

Gypsy, Traveller and Travelling Showpeople Accommodation Assessment August 2012: Burnley and Pendle

Burnley Addendum 2016: Burnley Borough Council

1 – Introduction

1.1 In May 2012 Burnley and Pendle Borough Councils commissioned the Salford Housing & Urban Studies Unit (SHUSU) at the University of Salford to produce a Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTAA) as required under current legislation and in line with current government guidance¹. The assessment provides information and data on the needs and requirements of Gypsies, Travellers and Travelling Showpeople for the following periods:

2012 – 2016 (0-5 years)

2017 – 2021 (6-10 years)

2022 – 2026 (11-15 years)

1.2 The 2012 study concluded that Burnley Borough had a need for 28 Gypsy and Traveller pitches in the period 2012 – 2026 and that Pendle Borough had no requirement for pitches (Table 9.1 page 48).

1.3 Pendle Borough Council has now adopted its Core Strategy following receipt of the Inspector's report². The inspector notes in respect of the 2012 GTAA that: "The GTAA appears to be a robust assessment of need, including of those living in bricks and mortar."

2 – 2014 Re-survey work

2.1 Due to questions over the status of a particular site described in the GTAA as "unauthorised", and reports that the site in question had been vacated, Burnley Borough Council commissioned further research in 2014 to establish the current usage of this site and the needs of its occupants. The Community Researchers who had conducted the 2012 interviews for the University of Salford were recommissioned directly by the Council and in June 2014 interviewed four households then occupying the site. In addition, further investigations took place to ascertain whether the site had the required planning permission.

2.2 Burnley Borough Council has confirmed that this privately owned site is authorised for use as a residential caravan site for the four households residing there.

3 – Burnley Local Plan

3.1 Burnley Borough Council is currently working on a new Local Plan to replace the 2006 Burnley Local Plan Second Review, providing the statutory planning framework for the borough up to 2032. The Council consulted on 'Issues and Options' and 'Issues and Options Additional Sites' documents in

¹ Section 8 of the Housing Act 1985, Sections 225 and 226 of the Housing Act 2004; and Gypsy and Traveller and Accommodation Needs Assessment Guidance, CLG October 2007

² Report on The Examination of the Pendle Core Strategy 26 October 2015

2014. These included 4 options for Gypsy and Traveller sites, including sites at Spa Wood Farm, Heald Road, Lawrence Avenue and Marlborough Street and invited comments and further suggestions.

3.2 Work has continued on developing the 'Preferred Options' and the Council has prepared this Addendum to update the GTAA following recent changes in national policy.

4 – Changes in National Policy, Guidance and Legislation

National Planning Policy

4.1 In August 2015, the Department for Communities and Local Government (CLG) published revised 'Planning Policy for Traveller Sites' to replace the previous 2012 policy. This included a crucial revision of the definition of 'Gypsies and Travellers' for planning purposes to:

Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.*

(*The words "or permanently" were removed)

4.2 The accompanying consultation report³ states, that *"The Government believes it is fair that if someone has given up travelling permanently then applications for planning permission should be considered as they are for the settled community within national planning policy rather than Planning Policy for Traveller Sites."*

4.3 The new national policy states that in assessing whether people fall within the new definition, councils must now consider, amongst other relevant matters:

- a) whether they previously led a nomadic habit of life
- b) the reasons for ceasing their nomadic habit of life
- c) whether there is an intention to resume a nomadic habit of life in the future, and if so, how soon and in what circumstances.

4.4 As this is a recent change, there is little case law or precedent on how the courts or inspectors will ultimately interpret the definition and the government are not currently proposing to issue any further guidance on the matter.

4.6 The Council is required to assess and to meet the accommodation needs of Gypsies, Travellers and Travelling Showpeople and to set pitch targets for gypsies and travellers and plot targets for travelling showpeople which address the likely permanent and transit site accommodation needs of travellers in their area.⁴

4.7 For those who do not meet the new definition of gypsies or travellers (e.g. those who do not travel or want to permanently cease travelling) and would still like a caravan pitch, their planning applications would be considered using planning policies specified in the NPPF and Local Plan, as with planning applications from any other members of the community.

³ Planning and travellers: proposed changes to planning policy and guidance Consultation Response. CLG Aug 2015

⁴ Plan-making Policy B, Planning Policy for Traveller Sites. CLG Aug 2015

4.8 The CLG document 'Designing Gypsy and Traveller Sites: good practice guide' (2008), which set out good design practice for developers and site owners was withdrawn in September 2015. No replacement guidance over and above that set out in the new revised 'Planning policy for traveller sites' is proposed by the government.

Housing and Planning Act 2016

4.9 In 2015 the government announced its intention to cancel the 2007 GTAA Guidance and publish new streamlined guidance on traveller accommodation needs assessments.

4.10 The new Housing and Planning Bill was enacted on 12 May 2016. Section 124 of the Act (Assessment of Accommodation needs) when it comes into force (two months from the date of enactment) will revoke section 225 and 226 of the 2004 Housing Act. Section 225 of the Housing Act requires local housing authorities to carry out a Gypsy and Traveller housing needs assessment (GTAA), and section 226 requires the secretary of state to issue guidance on carrying out needs assessments and the preparation of strategies to meet those needs.

4.11 The requirement to periodically review housing needs would remain and this will include the needs of people residing in or resorting to their district "with respect to the provision of sites on which caravans can be stationed ..."

4.12 Councils need to objectively assess the housing needs of their housing market areas through their Strategic Housing Market Assessments (SHMAs). SHMAs should identify the scale and mix of housing and the range of tenures that the local population is likely to need over the plan period which:

- meets household and population projections, taking account of migration and demographic change;
- addresses the need for all types of housing, including affordable housing and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes); and
- caters for housing demand

4.13 SHMAs would therefore need to assess the need and demand for caravan sites for those who meet the new definition and for those who don't.

5 – Amended Need Calculation

5.1 Following the change in definition, Burnley Borough Council revisited the anonymised raw data collected by the Salford Housing & Urban Studies Unit in 2012 and the subsequent information obtained in 2014, with a view to aligning its Gypsy and Traveller need requirements with the new definition and policy.

5.2 Although the GTAA interviews were conducted before the change in definition, the questions asked allowed officers to review the results in line with the new definition which has allowed the Council to reassess the current pitch requirement.

5.3 The alternative figures set out in the table (in brackets) reflect the results of this partial 2014 resurvey work.

5.4 The revised figures are set out in Table A1 below (which updates Table 9.1 of the 2012 GTAA Page 48):

Table A1: Summary of Gypsy and Traveller accommodation and pitch need 2012-2016

	Element of supply and need	A	B	C
		2012 GTAA	2015 GTAA Addendum (Identified Need)	2015 GTAA Addendum (Projected need*)
		Accommodation Need / Supply Total (households)	Accommodation Need / Supply Total (households)	Accommodation Need / Supply Total (households)
Current residential supply				
1	Socially rented pitches	0	0	0
2	Private authorised pitches	0	4	4
3	Total pitches in use by Gypsies and Travellers	0	4	4
Residential Pitch Need 2012 - 16				
4	End of temporary planning permissions	0	0	0
5	Concealed households (bricks and mortar and caravan sites)	6	2 (4)**	4 (6) **
6	New household formation	0	0***	0***
7	Existing Caravan Sites	4	1 (3)****	1 (3)****
8	Net movement from housing to sites	12*	2	4
9	Closure of sites	0	0	0
10	Unauthorised encampments	0	0	0
11	Movement between areas	0	0	0
12	Total Residential Pitch Need (2012–2016)	22	4	8
13	Supply (2012-2016)	0	(4)***	(4)***
14	Residential Pitch Need (2012–2016)	22	4	8
15	Residential Pitch Need (2017 – 2021)	3	1	1
16	Residential Pitch Need (2022 – 2026)	3	0	1
17	Total Residential Pitch Need (2012 – 2026)	28	5	10

How the results were reinterpreted

5.5 In order to calculate these revised figures, it was necessary to look at what interviewees had stated when asked in relation to the 2012 GTAA amongst other things: whether they currently

travelled, whether they had the means to travel, why they may have stopped travelling, how long they had been in their current property, if they wanted a site, and why – was it specifically stated that a site was required in order to resume a travelling lifestyle or was it because that they wanted to live permanently on a traveller site.

5.5 The flowing notes explain the changed calculations.

Concealed households:

Row 5: **Concealed households are those already formed but living within another household e.g. adults living with their parents. The figure of 6 concealed households in Row 5 Column A was a doubling of the need based on the interviews. For this Addendum this figure has been presented with doubling (Column C) and without doubling (Column B).

The 2012 GTAA identified **3** concealed households, all of which related to one of the interviewed households. One of these 3 concealed households, **1** already lives in a caravan in the curtilage of a house and lives a nomadic lifestyle, and therefore is deemed to require a pitch. **Yes = 1**

With respect to the other **2** whose requirements for a pitch was recorded in the 2012 GTAA, the information on nomadic habit, intentions to travel or ability to do so is not entirely clear, but on balance **1** of the 2 has been assessed as requiring a pitch. This means the revised total in Row 12 has a margin of error of plus or minus one. **No = 1** **Yes = 1**

The alternatives shown in brackets reflect the further concealed households at the 2014 resurvey at the existing caravan site whose parents travel and so have been brought up with a nomadic lifestyle and so they are assumed likely to travel in the future.

Bricks and mortar households:

Row 8: When analysing the data for those currently in **bricks and mortar**, of the **12** households interviewed, only one of the three households who currently travelled also said they wanted a pitch. **Yes = 1** **No = 2**

From the **9** who stated they do not travel, or only travel once per year, **4** households stated they do not want a pitch. This was for a mix of reasons including settling in a home due to age, never having travelled, or preferring to live in a house. **No = 4**

Of the remaining **5** who stated they do not travel, or only travel once per year, **3** households mentioned education or caring for an elderly family member as a reason for stopping travelling. When looking at nomadic habit and intentions, **1** of the 3 stated that they are “fed up of moving”, had not travelled in two years despite the means to do so, and would like a permanent site. Another **1** of the 3 had no means to travel, and despite not answering the question on when they last travelled, had been in bricks and mortar for 5 – 10 years. When weighing up the evidence, it has been concluded that these **2** households do not satisfy enough of the criteria as set out in the 2015 PPTS to be deemed in need of a pitch. The **1** remaining household of the **3** has been deemed to require a pitch as, despite not currently having the ability to travel, demonstrated in their answers a strong intention to resume travelling and a nomadic lifestyle in the near future. **No = 2** **Yes = 1**

The remaining **2** households who stated they do not travel, or only travel once per year, were then assessed in order to establish nomadic tendencies and intentions. One of these **1** stated that they had not travelled in three years despite the means to, and only did so to have a break from the house, and was therefore deemed to not be in need of a pitch. The remaining

household had led a nomadic lifestyle more recently, however was again unable to demonstrate that they planned to resume this in the future. Specifically, when asked if a site was needed in order to travel, it was stated that it was not. **No = 2**

In the above calculations, 2 of the 5 households who stated they do not travel, or only travel once per year were particularly difficult to place, but based on the evidence available it has been concluded that one of these households has not ceased travelling permanently and wants a pitch; whereas the other, although wanting a pitch, doesn't travel currently and did not say they had stopped travelling due to education, health or old age, and has not indicated any intention to travel in the future.

*Row 12: The 2012 GTAA estimated that 50% of the existing bricks and mortar population had been surveyed and so the figure of 12 in Row 8 was a doubling of the need based on the interviews. For this Addendum, this figure has been presented with doubling (Column C) and without doubling (Column B).

New Household Formation:

Row 6 ***: These figures do not include any new household formation based on the 2014 resurvey at the existing caravan site.

Existing Caravan Sites:

Row 7****: These alternatives reflect the 2012 and 2014 partially updated survey work at the existing caravan site. This site has four pitches and continues to meet the needs of the 4 households currently understood to be using the site. For the purpose of this Addendum therefore, the current needs relating to these households has been met and they have been disregarded in the Totals in Rows 12 and 17.

Future Need:

Rows 15 and 16: As with the 2012 GTAA and using the same formula (see paragraphs 9.24 of GTAA) the current need figures are then projected forward to account for new household formation over a 10 year period (in two 5 year bands).

5.6 Of the revised current need identified (Row 12 Column B) three of the households are Irish Travellers and one is Romany Gypsy.

5.67 Of the revised current need identified (Row 12 Column B) the site preferences are split between a Council run site and their 'own site' although they appear to be content with either.

6 Conclusion

6.1 Reassessing the 2012 GTAA results in the light of new national policy and in particular the revised definition, means that Burnley Borough Council has a need for **10** pitches in the period 2012–2026 if the projections are applied as they were in the 2012 GTAA and **5** if the calculation is based on actual known need plus household growth based on the interviews carried out.

6.2 How the overall need and 5 year requirement will be met will be set out in the forthcoming Preferred Options Draft of the Burnley Local Plan.