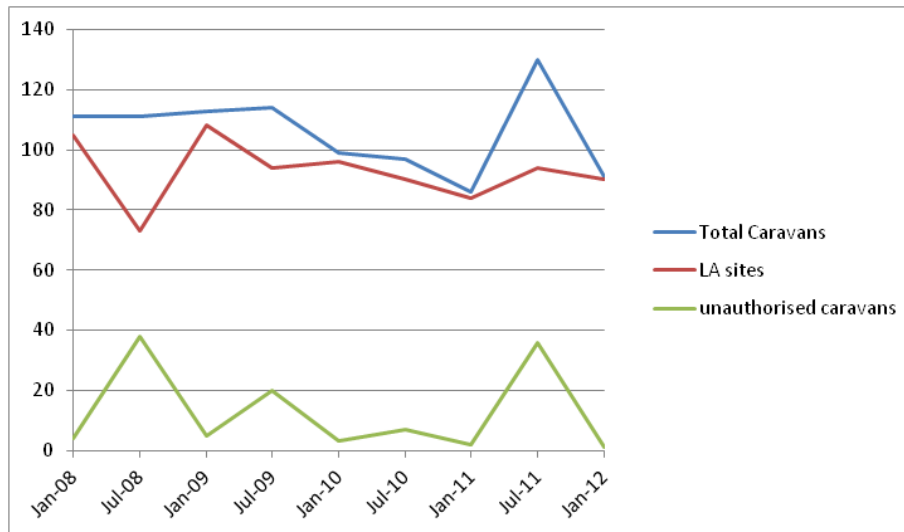
Census Data

- 3.5 The 2011 census was the first time that Gypsy & Travellers have been recorded as an ethnic group. The inclusion of a new tick box for people who want to record their identity as 'Gypsy or Irish Traveller' has come after requests from Travellers and support groups. Of the 20 or so groups which were considered for separate recognition in the 2011 census, only Travellers and Arabs were added to the list. Those who called for the inclusion of Travellers strongly believe that identifying people in this way is vital for the needs and problems facing the community to be properly understood and addressed.
- 3.6 As Gypsy & Travellers are a newly created group there are no historic figures to compare the population number and growth to, which would have been useful in predicting further growth and accommodation needs. However it does set the context of the existing population but it should be noted that the population could be higher as a result of individual reluctance to identify themselves officially as Gypsy or Traveller. The 2011 census records that 269 people identify as Gypsy or Irish Traveller in York Unitary Authority. This is 0.1% of York's population. Regionally and nationally Gypsy and Irish Travellers account for 0.1% of the population.

3.7 Showpeople are not classed as an ethnic group on the census and as such there are no official figures for the Showpeople community. Through meeting with the Showman’s Guild, the professional association of Showpeople it is estimated that there are 4 known families of Showpeople in York without permanent plot provision, which equates to need for approximately 7 pitches. One of these families currently have temporary planning permission for one plot but the other families are living on private land with the land owners consent. The temporary permission was granted on appeal in 2011 following refusal by the Council. A copy of the inspector’s decision is provided in annex C of this document.

Biannual National Caravan Count

Figure 2: The fluctuating number of Gypsy and Traveller identified through the biannual national caravan count



3.8 Population could also be measured through the caravan count but this may be considered an unreliable way of doing so as it is done on one day only and counts caravans, rather than individuals or families. Generally there is a trend of Gypsy & Traveller caravan numbers, as shown in figure 2, decreasing over this four year period, but this may be a false picture of population change. The population may be rising but pitch provision is not, pushing families into sharing caravans as pitches cannot accommodate more caravans. Unauthorised caravans, in the caravan count, are those on land without planning permission, be that Gypsy and Traveller owned land or land owned by someone else. There are spikes in unauthorised caravans every July, which could be due to the increased travelling in the summer months.

Assessment of Need - Gypsy and Travellers

North Yorkshire Gypsy and Traveller Accommodation Assessment 2007/8 - 2015

- 3.9 The North Yorkshire Gypsy and Traveller Accommodation Assessment (NYGTAA) was published in May 2008, by arc⁴, (Affordability Research Communities) a housing and regeneration consultancy in partnership with the Northern Network of Travelling People. This organisation has since been adopted into the National Federation of Gypsy Liaison Groups which is funded, in part, by the Joseph Rowntree Charitable Trust which campaigns to highlight neglected issues surrounding Travelling people. Further consultation will be undertaken with this group during the Local Plan consultation period.
- 3.10 Key themes that emerged from the research conducted for the North Yorkshire Gypsy and Traveller Accommodation Assessment were:
- recognising the long-standing role Gypsies and Travellers have played in society and how prejudice, discrimination and legislative change have increasingly marginalised this distinctive ethnic group;
 - a recognised shortage of pitches on Gypsy and Traveller sites across North Yorkshire;
 - the importance of understanding gypsy and traveller issues in the context of housing and planning policy development at national, regional, sub-regional and local levels;
 - recognition that Gypsy and Travellers are the most socially excluded group in society and are particularly susceptible to a range of inequalities relating to health, education, law enforcement and quality of accommodation;
 - recognition of the considerable prejudice and discrimination faced by Gypsy and Traveller communities – “the last acceptable form of racism” as Trevor Phillips put it as Chair of the Commission for Racial Equality; and
 - a need for better communication and improved understanding between and within Travelling communities themselves, and between Travelling communities and elected members, service providers and permanently settled communities.
- 3.11 The research estimated that there are about 888 Gypsy Traveller households living across the sub region. The Gypsy & Traveller communities across North Yorkshire live both in bricks and mortar and on sites, 11 of which are owned by local authorities and 4 of which are in private ownership. Together these total 195 pitches. Using the Department of Communities and Local Government (DCLG) agreed method of calculating pitch requirements the research identified a shortfall of 113 pitches across North Yorkshire with 36 of these in York. The NYGTAA indicated there would be a shortfall of 36 Gypsy & Traveller pitches up to 2015.

Gypsy and Traveller Need Over the Plan Period

- 3.12 The emerging Local Plan will have a lifespan of at least 15 years from adoption, up to 2030. This has resulted in the need for further work regarding. The overall need projections for York are the product of national and sub-regional information. It is necessary to assess how many households are likely to be seeking pitches in the York area over the proposed Local Plan

period. Groups of Gypsies & Travellers who are likely to be seeking pitches will include:

- **NYGTAA need**
- **Concealed Households**
- **Population Growth**
- **Those living on Unauthorised Encampments**

3.13 **NYGTAA need** – Those previously identified by the NYGTAA as requiring a pitch. The NYGTAA identified a need for 36 extra pitches over the documents life time of 2007/8-2015. Discussions with specific experts in the council's Housing Options and Homelessness team have suggested that this need has remained unmet and should there be carried forward into the Local plan time period 2015-2030.

3.14 **Concealed Households** - Concealed households are members of the family needing independent accommodation. Many of these have requested to be added to the waiting list for a pitch on a Gypsy & Traveller site. Most commonly those in concealed house holds are the children of the household who are growing up and looking for their own home. Within the Gypsy & Traveller community there is a strong tradition of children seeking independent accommodation close to their family, preferably on the same site. Consultation with specialist officers in the council's Housing Options and Homelessness team have identified that there is a waiting list of 18 concealed households who wish to live on council managed Gypsy & Traveller sites. These can be families that currently live on over crowded pitches, typically the new generation of Gypsy & Travellers looking to move to pitches of their own or Gypsy & Travellers accommodated in bricks and mortar who wish be on a local authority site. It is not possible to ascertain whether there is an overlap between concealed household figures and the unmet demand identified through the NYGTAA. Although through discussions with the Council's Housing Options and Homelessness officers specialising in this area it is considered appropriate to assume that much of this figure could be additional and the level of concealed households could actually be higher. This will be tested further with representatives of the Gypsy & Traveller community during consultation on the Local Plan.

3.15 **Population Growth** - Communities and Local Government (CLG) estimate that the Gypsy & Traveller population will grow by 3-4% per annum. These are the children of Gypsy & Travellers who are predicted to need pitches in the future. Calculations have been based on 3% growth rate which places population growth for:

- Years 1 to 5 – 2 families;
- Years 6 to 10 – 4 families; and
- Years 11 to 15 – 5 families.

This results in a population growth over the Local Plan period of 11 families. Each of these families will require a pitch.

- 3.16 **Those living on Unauthorised Encampments** – these occur on land which is not owned by Gypsy & Travellers and does not have the appropriate permission for the development. Officers estimate that there are 3 families who are homeless in York, moved on from unauthorised encampments every 2-3 weeks. The presence of unauthorised encampments could indicate an unmet need for transit provision, however, these are the same 3 families who are continuously moved on and so this indicates a greater need for a supply of permanent pitches. Gypsy & Travellers without proper pitch provision are classed as homeless. This is the current situation and it can be very difficult to predict the level of demand from Gypsy and Travellers who enter the authority without a pitch, who would be considered homeless in future years.
- 3.17 York Traveller Trust is a support charity, set up to work with the Gypsy & Traveller community in York, to provide support and advice, empowering individuals and the community to make the most of their opportunities. They estimate that they support approximately 350 gypsy and traveller families in York and predict that there is a future need for 50 pitches in the next five years. Part of this estimation is taken from their own impression of concealed households which exceeds the 18 predicted by City of York housing officers. This number is made up of the new generation of Gypsy and Travellers whom the Trust work with who are expected to get married and start their own families and younger couples who are “doubled up” (have placed an extra caravan) on their parent’s pitches and are waiting to be allocated their own pitch.

Summary

- 3.18 Using these sources of need information the total identified need for the first 5 years of the plan period, 2014/15 – 2018/19 is 59 pitches. A breakdown of these figures is shown in table 1 below.

Table 1: Gypsy and Traveller need over the plan period

Plan Period Years 0 - 5	
GTAA unmet need 2008 - 2015	36
Concealed Households	18
Population growth estimate	2
Unauthorised encampments	3
Total identified need 2007 – 2018/19	59
Plan Period years 6 - 10	
Population growth estimate	4
Plan period years 11 - 15	
Population growth estimate	5
Total 15 year estimate	68

Assessment of need - Showpeople

North Yorkshire Accommodation Requirements of Showmen 2009-2015

- 3.19 In June 2009 the North Yorkshire Strategic Housing Partnership Board commissioned arc⁴ to undertake additional research into the accommodation needs of Showmen across North Yorkshire. This research was designed to supplement findings from the NYGTAA.
- 3.20 Research for this document found that the lifestyle of Showpeople has changed considerably over recent years, with the majority of Showpeople seeking more permanent homes in yards – not just winter quarters. The traditional calendar of fairs has altered, with new opportunities for winter work, for example at seasonal Christmas fairs, meaning that many Showpeople work all year round. Changing work patterns coupled with a desire to provide a more permanent home base, both to facilitate their children’s education and provide for the needs of retired family members, mean that most Showpeople now seek to secure a permanent yard, at which family members will reside all year round. Findings revealed that across North Yorkshire there is a shortfall of 54 plots for Showpeople. Travelling patterns shows that this shortfall is greatest in York, Hambleton and Selby. It was identified that 19 of these plots are required in York up to 2015.
- 3.21 A number of interview respondents in the study commented on a lack of understanding and ignorance about Showpeople, this characterises their marginalisation and social exclusion. This is felt most acutely in terms of the lack of accommodation provision and obstacles to attempts to address this, through opposition from the ‘settled community’ through the planning process.
- 3.22 There are important distinctions between different travelling communities, which necessitate a clear and distinct approach to working with Showpeople as opposed to other members of the Gypsy & Traveller community. Interview respondents were keen to emphasise these differences, and have in recent years stopped using the terms ‘Travellers’ and ‘Travelling Showmen’ when describing themselves, due to the erroneous perception and stigma attached to the term.
- 3.23 The majority of Showpeople interviewed for the NYARS felt that there was a lack of provision for Showpeople across North Yorkshire, both in terms of permanent plots and temporary places to “pull onto” (park vehicles and trailers) for a short time. The report indicated that the historically low level of provision for Showpeople in North Yorkshire means that the needs assessment could in fact underestimate the need for Showpeople. The NYARS indicates that the general shortage of provision in North Yorkshire has a significant impact on the economic livelihood of Showpeople, who face long commutes between their home yard and their place of work. With increasing fuel costs many Showpeople felt that the lack of both permanent and temporary places to “pull onto” across North Yorkshire was detrimental both to the environment through increased fuel consumption, and the economy, reducing their income and their ability to provide for their families.
- 3.24 All of the Showpeople interviewed expressed a desire to own their own plot and have some security of tenure. Respondents felt that an ideal yard would

comprise of a multi-use yard and indicated that the following were all important considerations (though not necessarily in priority order):

- Water facilities and drainage;
- Electricity supply;
- Hard standing;
- Yard size - allow for a minimum of 0.5 to 1 acre per yard which can comprise space for equipment and multiple residential accommodation plots; in terms of longer term sustainability and allowing for household growth, a preference was indicated for larger yard sizes where possible;
- Secure gates;
- Well defined spaces, and clear responsibilities for managing and maintaining them;
- Separate grassed area/play space for children;
- On-yard secure and separate storage for equipment;
- Good yard management;
- Facilities to pull in (a multi-use yard); and
- Accessible, with good links to the road network.

Showpeople Need Over the Plan Period

3.25 **NYARS need** – In the survey conducted by arc⁴ for the NYARS 19 Showpeople stated their preference for having a permanent plot in York. This included asking Showpeople from throughout the North Yorkshire county where their preference to be based was. They were not required to have any connection to the City of York.

3.26 **Concealed households** - 18 of the 19 identified plots in the NYARS is a result of concealed households. 30% of Showpeople households in North Yorkshire currently have members looking to set up their own home, on their own plot. This amounts to 18 extra households or 30 people in North Yorkshire area.

3.27 **Population Growth** - Communities and Local Government (CLG) estimate that the Showpeople population will grow by 3-4% per annum. These are the children of Showpeople who are predicted to need pitches in the future. Calculations have been based on 3% growth rate which places population growth for:

- Years 1 to 5 – 1 family;
- Years 6 to 10 – 1 family; and
- Years 11 to 15 – 1 family.

This results in a population growth over the Local Plan period of 3 families. Each of these families will require a pitch.

Table 2: Showpeople need over the plan period

Plan Period Years 0 - 5	
NYARS unmet need 2009 - 2015	19
Population growth estimate	1
Total need up to 2018/19	20
Plan Period years 6 – 10	
Population growth estimate	1
Plan period years 11 – 15	
Population growth estimate	1
Total 15 year estimate	22

Transit Pitches

- 3.28 National policy is clear that there should be provision in order for Gypsies & Travellers (the definition of which includes Showpeople) who choose to travel to be able to do so without resorting to stopping illegally or inappropriately. Through consultation with the Showman's Guild a need was expressed for transit pitches. In discussions with managers at the sites in York the general trend is that Gypsies & Travellers are, on the whole, travelling less and so do not have the need for transit pitches at Showpeople do, who make their living from visiting shows with rides and attractions. As such, the need remains for transit pitches; a plot of land which a Showperson can pull on to for a fixed period of time. It is felt by a representative of the Showman's Guild that York ideally requires 2 transit pitches (not sited together) but there is a preference for permanent plots which should be allocated first.

Table 3: The need over the total plan period for Gypsy & Travellers and Showpeople

	Need 2014/15 – 2018/19	Need 2019/20 – 2023/24	Need 2024/25 – 2028/29	Total need over the Plan period
Gypsy and Traveller	59	4	5	68
Showpeople	20	1	1	22

4.0 Assessment of supplyGypsies and Travellers

- 4.1 Within York there are currently three permanent Council owned Gypsy & Traveller sites. There is one private traveller site at St. Oswald's Road, Fulford with established lawful use and a licence for 17 permanent pitches.
- 4.2 Council owned and managed Gypsy & Traveller sites are located at:
- Osbaldwick Caravan Site, Outgang Lane, Osbaldwick;

- James Street City Traveller Site, James Street; and
- Water Lane Caravan Site, Clifton

4.3 In total, across the three sites, there are 55 individual pitches. Most pitches are big enough for two caravans and one or two vehicles, though the sites are compact in size and offer limited space to accommodate the traditions and lifestyles of travellers including grazing space for horses and ponies, room to park and turn large vehicles and areas for travellers to work.

Table 4: Pitch numbers and, population on the City of York Council Sites.

Site	Pitches	Site population	Average size of family per pitch
Osbalwick	12	44	3.6
James Street	20	72	3.6
Water Lane	23	62	2.6
Total	55	157	2.9

- 4.4 There are estimated to be 157 Gypsy & Travellers living on the three Local Authority sites in York. The 2011 census recorded 269 people who identified themselves as Gypsy or Traveller in the York Unitary Authority. York Traveller Trust estimate they work with approximately 350 Gypsy & Travellers in York.
- 4.5 York clearly has a minimum Gypsy & Traveller population of 157 from official counts from tenant agreements on the sites and anything up to and over 350 as a maximum. The varying number demonstrates potential issues in predicting accurate population numbers.
- 4.6 The GTAA identified that the average Gypsy and Traveller household size in North Yorkshire to be 3.2 people. This suggests that families on the Outgang Lane and James Street sites in York have an above average family size. Over crowding is also demonstrated through the number of caravans on pitches on the sites in York. One of the conditions of the planning permission on the Osbalwick and Water Lane sites is that each pitch is only permitted to have one caravan. Some of the residents on these pitches have breached this condition. Without more pitches for families to move to, [the authority would find it extremely difficult to enforce the conditions, the courts would not grant a repossession order on the grounds of families having overcrowded pitches.](#) If possession orders were granted families would be homeless, which would in turn increase the number of unauthorised encampments homeless presentation. Forcing families onto unauthorised encampments denies them access to basic amenities, such as clean running water. It also places financial strain on agencies that deal with unauthorised encampments.
- 4.7 An average calculation also means that the true extent of over crowding is masked through the issue of unfairly distributed households. On the Water Lane site there are lone person households, with other pitches being occupied by more than the 3.6 average. Despite this only 21.40% of people questioned for the GTAA considered themselves to be living in over crowded accommodation, albeit this was across the North Yorkshire region, not just

York. This does highlight that it is important to acknowledge that there are more people living unofficially and undeclared on Council sites, often resulting in overcrowded pitches. This reinforces the importance of making additional provision for the travelling community.

- 4.8 On the Water Lane site particularly, there are a number of plots with disabled access to the caravans. These are occupied by an elderly couple or single person. Frequently, across all the sites, the pitches are identically sized. There are no smaller plots for older couples or single people. Recent conversations with residents on the Water Lane site regarding this issues it has become clear that some residents feel that it would be a better use of land if pitches were subdivided for couples, to allow larger families more room for extra caravans to ease the issue of over crowding. This option will be explored through consultation.

Showpeople

- 4.9 Despite there being a known shortfall of 19 plots as identified in the publication of NYARS (2009), one application has been submitted for a Showperson’s yard. From discussions with the applicant , it emerged that the lack of available land was the reason for this. The application was for change of use of buildings/land for Showpeople's site for one family at the Stables, Elvington (10/00586/FUL). It was refused on 29th July 2010 on the grounds of inappropriate development in the Green Belt and insufficient drainage details included in the application. The application (10/02082/ful) was resubmitted with more detail but again was refused 26th November 2010 as the development was considered inappropriate development. However, this was over turned on appeal and a temporary permission for 5 years was approved. The inspector’s decision is shown as annex B.

Potential supply of future sites

- 5.1 In Autumn 2012 the public, developers, landowners and businesses were invited to submit details of sites in the York area that they consider could be suitable for development, or redevelopment, over the next 15-20 years or beyond. In total 300 sites were put forward. Site suggestions were invited for a range of uses including provision for Gypsies, Travellers and Showpeople.
- 5.2 Through the Call for Sites period, several sites were put forward as a Gypsy and Traveller site or Showpeople’s yard. In accordance with the NPPF, any site allocations must be agreed to by a willing landowner to enable the development to be deliverable.

The potential sites put forward are highlighted in table 8 below.

Table 8 – Potential areas of search for Gypsy & Travellers and Showpeople put forward through ‘the Call for Sites’.

Ref	Site
3	Chowdene Caravan Site, Malton Road

9	Land at the corner of Common Road and Hassacarr Road, Dunnington
22	The Stables, Elvington
36	Land West of Outgang lane, Osbaldwick
116	Market Garden East of Dunnington
220	Land at Wetherby Road, Knapton

5.3

These sites were then subjected to an initial assessment process linked the overall Local Plan Spatial Strategy. This involved ensuring that:

- **The City's unique heritage is protected** – the involved effectively ruling out sites deemed to be in areas important to the historic character and setting of York, such as, land forming 'Green Wedges' around the historic Strays and river corridors, areas preventing coalescence of villages between themselves and to the main urban area; and areas that retain the rural setting of the city providing views of key landmarks such as the Minster.
- **The protection of environmental assets** – The protection and management of York's Green Infrastructure is considered central to managing any future growth, whether it is publicly or privately owned, statutory or non statutory, identified for its nature conservation or recreational value. Any sites affecting such areas were ruled out of consideration to completely protect environmental assets.
- **Flood risk is appropriately managed** – The geography of the city and its surroundings are such that there are significant areas at risk of flooding. Areas that are considered at high risk of flooding where ruled out.

5.4 Following this evaluation process the remaining sites were subject to internal discussion with Officers from the Council's Housing Options and Homelessness Team with specialist knowledge of provision for Gypsy & Traveller and Showpeople. This considered the suitability of sites from the perspective of the land to be for mixed use (living and working), access for large vehicles, proximity to the primary road network, proximity to local services and facilities. The criteria used reflects that in Policy ACHM4 in the Local Plan Preferred Options. These sites were not tested using the same criteria as housing sites as it is acknowledged that the travelling community have different needs and preferences to their location and a more specific assessment was required.

5.5 Reflecting the evidence based work cited in this study, it is considered best practice not to site Gypsy and Travellers with Showmen as they have different needs and requirements from their hard standings. Showpeople need flat, hard standings and covered sheds for the maintenance and storage of large fairground rides outside the fair season, whereas Gypsy and Travellers are more likely to have horses, requiring grazing land. Showmen also require better access to the road network as they are more likely to be moving large vehicles more often, as the fair season dictates.

- 5.6 The document *Designing Gypsy and Traveller sites* (2008), published by CLG sets out those factors considered important to designing Gypsy and Traveller sites. It advises that whilst there is no ideal size of sites or number of pitches, experience of site managers and residents alike suggest that a maximum of 15 pitches is conducive to providing a comfortable environment which is easy to manage. Through discussions with specialist officers in the Housing Options and Homelessness Team it has been agreed that the maximum number of pitches on a site will be 20 because experience of deliverability and management in the York context suggests that this is an appropriate number. The city, for example, already has a site with 23 pitches on and site managers consider this a comfortable, well managed site. It is considered, however, where pitch numbers exceed 15, sites should be designed with smaller “closes” for extended families of 3 to 4 pitches, maintaining the close knit sense of community and security. However this can be tested through the consultation process.
- 5.7 Nationally, pitch/plot sizes range from 200m² to 500m². An upper measurement of 500 m² has been used in the allocation of sites to allow final design to accommodate all of the requirements set out in design guidance, including landscaping, play space and access arrangements. Space has also been taken into account for equine grazing, which is a much needed provision in York. The possibility of varying pitch size on Gypsy & Traveller sites (not on Showpeople Plots) has been discussed to better accommodate large families and lone households. Final pitch sizes will ultimately be a matter for detailed planning applications to determine.
- 5.8 The potential areas of search identified in table 8 were subject to detailed assessment. The pages that follow set out the results of the evaluation and show maps of the area.

6.0 Potential Sites

Call for Site Reference: 3

Site Name: Chowdene, Malton Road (in conjunction with Lane off New Lane)

Submitted for Gypsy & Traveller/Showpeople? Both

Total site size: 1.2 ha

Unconstraint Site Size: 0.70ha

Potential number of pitches: 20

Comments:

This area of search is within a site of importance for Nature Conservation (SINC). However, through detailed discussions with specialist officers in the Design, Conservation & Sustainable Development, the SINC status of the site would not be compromised through the locating of caravans in Northern part of the site. This is partly due to the existing use of the site as a touring caravan park.

The southern of the site is positioned in the historic character and setting boundary (green wedge) and as such the developable area has been reduced accordingly. The area within the green wedge could be used to locate the required playspace and landscaping leaving the remaining developable area for the 20 pitches.

The access road is a narrow lane with no passing places and due to the potential conservation value of the hedgerow, it cannot be widened. This was highlighted through the call for sites and a willing land owner was identified to help facilitate improved access. Subsequently it is proposed that land off New Lane would provide a 'track' across the field for access to the proposed site and provide land for grazing horses.

Specialist officers in Network Management consider this scheme acceptable; however a further survey of the area is required to thoroughly assess the best position of an access road.

The site was considered in detail with Officers from the Council's Housing Options and Homelessness Team. This analysis indicated that this area of search is well located on the highway network, with direct access to the outer ring road/A64 and safe and convenient vehicular and pedestrian access to the potential site from Huntington. The size of the area will allow for on-site provision of facilities for parking, storage, play and residential in addition to the proposed grazing area on Land off New Lane. There is safe and convenient access to schools and local facilities via New Lane, Huntington. The site is set back from Malton Road which offers a degree of privacy and residential

amenity the site is a pre-existing touring caravan site, as such has landscaping and screening in place.

It was recommended that this site be taken forward for the purposes of consultation.



Call for Site Reference: 9

Site Name: Land at Common lane and Hassacarr Lane

Submitted for Gypsy & Traveller/Showpeople? Both

Total site size: 4.8 ha

Unconstraint Site Size: 0.98ha

Potential number of pitches: 20

Comments:

Analysis indicated that this area of search is well located on the highway network, with close access to the outer ring road/A64 via the A1079.

The site was considered in detail with officers from the council's Housing Options and Homelessness team. This analysis indicated that there is safe and convenient vehicular and pedestrian access to the potential site from the village of Dunnington via Common Lane, where the school and local facilities are located.

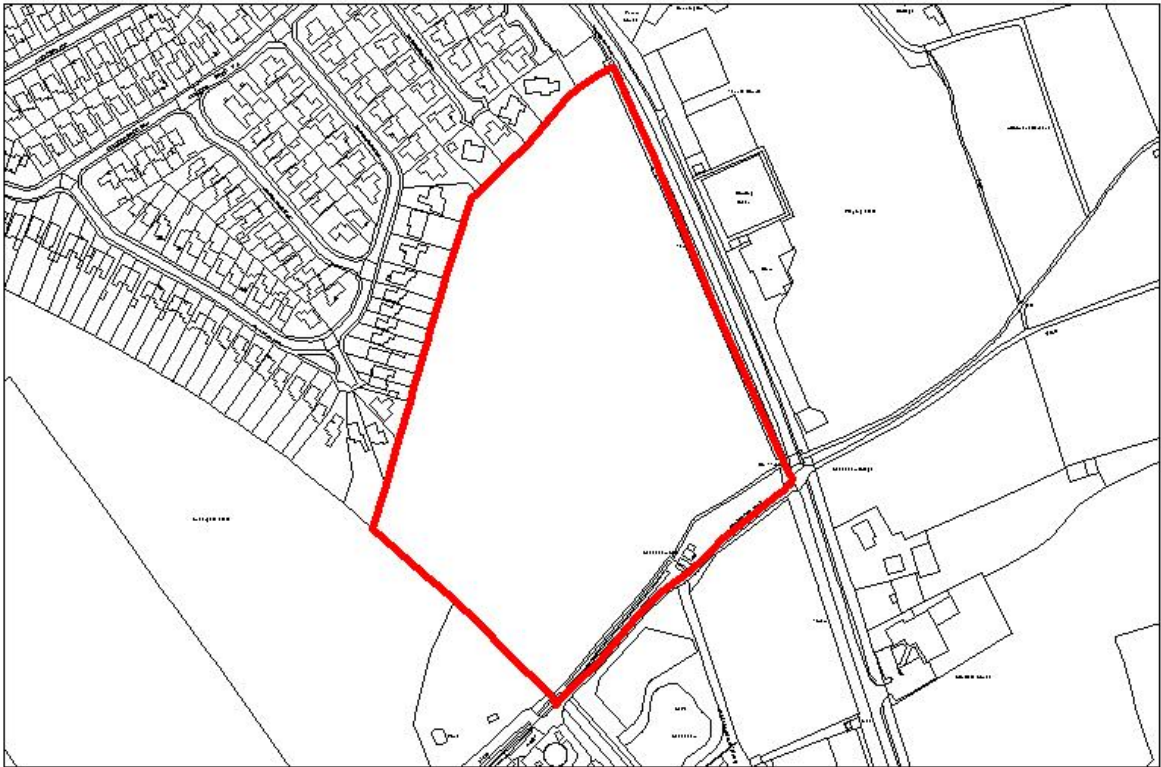
Part of the site is within Flood Zone 3a which makes a large part of the site inappropriate for development. This leaves a remaining developable land parcel to the north east of the area of approx 0.98ha. The size of this developable area will allow for on-site provision of facilities for parking, storage, play and residential. An additional grazing area is proposed in the undevelopable area within Flood Zone 3a.

Assessment of the area of search indicates sufficient land is available to offer a degree of privacy and residential amenity to the site to both the Gypsy & Travellers and the existing settled community. Landscaping and screening would be required as part of any planning application.

It was recommended that this site be taken forward for the purposes of consultation.

Site Name: **Land at Common Road & Hassacarr lane**

Ref: **9**



Call for Site Reference: 22

Site Name: The Stables, Elvington

Submitted for Gypsy & Traveller/Showpeople? Showpeople

Total site size: 1.6

Unconstraint Site Size: 0.1ha

Potential number of pitches: 1

Comments:

This site currently has temporary planning permission for one family of Showpeople until March 2016 (APP/C2741/A/10/2142092). The inspector's report that assesses and confirms its suitability as a Showpeople's site is attached at annex C. In summary the inspector supports the use of this land for a Showperson's yard indicating:

"The location close to Elvington, within walking distance of services, and close to the road network for travelling, is advantageous. The site benefits from some screening and is capable of further landscaping. Impact on neighbouring uses would be limited."

The site was considered in detail with officers from the council's Housing Options and Homelessness team. This analysis indicated that whilst the area of search is not within 500 metres from a primary road network as suggested by Policy ACHM4, it is approximately 4km to the A1079, which leads on to the outer ring road/A64. It is not envisaged that the vehicles associated with the Showpeople's allocation will have additional requirements to those linked to the two industrial areas adjacent to the area of search. There is safe and convenient vehicular and pedestrian access to the potential site from the village of Elvington where the school and local facilities are located.

As part of the conditions of the existing temporary planning permission, landscaping and screening has been created which offers a degree of privacy to both the Showpeople and the existing settled community.

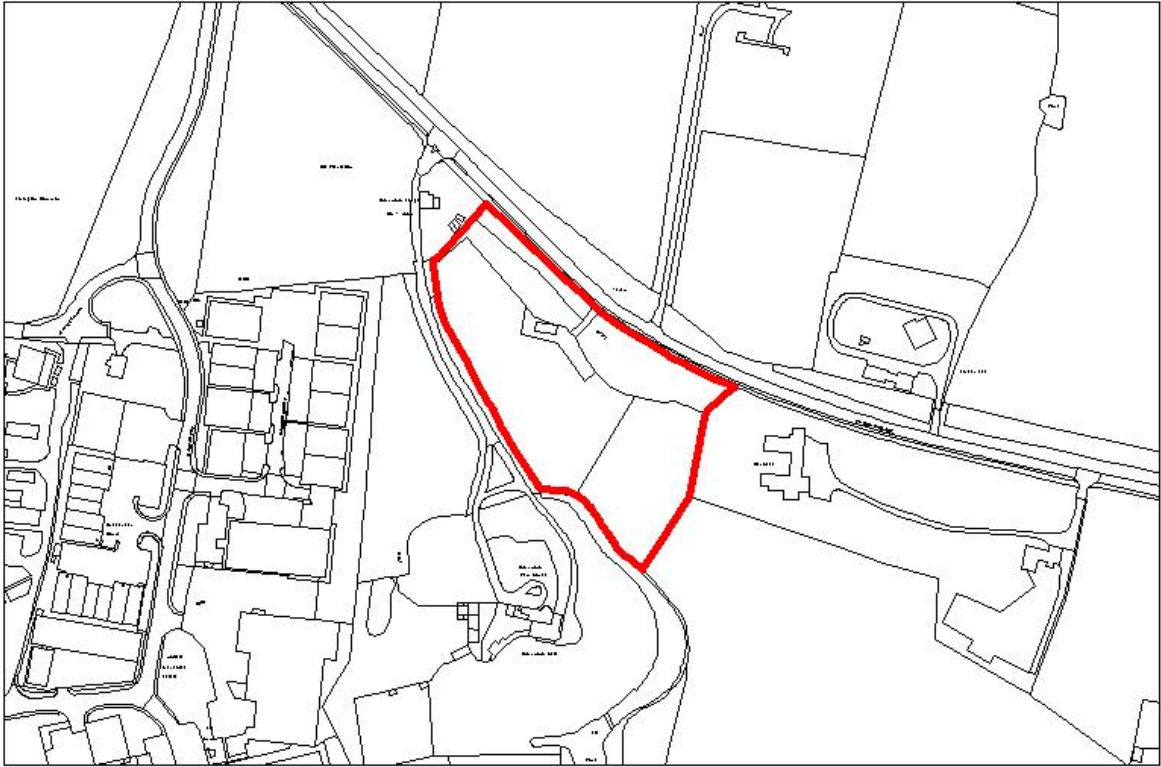
The area of search offers the potential for living and working on site given the existing mixed use of the site. This area will allow for on-site provision of facilities for parking, storage, play and residential amenity.

It was recommended that this site be taken forward for the purposes of consultation.

Site Name:

The Stables Elvington

Ref: 22



Call for Site Reference: 36

Site Name: Land West of Outgang Lane, Osbaldwick

Submitted for Gypsy & Traveller/Showpeople? Gypsy & Traveller

Total site size: 2ha

Unconstraint Site Size: 2ha

Potential number of pitches: 6

Comments:

This land has been the subject of a pre-application enquiry by the council following a successful funding bid to Home and Communities Agency which will fund the development of the site. It is expected that a full planning application will be submitted in June 2013 by the council to extend the existing Gypsy & Traveller site at Outgang lane by 6 pitches on this land, resulting in the total pitch provision on this site of 18.

The site was considered in detail with officers from the Council's Housing Options and Homelessness team. This analysis indicated that the area of search it is a short distance from Hull Road, which leads on to the outer ring road/A64. There is safe and convenient vehicular and pedestrian access to the potential site from Osbaldwick where the schools and local facilities are located.

This area of search is a proposed extension to the existing Gypsy & Traveller site at Outgang Lane. As part of the conditions of the existing planning permission, landscaping and screening has been created which offers a degree of privacy and residential amenity to both the Gypsy & Travellers and the existing settled community. Further landscaping and screening will be required as part of the proposed extension.

The pitch requirement on this area of search is 6 and therefore only a small portion of it will be developed for residential use, allowing the remaining land to be used for on-site provision of facilities for parking, storage, play and horse grazing.

It was recommended that this site be taken forward for the purposes of consultation.

Site Name: Land West of Outgang Lane Osbaldwick

Ref: 36



Call for Site Reference: 116

Site Name: The Market Garden, Eastfield Lane, Dunnington

Submitted for Gypsy & Traveller? Gypsy & Traveller

Total site size: 1.25ha

Unconstraint Site Size: 1.25ha

Potential number of pitches: 20

Comments:

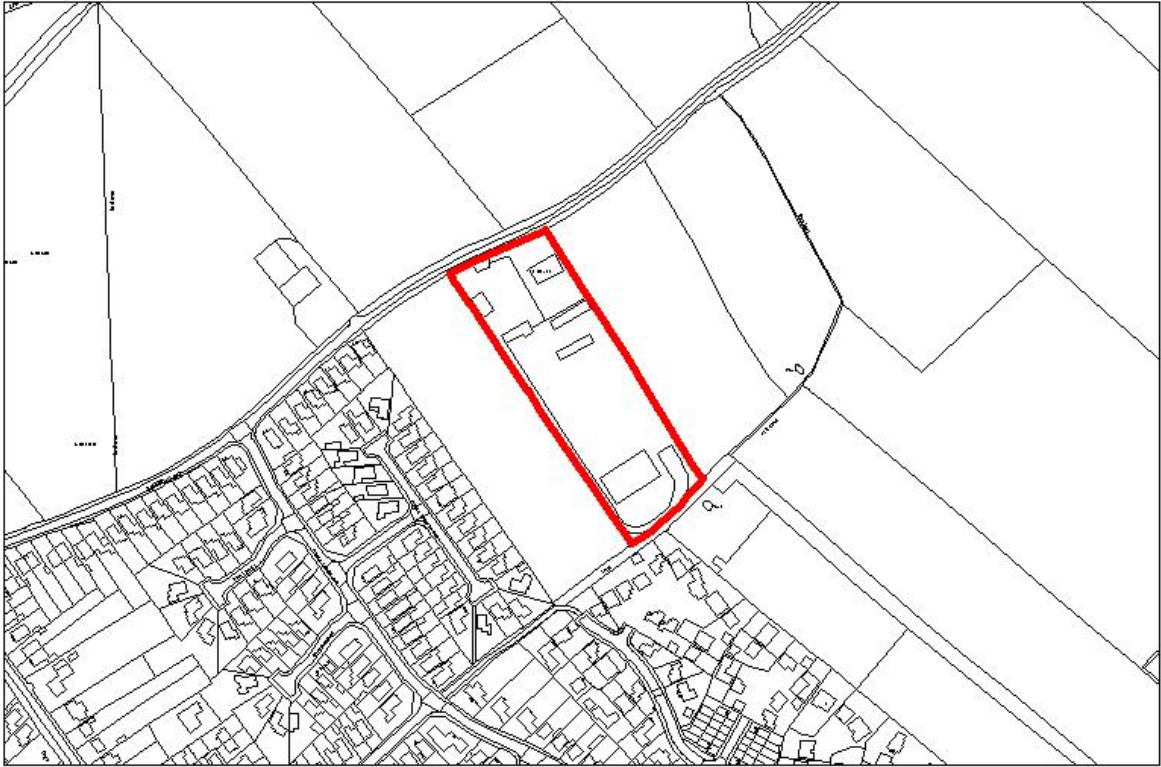
This site, along with the adjacent site was deemed more suitable for market housing and has been allocated as site H31 in the Local Plan Preferred Options.

The site was considered in detail with officers from the council's Housing Options and Homelessness team. This analysis indicated that the roads leading to the site through the village of Dunnington would be too narrow for the large vehicles associated with Gypsies & Travellers.

It was not recommended that this site be taken forward for the purposes of consultation as a Gypsy & Traveller site.

Site Name: The Market Garden Eastfield Lane Dunnington

Ref: 116



Site Reference: 220

Site Name: Land at Wetherby Road, Knapton

Submitted for Gypsy & Traveller/Showpeople? Both

Proposed Allocation: Showpeople

Total site size: 9.5ha

Unconstraint Site Size: 9.5ha

Potential number of pitches: 20

Comments:

Analysis of the site indicated that the location of the site is within 500 metres of the primary highway network, A1237. The development of 20 Showpeople plots would not be expected to generate significant congestion, especially as Showpeople do not travel at conventional peak times. Given the position of this area of search in relation to the highway network it has been assessed that this location is most appropriate for Showpeople.

The site was considered in detail with officers from the council's Housing Options and Homelessness Team. This analysis indicated that there is safe and convenient vehicular and pedestrian access to the potential site from Beckfield Lane, Acomb where schools and local facilities are located nearby.

Research states that Showpeople prefer to live in extended family units spanning several plots. To reflect this preference, this site proposes 20 plots but for no more than 12 extended families as stated in policy ACHM4.

The development of 20 Showpeople plots would occupy a maximum of 1 hectare, which is approx 10% of the entire site. In order to offer a degree of privacy and residential amenity to the site to both the Showpeople and the existing settled community landscaping and screening of sufficient size to allow for screening from the ring road would be required as part of any planning application.

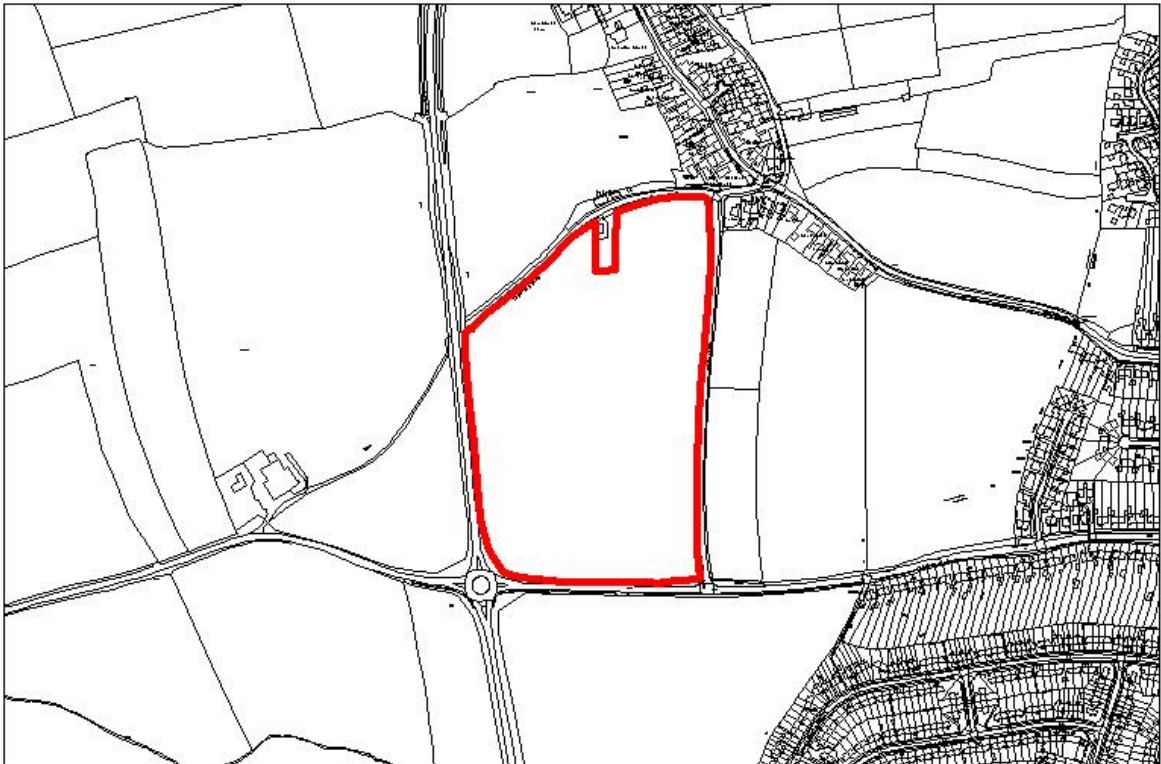
The area of search offers the potential for living and working on site as any planning application would be required to demonstrate how consideration has been given to environmental protection e.g. noise from any mixed uses on site. The size of the proposed yard within the area of search will allow for on-site provision of facilities for parking, storage, play and residential amenity.

The area of search extends beyond the urban area of Acomb and the village of Knapton. It does not follow the current built boundary of either settlement. The proposed Showpeople yard would occupy a maximum of 1 hectare, which would provide all the mixed use land necessary for a Showpeople community of 20 plots. This 1 hectare would be located in a position that would ensure that a

substantial green buffer was positioned between the urban area and ring road remains, retaining the village's character.

It was recommended that this site be taken forward for the purposes of consultation.

Site Name: Land at Wetherby Road Knapton **Ref: 220**



7.0 Conclusion

- 7.1 The local plan policies attached at annex B to this report has been produced on the basis of the needs assessment and site information included within this report. This reflects the need to comply with national guidance included in the NPPF and PPTS and updated previous studies.
- 7.2 The Local Plan Preferred Options has been produced for the purposes of consultation and the views of residents, land owners, interest groups Gypsy & Traveller and Showpeople communities will be consulted on for further policy development.

Annex A: Bibliography

Designing Gypsy and Traveller Sites: Good Practice Guide (2008) Department for Communities and Local Government

Equality and Human Rights Commission Report 2009: Inequalities experienced by Gypsy and Traveller communities (2009) Equality and Human Rights Commission

National Planning Policy Framework (2012) Department for Communities and Local Government

North Yorkshire Accommodation Requirements of Showmen (2009) Arc⁴ for North Yorkshire Gypsy and Traveller Partnership

North Yorkshire Gypsy and Traveller Accommodation Assessment (2007/08) Arc⁴ for North Yorkshire Gypsy and Traveller Partnership

Planning Policy for Traveller Sites (2012) Department for Communities and Local Government

Annex B: Local Plan Preferred Options policies

Policy ACHM3: Gypsy, Traveller and Showpeople Allocations

Gypsy and Travellers

i. 5 Year Supply

The Local Plan will make provision for 59 pitches for Gypsy and Travellers in the City of York between 2014/15 and 2018/19. Land within the following areas of search, as shown on the proposals map, will be allocated for permanent Gypsy and Traveller Sites:

- Land at Outgang Lane, Osbaldwick 6 pitches
 - Chowdene Campsite, Malton Road (inc. Land off New Lane) 20 pitches
 - Land at Common lane and Hassacarr Lane, Dunnington 15 pitches
- Total = 41 pitches

Further sites will be allocated to accommodate 18 additional pitches to ensure a 5 year supply once land has been identified as suitable for the development of gypsy and traveller pitches.

ii. Years 6- 10

Sites and/or broad locations will be identified for 4 pitches for Gypsy and Travellers in the City of York between 2019/20 and 2024/25 by identifying housing land suitable for future gypsy and traveller sites through consultation.

Showpeople

iii. 5 Year Supply and Years 6-10

The Local Plan will make provision for 21 plots for Showpeople in the City of York between 2014/15 and 2024/25. Land within the following areas of search, as shown on the proposals map, will be allocated for permanent Showpeople yards:

- The Stables, Elvington 1 plot
 - Wetherby Road, Knapton 20 plots
- Total = 21 plots

Policy ACHM4: Sites for Gypsies, Travellers and Showpeople

Proposals for Gypsies, Travellers and Showpeople sites will be supported that:

- i. provide safe and convenient vehicular and pedestrian access to the site;
- ii. provide for adequate on-site facilities for parking, storage, play and residential amenity;
- iii. are well located on the highway network;
- iv. offer safe and convenient access to schools and local facilities;
- v. provide adequate levels of privacy and residential amenity; and
- vi. make temporary plots available within larger sites.

In addition to the above criteria, plots for Showpeople will be considered acceptable where they are designed to:

- vii. offer the potential for living and working on-site;
- ix. permanently house a maximum of 12 families within any one site;
- x. provide individual plots of minimum 500m²; and
- xi. be within 500 metres of the primary highway network.

Annex C: The Stables, Elvington: Inspector's report



Appeal Decisions

Hearing held on 22 March 2011

Site visit made on 22 March 2011

by Philip Major BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 June 2011

Appeal A - Ref: APP/C2741/A/10/2139477

The Stables, Elvington Lane, Elvington, York YO41 4DH.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs J Peel against the decision of City of York Council.
 - The application Ref: 10/00586/FUL, dated 26 March 2010, was refused by notice dated 29 July 2010.
 - The development proposed is the change of use of buildings and part land to provide a site for travelling showpeople's use for one family.
-

Appeal B - Ref: APP/C2741/A/10/2142092

The Stables, Elvington Lane, Elvington, York YO41 4DH.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs J Peel against the decision of City of York Council.
 - The application Ref: 10/02082/FUL, dated 29 September 2010, was refused by notice dated 26 November 2010.
 - The development proposed is the change of use of buildings and part land to provide a site for travelling showpeople's use for one family - resubmission of application 10/00586/FUL.
-

Preliminary Matters

1. The Council confirmed at the hearing that it would not be pursuing the third reason for refusal in respect of Appeal A. The appeals relate to essentially the same proposal, though the details of the layout of the site in Appeal B have been amended and the site is smaller in that case. In this decision general references to the appeal site should be taken to refer to both proposals. Where necessary I refer to particular characteristics of each proposal.
2. Since the close of the hearing the government has issued a draft policy document for consultation – *Planning for Traveller Sites* – which is intended to replace current guidance in due course. This consultation document is a material consideration, but as it is at an early stage cannot be afforded full weight at the present time. However, I have taken it into account along with the representations from the parties which relate to it.

Decisions

3. APPEAL A - I dismiss the appeal.
4. APPEAL B - I allow the appeal, and grant planning permission for a time limited period for the change of use of buildings and part land to provide a site for

travelling showpeople's use for one family at The Stables, Elvington Lane, Elvington, York YO41 4DH in accordance with the terms of the application, Ref: 10/02082/FUL, dated 29 September 2010, subject to the conditions set out in the attached schedule.

Main Issues

5. The main issues in both appeals are:
- (a) whether the proposal constitutes inappropriate development in the Green Belt;
 - (b) the effect on the openness of the Green Belt and whether the proposal conflicts with the purposes of Green Belt designation;
 - (c) the effect on the character and appearance of the area;
 - (d) the effect of the proposal on the living conditions of nearby residents, with particular reference to loss of outlook, and to noise and disturbance;
 - (e) if the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether the Proposal is Inappropriate

6. The appeal site contains buildings which comprise a range of stables, a small kennel and a dilapidated open storage barn. These would all be retained in Appeal A, but the kennel and storage barn would be removed in Appeal B. In either case it is argued that the retention and re-use of the stables as storage for showmen's equipment is not inappropriate in the Green Belt. The re-use of buildings is dealt with in Planning Policy Guidance Note 2 – *Green Belts* (PPG2) at paragraphs 3.7 and 3.8. The criteria set out within paragraph 3.8 (a-d) are pertinent and I deal with them below.
7. Given that there is no proposal before me to extend or alter the buildings it follows that there would be no greater impact on openness, and criterion (a) is met. The buildings are relatively small scale and of a type and style which are not uncommon in rural areas. I am therefore satisfied that they would also meet the terms of criterion (d).
8. The re-use of the stables would be associated with the use of surrounding land which forms part of the appeal site, and would involve storage of equipment, the stationing of caravans, parking of vehicles, and the extension of the consolidated circulation area. In comparison with the current situation those elements of the proposal would be extensive. These features of the proposal would be inappropriate, and are accepted as such by the appellant. Hence I cannot agree that criterion (b) is met. Criterion (c) is more difficult. The stables are built of timber, though are set on a concrete pad, with a small plinth of concrete or brick. The building is clearly intended to last for many years, but it could not be said to have the substance of a structure built of stone, brick or concrete block. Furthermore the roof is of shallow pitch and constructed with relatively small sized supporting timbers such that it appears to be a lightweight structure. In general the stables therefore appear to have similar permanence as would be expected from a large well made shed. In my

judgement this does not equate to a definition of permanent and substantial construction. For these reasons I find that criterion (c) is not met.

9. Overall, therefore, I have reached the conclusion that the re-use of the stables as proposed is not supported by the advice contained within paragraph 3.8 of PPG2.
10. Turning to the proposals in general, I have indicated above that the appellant does not suggest that the stationing of caravans and other development would be 'not inappropriate' in the Green Belt. It is accepted that there would be loss of openness. That is a judgement with which I concur. This loss of openness means that the change of use of the land proposed cannot benefit from the support of paragraph 3.12 of PPG2.
11. Taken as a whole the advice of PPG2 does not support the finding that the re-use of the stables would be 'not inappropriate'. Similarly there is no support from PPG2 which suggests that the change of use proposed would be 'not inappropriate'. The proposed developments in their entirety would therefore be inappropriate development in the Green Belt and this factor attracts substantial weight in my consideration of the appeals. There is a presumption against inappropriate development in the Green Belt (PPG2 paragraph 3.1) and it is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted (PPG2 paragraph 3.2). Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations (PPG2 paragraph 3.2).

Effect on Openness and Purposes

12. There is already a caravan on site, which formerly had a time limited planning permission for residential occupation in association with equestrian use. The Council accepts that it could remain in situ as a chattel provided that it was used for agricultural purposes. Whilst it is in a poor state, I do not doubt that its repair or replacement with a similarly sized agricultural chattel would be possible. It is proposed to remove the caravan, which is quite large, as part of the proposed development. Hence the loss of openness associated with the development would be mitigated to a degree by the removal of the caravan.
13. But the development itself would entail far more items being brought onto the site, including a total of 4 caravans, of which 2 are intended to remain on site permanently. The total number of parked and stored vehicles and items would be up to 9 at any one time. The overall loss of openness as a result of the proposal would therefore be considerable. This is a matter of significant weight.
14. In addition the consolidated circulation area would be extended. This would be in the form of a permeable hardcore type material, to enable parking of equipment and caravans, and manoeuvring on site. In either appeal it would be roughly twice the size of the consolidated area which exists now (though that on site is at least partly overgrown). The Council contends that this would conflict with the first 3 stated purposes (in PPG2) of including land within the Green Belt, and would encourage the coalescence of urban areas. I do not entirely agree.
15. Elvington is not a large built up area, although it has some development on the periphery of the village, such as the Airfield Industrial Estate. The appeal site is also peripheral to the village. However, the developments could not

reasonably be described as contributing to the unrestricted sprawl of a large built up area. Similarly it is stretching a point to suggest that the developments would hinder the purpose which seeks to prevent neighbouring towns merging into one another. There would, though, be a degree of encroachment of development into the countryside. It is here that the proposals would be in conflict with the purposes of Green Belt designation. The conflict with the purposes of designation is of moderate weight. Given my finding that the proposals would be inappropriate, would erode openness and conflict to some degree with the purposes of Green Belt designation, the proposal would be in conflict with the objectives of Policy GB1 of the draft City of York Development Control Local Plan.

Character and Appearance

16. The appeal site is in a countryside location. The main part of Elvington village is a little way to the east, and there is a scatter of development close to the appeal site, some of which is modest scale residential development. But the scatter of development also includes the extensive airfield industrial estate and Yorkshire Air Museum to the west, and the equally extensive Elvington industrial site to the east. These 2 areas of development are significant elements of the landscape and quite close to the site. Whilst the appeal sites are within a mostly undeveloped area between the industrial sites this industrial presence has a marked influence on the character of the area. I would not go so far as to suggest that this is a mixed use character, but the rural character is severely diluted by the industrial sites.
17. The appeal site is relatively well screened from Elvington Lane, behind a belt of mature trees. These are protected and therefore it can be assumed they will remain in the long term. I note the intention to manage the tree belt and to encourage extra understorey growth, which would add further screening. Even so, I would expect there to be some visibility of the development through the trees, especially in winter when the trees are not in leaf. But in general, when seen from areas accessible to the public the appeal proposals would be of modest to slight visual impact. The Appeal A proposals would be more extensive and more likely to be seen, whilst those in Appeal B would be less visible, hence with lesser visual intrusion. It has been suggested that equipment could be stored beneath camouflaged covers when not in use in order to reduce visual impact, and I agree that this would help to assimilate the proposals.
18. In fact there are few locations where the appeal sites are visible from publicly accessible land at all. Elvington Lane is the principal viewpoint. Here traffic is usually travelling at speed, and fleeting glimpses of the site would be the most that would be experienced from a vehicle. Anyone walking the roadside footpath from the village to the airfield industrial area would have passed the village industrial site and would be aware of the airfield site before them. Passing the appeal sites between those 2 industrial locations would not result in the sudden appearance of incongruous development into an otherwise unspoilt view. In my judgement the presence of the proposed development would be restrained in comparison with the industrial sites. The same would be true when travelling in the opposite direction.
19. Overall, therefore, I consider that there would be some effect on the character and appearance of the locality, and that effect would be harmful. But the effect and harm would be relatively modest in each proposal, although the

scheme associated with Appeal B, with its more compact layout, would be of lesser harm. Nonetheless the proposals would conflict with the objectives of draft Local Plan Policy GP1, which seeks to ensure that development is compatible with its surroundings. Similarly the proposals would not accord with the objective of Policy H16, which has a similar aim. Policy H16 relates to Gypsy and traveller sites, but by analogy it can be applied in these cases.

Living conditions

20. Although there are few viewpoints into the appeal site from public areas, there is a clear view into the site from private land. This affects the properties at and around Brinkworth Hall and associated land.
21. The private driveway to those properties passes along the south-western boundary of the appellants' land holding (though the appeal site itself is set back from that). Visibility across the intervening paddock provides open views to the site, where the existing caravan, stables and other development is in full view. Visibility from gardens at the dwellings is less direct, as is visibility from most windows. I accept, however, that there would be direct views from windows in some of the properties. It is a well accepted tenet of land use planning that an individual does not have a right to a view as such. Outlook is a different concept, and the interference with outlook to the extent that living conditions become unacceptable at residential property is a legitimate concern.
22. The driveway to Brinkworth Hall and the other properties is attractive. It is lined by mature trees, and on the north-eastern side looks onto the open land of the appellants. However, the overall effect is compromised by the presence of buildings at the airfield industrial site close by to the west. But I do not doubt the affection for the approach to their properties which is held by residents here. The presence of either of the appeal developments would without doubt make a difference to the pleasure of driving, cycling or walking along the drive. But the use of the drive is unlikely to take much time in itself, and much of the pleasure of living here no doubt surrounds the wider enjoyment of the spacious surroundings which is not associated with the driveway.
23. I recognise that residents would feel that their enjoyment of their property had been diminished if either development were to be implemented. But it is difficult to conclude that the diminution of enjoyment would amount to a significant impairment of living conditions. There would, for example, be nothing in the developments which would overshadow neighbouring property, and nothing which would dominate or create oppression within neighbouring property. Some views out would be changed, but that does not equate to harm to living conditions. In any event the proposed developments could be subject to conditions which would require landscape and other treatments to be carried out in order to mitigate any effects.
24. Away from the Brinkworth Hall dwellings there are properties to the east and west of the site. Each of these has significant evergreen screens which presently shield the appeal site. From these aspects, therefore, there would be no material visual impact.
25. It is accepted that maintenance of equipment would take place at the appeal site, but from the evidence given at the hearing I do not consider that this would interfere with the living conditions of nearby residents. A condition restricting the hours of maintenance when using power tools could be imposed

to ensure no harm was caused. Overall I find that the proposals would not be unacceptably harmful to the living conditions of neighbours.

Other Considerations

26. I deal now with other considerations which must be balanced against the harm by inappropriateness, harm to openness, limited harm to Green Belt purposes, and moderate harm to character and appearance.

Need and Availability of Plots

27. It is common ground that the appellants are in need of a plot. There is also agreement that there are no alternative sites within the area which would be suitable and available for the appellants in the short term. The travelling showmen accommodation assessment published in December 2009 identified a need within North Yorkshire for 54 plots, with 13 of those being in the administrative area of York. This assessment is based on robust evidence as promoted by the recent *Planning for Traveller Sites* consultation document.
28. There are currently no plots available. The Council does not dispute this need and is seeking to include the provision of 13 permanent plots for showpeople by 2019 in its draft Local Development Framework Core Strategy. This follows the advice of Circular 04/2007 – *Planning for Travelling Showpeople*. *Planning for Traveller Sites* consultation argues that Council's should aim to provide for a 5 year supply of sites. There is clearly no 5 year supply of sites in this case.
29. At the hearing I was told that the intention is to have the Core Strategy adopted early in 2012, with an allocations Development Plan Document (DPD) seeking to identify locations following on from that. I find that an optimistic timescale in the light of the delays which are already apparent in the evidence submitted (the Strategic Housing Land Availability Assessment for example indicates that the Core Strategy is likely in 2010 – it is now therefore some 2 years later than that). In any event, even if the allocations DPD were to be progressed as quickly as anticipated, it would be almost 2 years before any sites would be known. The appellants clearly do not have such time to wait. The needs of the appellants for a plot, and the lack of any current alternatives, are matters which weigh heavily in favour of the development.

Personal Need

30. Evidence was submitted that much time has been spent seeking to find a suitable site, but to date all efforts have been unsuccessful despite contact with Council officers, and discussions regarding alternative possibilities. This type of dialogue is encouraged in the consultation on *Planning for Traveller Sites*. The dialogue has encompassed sites not just within the York area, but also surrounding districts. The appellants business is centred on servicing fairs in and around the Yorkshire area, and York would be the preferred choice of location.
31. It is common ground that the appellants are currently living in unsatisfactory circumstances on the car park of a sports club, with limited access to water, no connection to mains drains, and sometimes intermittent electricity supply. I have seen that location and agree that it is not suitable. Being located there depends on the generosity of the sports club, and there is some doubt about how long that location can be sustained. The location has little privacy and can be hazardous for children. I am satisfied that there is a strong personal need for the appellants to find an alternative.

Educational and Health Needs

32. A settled base for educational purposes for the appellants' daughters is a further factor advanced, and I accept that it is an important consideration. Support for a settled site has been forthcoming from the education authorities. A site which is not within a car park would enable better social interaction with other children and I agree that this would be educationally beneficial. However, the Local Education Authority has a duty to ensure education provision even if the appellants are without a settled site. Therefore, whilst access to educational facilities may be made more difficult should this appeal fail, this is a factor which carries moderate weight overall.
33. Access to medical facilities for children and adults alike is also important. Members of the family are in need of regular attention. This would be made more difficult without a settled base and also carries some weight.
34. Access to education and health services is recognised in Circular 04/2007 as being beneficial for some travelling showpeople. The appellants fall into that category. Access to such facilities is also recognised in the consultation on *Planning for Traveller Sites*.

Site Location

35. The locational factors shown in Annex E of Circular 04/2007 are largely met on this site. The location close to Elvington, within walking distance of services, and close to the road network for travelling, is advantageous. The site benefits from some screening and is capable of further landscaping. Impact on neighbouring uses would be limited.
36. Given that the vast majority of land outside the urban area within the York administrative area is within the Green Belt, it would be difficult to find a site which was not in that area. Because of the site attributes a degree of limited weight can be afforded to the location of the site. I am also conscious of the fact that the appellants have been in long standing discussion with Council officers in seeking to find a location suitable for their needs.

Other Matters

37. Drainage at the site has been a source of concern. There is nothing definitive which indicates that drainage would be effective with a septic tank or otherwise. However it would be possible to impose a condition requiring drainage details to be agreed prior to occupation of the plot, in order to avoid the risk of pollution. It was stated at the hearing that provision could be made even if a time limited permission were to be granted.
38. Local residents have indicated that there is concern about the effect on wildlife in the area, and specifically on the land owned by the appellants. I have been given no substantive evidence on this matter and do not find that this is sufficient to affect my consideration of the appeal.
39. The appellants refer to the fallback position, and the possibility of intensification of use of the land in its present state. As I understand it that would involve an equestrian or agricultural use. I do not regard that fallback position, even with intensification, as being of material weight in this case.
40. As requested I visited the recently permitted Gypsy site at Murton. However, there are significant differences between that site and the appeal sites. It is

located immediately adjacent to an industrial use, and does not benefit from a protected tree belt alongside it. Hence the circumstances of that case can have little bearing on this appeal.

The Balancing Exercise

41. I set out here the factors which weigh against the proposal, and the other considerations which weigh in favour.
42. Against the proposal:
 - Harm by inappropriateness, which carries substantial weight;
 - Harm to openness, which carries significant weight;
 - Harm to Green Belt purposes, which carries moderate weight;
 - Harm to the character and appearance of the area, which carries moderate weight in respect of Appeal A but limited weight in respect of Appeal B.
43. In favour of the proposal:
 - The need for sites generally, which carries significant weight;
 - The need of the appellants for a site, which carries significant weight;
 - The lack of alternative sites, which carries significant weight;
 - The educational and medical needs of the appellants, which carry moderate weight;
 - The location, which pays due regard to the advice of Annex E of Circular 04/2007. This carries some weight.
44. The factors against the proposal are in broad balance with those in favour. But the substantial harm to Green Belt objectives is such that I do not find that other considerations in this case clearly outweigh the harm identified, and they do not therefore amount to the very special circumstances which would justify the grant of permanent planning permission.
45. However, given the current lack of sites, and the potential for sites to be brought forward through the development plan process in the longer term¹ a time limited permission would be acceptable. In such circumstances, with the prospect of the site being returned to its former use in the future, the weight afforded to Green Belt considerations can be moderated, and the balance shifts in favour of development. However, in such a finely balanced case I only assess the scheme associated with Appeal B as being acceptable. The more extensive layout of Appeal A would be of greater harm, and therefore unacceptable. I believe that a period of 5 years would be appropriate and would recognise the reasonable prospect of sites coming forward through the DPD process, as advised in Circular 04/2007. Such a conclusion is also broadly supported by draft policy as expressed in the *Planning for Traveller Sites* consultation document.

Conditions

46. A list of suggested conditions has been provided by the Council and there was broad agreement at the hearing about what would be reasonable and necessary, with the exception of that suggesting a time limited permission.

¹ the consultation on *Planning for Traveller Sites* seeks to protect Green Belt land, and indicates that future site location in the Green Belt should be dealt with through the plan making process and the Council now has the opportunity to do that.

47. Given that planning permission is to be time limited and because the need is specific to the appellants I consider that it should also be personal to them. Conditions are necessary to ensure that visual harm to the area is minimised, and these would address numbers of vehicles/amount of equipment on site, numbers of caravans on site, restrictions on outside storage, landscaping, lighting, surfacing, and provision of appropriate coverings for equipment storage. However, the layout of the site is detailed on the application drawings and the Council would be able to control its implementation; hence a condition to duplicate that control would be unnecessary.
48. Conditions to control gates (in the interests of highway safety) drainage (for the reason given earlier) and refuse/recycling (to ensure adequate provision) are also necessary and reasonable. Finally a condition restricting maintenance of equipment with the use of power tools to certain hours is also necessary to ensure that no nuisance is caused to neighbours.
49. In light of the fact that the permission is to be time limited, and in order to follow the advice of Circular 11/95 – *The Use of Conditions in Planning Permissions* - I have altered the wording of some suggested conditions.

Overall Conclusion

50. For the reasons given above I consider that Appeal A should be dismissed, and that Appeal B should be allowed subject to conditions.

Philip Major

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mrs J Montgomery BSc MRICS MRTPI	Brimble Lea & Partners, Wessex House, High Street, Gillingham, Dorset SP8 4AG.
Mr R Payne MLI	Peter Swann & Associates, 20 Were Close, Warminster, Wiltshire BA12 8TB.
Mrs E Peel	Appellant
Mr L Stokes	North Yorkshire Gypsy and Traveller Officer.
Mrs Peel senior	

FOR THE LOCAL PLANNING AUTHORITY:

Mr K O'Connell	City of York Council, Development Control.
Mr M Grainger	City of York Council, Principal Officer, Forward Planning.
Mrs G Goodall	City of York Council, Assistant Development Officer, Forward Planning Team.

INTERESTED PERSONS:

Mr K Guest
Mrs J Moorhouse
Mr J Semylon
Mr I Bailey
Mrs R Semlyon

DOCUMENTS

- 1 Letter of notification of the hearing.
- 2 List of suggested conditions.
- 3 Photographs from the drive of Brinkworth Hall.
- 4 Letter from New Earswick Sports and Social Club.
- 5 Aerial photograph including the Murton site.
- 6 City of York Core Strategy Submission Draft.
- 7 List of changes to the draft Core Strategy requested by Council Members

PLANS

- A Application Plan – No 10042-3

SCHEDULE OF CONDITIONS (APP/C2741/A/10/2142092)

- 1) The development hereby permitted shall be occupied only by Mr James Peel, Mrs Emma Peel, Mrs Peel Senior and resident dependants and shall be for a limited period being the period of 5 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 Mr James Peel, Mrs Emma Peel, Mrs Peel Senior and resident dependants or at the end of 5 years, whichever shall first occur, the use hereby permitted shall cease, all caravans, materials and equipment brought on to the premises in connection with the use shall be removed and the land restored to its former condition in accordance with a scheme of work submitted to and approved in writing by the local planning authority.
- 3) The development hereby permitted shall be carried out in accordance with the following approved plan: 10042-3.
- 4) No development shall be carried out until detailed landscaping and screening proposals, including proposals for covering stored equipment when on site, have been submitted to and approved in writing by the local planning authority. The scheme shall be fully implemented within 6 months of its approval in writing.
- 5) No development shall be carried out until details of foul and surface water drainage have been submitted to and approved in writing by the local planning authority. The site shall not be occupied until the approved scheme has been implemented as approved.
- 6) No development shall be carried out until details of any external lighting to be installed have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 7) No development shall be carried out until details of external surfacing materials have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 8) No development shall be carried out until details of a refuse/recycling enclosure (including location, dimensions and materials) has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and the enclosure shall be used only for its intended purpose.
- 9) No more than 9 vehicles (a living showman's caravan, a living tourer caravan, 2 touring caravans, a commercial van, a hot food sales trailer, a mobile trampoline and 2 domestic vehicles) shall be stationed on the site at any one time.
- 10) No more than 4 caravans, only 2 of which shall be used for human habitation whilst on site, shall be stationed on the site at any time.
- 11) No part of the site shall come into use until the parking and turning areas have been provided in accordance with the approved plan. Thereafter those areas shall be retained free of obstructions and used solely for the intended purpose.

- 12) No barrier or gate to the vehicular access shall be erected within 20m of the rear of the footway on Elvington Lane abutting the site, and no barrier or gate shall open towards the public highway.
- 13) Other than the storage of the items listed in condition 9 there shall be no other outside storage on the site.
- 14) No maintenance of equipment involving the use of power tools shall take place outside the hours of 0700 to 1800 and not at any time on Sundays and Bank or Public Holidays.