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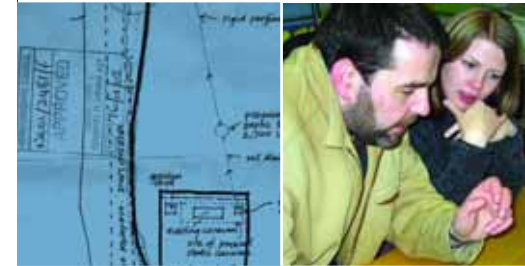
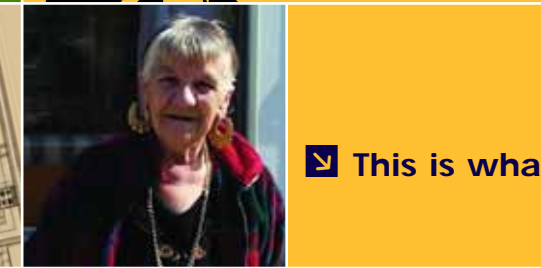
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Travellers' Times

PLANNING GUIDE

FOR GYPSIES AND TRAVELLERS



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"How do I get...

Planning Permission?"

It can be harder for Gypsies and Travellers to get planning permission than it is for other people.

It's partly because, while most people prefer homes of bricks and mortar, many Gypsies and Travellers prefer to live in trailers, caravans, mobile homes or chalets on a site.

This Guide aims to help people from the Travelling community get planning permission for this type of home.

A quarter of all Gypsies and Travellers live on unauthorised sites. (The situation got worse when Councils no longer had to provide sites in 1994.)

The Government knows there is a problem and has given Councils new guidelines on how to improve the situation. The new guidelines, called Circular 01/06, are issued by the Office of the Deputy Prime Minister.

This Guide applies to England, not Scotland. (The Welsh Assembly is revising its planning guidance.) The Guide won't tell you everything. No-one finds it easy to get planning permission. This is why many people use someone who knows about planning to get planning permission for them. But it should give you an idea about what you have to do.

I want planning permission for hard standing, caravan and a washroom on my land.



It's best to apply for Planning Permission before you set up home on your land.

It's the Planning Officer's job to help you. If the Officer thinks you will have problems, they can make suggestions.

Ask about the Council's policies for the area. Find out how the Council designates your land: is it greenbelt, open countryside or industrial?

Tip – Talk to the Planning Officer about your plans.

Ask about any planning history on this site. (Has it been turned down for planning permission before? Why?)

Try to keep a record of who you see, when you spoke to them and what they told you. Ask them to put it in writing.

Get the forms

Get a Planning Permission form from the Planning Office at the Council where your proposed site is. (It's not where you live, but where you want to live which is relevant.)

Tip – You can sometimes download Planning Application forms from the website of your local Council. Otherwise call in at their Planning Office.

For a copy of the new planning guidance Circular 01/06 go to www.odpm.gov.uk/index.asp?id=1163380



Supporting Statement

It's a very good idea to provide a Supporting Statement with your completed Planning Permission form.

A Supporting Statement is a letter which says why you need planning permission for this site. It's not essential, but it's useful.

In your Supporting Statement say:

Are you a Gypsy or a Traveller? (The new Circular 01/06 recognises "gypsies and travellers" as "persons of nomadic habit". And it recognises that Gypsies and Travellers often have to stop in one place because of schooling, health or old age.) You need to show you have had "a nomadic habit of life" and that now you need to settle.

Provide details of all the families (names, ages, children and Traveller background) who will live on the site and explain how you are related or travel together.

Explain where you are living now and why you need a site. (Are you living on the roadside, doubling up on an overcrowded site, or do you want to provide for yourselves?)

Have you had problems finding somewhere to live? Has it been difficult having to move around? Have you been evicted from unauthorised sites? (Circular 01/06 recognises "the link between the lack of good quality sites . . . and poor health and education".)

Is this site ideal? Explain how it satisfies the council policy for a Gypsy site: does it have a safe access? Is it reasonably close to shops? Is it well screened by trees and hedges?

(Your site may not tick all the right boxes – don't despair. You need to prove that there are good reasons why permission should be granted anyway. For instance, you may have nowhere else to live; you may need to be in this area because of family connections; this may be the only land you could afford to buy; or you may have been waiting five years for a pitch on a council site and can't wait any longer.)

Can you improve the way the site looks now, for example, with landscaping and trees?

Are you happy to alter your Planning Application to make it more acceptable to the Planning Office?

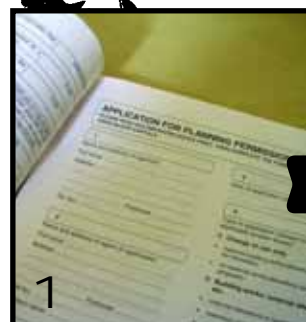
Are there any people – local councillor, site warden where you have lived, school teacher, Traveller Support Group, doctor, health visitor, neighbour – who support your application for Planning Permission? Will they write a letter of support?

Tell the Council all these things in your Supporting Statement.



How do I get Planning Permission?

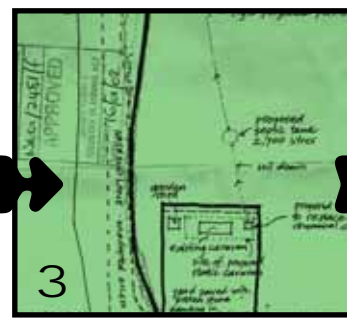
The council's planning office will want 5 or 6 copies of your completed form and plans. Keep copies for yourself too. You may need them if you have to appeal against a refusal of planning permission. You will need:



1 The completed Planning Application form.



2 A site location plan (scale 1:1250 or 1:2500). Outline the application area in red. If you own any adjoining land outline that in blue. Show some of the surrounding area and the direction of north. The site location plan should be drawn from a recent Ordnance Survey map on an A4 sheet (the same size as this Guide). Copies can be bought quite cheaply from a map shop.



3 A block or layout plan (scale 1:500). This will be a larger version of the site location plan and will show the layout of the buildings, your trailers, septic tank, hard standing and extra landscaping.



4 If you plan to put up buildings, drawings of the proposed floor plans and elevations (scale 1:50, 1:100 or 1:200), and of any existing floor plans and elevations.



5 The completed Certificate of Ownership.



6 The Fees.



7 A Supporting Statement, or letter explaining why you need Planning Permission.

We've got permission for one trailer on our site. Now I want my daughter's family to join us with their trailer.

You may need to apply for Planning Permission.

If the original Permission restricted the number of vans you could keep on the site or limited who could occupy the site (this is what's called a Personal Condition), you may need to apply for Planning Permission. Speak to the Planning Officer at the Council to find out what information they will require and how much it will cost.

Tip – Check you really do need to put in a new Planning Application. You may only need a Change of Condition.



“How do I fill in the...

Planning Application form?”

How do I fill in the Planning Application form?



➤ **No-one finds this bit easy. Here's what you do.**

You might want help (for example from a friend or a Planning Consultant, see page 10) to fill in the forms. You will almost certainly want someone to draw up the plans for you.

If you use an agent such as a surveyor or a planning advisor they will charge for their time. The Council's Planning Officer is also there to help you.

Planning Aid (see page 10) or someone from a local Traveller Support Group might be able to help.

➤ **The Planning Application form asks for lots of information. You only have to answer the questions that apply to you. They will include:**

- Your name and address.
- The location of your proposed site.
- A description of your proposed site. For example: "a site for a residential caravan for one Gypsy family and a washroom". Or "hard standing with two residential caravans and a wash house". It's easier to get Planning Permission for a small site (4 – 5 pitches) than a large one (10 – 20 pitches).
- The measurement of the site in square meters and hectares, not in yards or acres. (Councils won't look at plans which use the old measurements.)
- The type of planning application. Most applications for Gypsy sites are a Change of Use with Building Operations. Some applications will be Retrospective but the new Circular 01/06 wants Gypsies and Travellers to get Planning Permission before moving on to land and doing any work.

The rest of the form will ask questions about the site (parking spaces, any Public Rights of Way or footpaths across the land, drainage, etc) and your proposed development.

Certificate of Ownership

When you have filled in the planning part of the form, sign the Certificate about the ownership of the land.

Fill in and sign Certificate A if you own the land.

Fill in either B, C or D if you don't own the land. (You can apply for Planning Permission on land which does not belong to you, but only if you have informed the legal owners. If you do not know the owner it can get very complicated.)

★ **Tip** – It helps if you have the deeds to your land.

You will need to give details of any sewerage arrangements if your proposed site is not on, and cannot be linked to, mains sewerage. This could be a septic tank or a treatment plant, for example. Compost toilets are also possible.

Sign and date the form.

How much will this cost?

➤ **The current flat rate fee for a Change of Use of Land is £265.**

The Planning Application fee will be a few hundred pounds. But the whole business can cost £2000 – £3000 plus VAT. Some Councils charge one fee for the application; others may try to charge one fee for each pitch. When you apply for a change of use, the fee should be for all the site regardless of how many vans you put on it. Pay the planning fee up front, with your Planning Application.

What happens next?

➤ **The Planning Officer, or the Planning Committee, will decide your Application.**

If the Planning Committee are to decide, the Planning Officer will recommend to the Councillors on the Planning Committee whether or not to approve your Planning Application. The Councillors do not have to follow the Planning Officer's recommendations, but they usually do.

What to do while you wait



➤ Find out when and where your Planning Application will be considered and go along to the Planning meeting. (Some Councils will let you speak at the Planning meeting. Ask if you can. And prepare what you are going to say or get someone to speak for you.)

➤ Keep in touch with the Planning Officer to check how your Planning Application is going.

➤ Neighbours and other people will be consulted for their views. Call the Planning Officer after 3 or 4 weeks to see what comments people are making. Answer any questions as quickly as you can. The Planning Office only has 8 weeks in which to grant or refuse you permission.

➤ Are there any objections to your Planning Application? Give the Planning Officer your response to them.

➤ Is the Planning Officer going to recommend refusal of the Planning Application? Find out why and see if you can amend your scheme or provide the information they need before the decision is made. For example, they may not like the suggested layout or the size of your day room. They may want details of a visibility splay at the access.

The Council **passed** my Planning Permission. What next?

➤ **Go ahead and develop the site.**

Be sure to stick to any Planning Conditions and get the necessary Building Regulations or other approvals. You must not start until you have given the Council all the information they need to satisfy any conditions. You will also need a Caravan Site Licence and it is a good idea to find out what the requirements are before you start work on hard standings, spacing of vans, proximity of vans to site boundaries, septic tanks, etc.

They **refused** me Planning Permission. What now?

➤ **It's not the end of the road.**

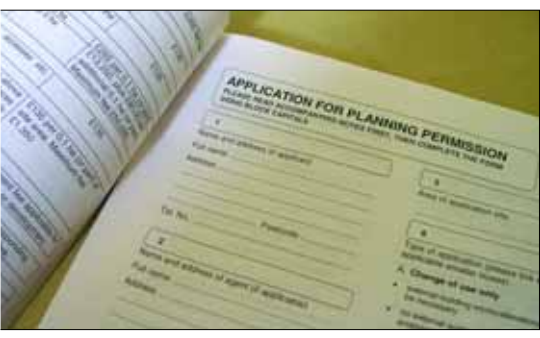
If you are refused planning permission:

➤ Speak to the Planning Officer who handled your case and find out what changes you need to make and resubmit a Revised Planning Application. You are entitled to one free resubmission, but it must be materially different.

➤ **You need to do everything you did on pages 2 and 3, but include the changes you think will help the Application be approved.**

★ **Tip** – Your Planning Officer may be able to suggest changes or alterations which will help the Resubmission get approved.

➤ **Or you might be able to appeal. See page 6.**



What we did

When Billy Varey applied for Planning Permission to Cotswold District Council, the Council's Planning Officers recommended refusing his Plans.

“We went to the planning meeting thinking they were going to chuck it out,” said Billy. “But the Council was brilliant.”

The Councillors overruled their Planning Officer and gave Billy Planning Permission. “It was difficult because this is an Area of Outstanding Natural

Beauty and I don't like caravans scattered across the countryside,” explained one Councillor. “But people have got to live somewhere. These applicants behaved impeccably: they found a site and they talked to people.”

Billy Varey said afterwards: “We've lived in the area all our lives and been moved from pillar to post. Gypsies and Travellers have just got to take that chance (on getting planning) otherwise they will be on the roadside for the rest of their lives.”



Photo: Fred Chance



"I was turned down for Planning Permission... How do I appeal?"

If you feel the Council's decision was unreasonable, and the Planning Officer cannot suggest how you can change the details on your application to get permission, you can appeal.



You will have to pay your costs (all your legal bills) on Appeal. If the Inspector decides your Appeal was unjustified (for example your site was turned down because it could flood and you haven't paid for a survey to show how to deal with the flooding), you could be made to pay the Council's costs too.

What's an Appeal?

The usual Planning Appeal for a small Gypsy or Traveller site is a Hearing.

A Hearing is where an Independent Inspector visits the site and, after listening to all sides of the case, decides whether to allow or refuse the Appeal. A Hearing can take two or more days and could cost you £4000 to £5000 or more if the case takes longer. You usually have someone to represent you at the Hearing.

The Hearing can take six to twelve months to set up. And the decision can take at least three months after the Hearing.

There are two other types of Appeal:

A Written Appeal

This is done through written statements. It could cost you around £2,500.

A Public Inquiry

This is like a Hearing, but bigger and more expensive. Usually arranged for a difficult case or a larger site, a Public Inquiry could cost you at least £800 a day and last three to four days. You may need a Barrister (this can cost at least another £6,000) and you may need to pay for other consultants to address potential problems like drainage, increased traffic or noise.

We lost our Appeal.

Is this the end of the road?

There are other things you can do. But you need professional, legal advice to take your case further.



Tip – If you have done all the work on your own so far maybe it's time to pay someone to help with your Planning Application?

What we did

School Record

"When we sent in our Planning Application we put in the children's school record cards which showed all the different schools our children had had to go to because we didn't have a settled site. I think it helped sway the Planning Committee when they realised how much we'd had to move around."

Jenny and Shaun got their Planning Permission.



Don't give up

When Greg Yates and his family failed to get Planning Permission to stay on their on land at Clearwater, West Ashling in 2001 he went for a Planning Appeal. He won on Appeal, but the local council challenged the Planning Inspector's decision in the High Court. He went to the Court of Appeal with the support of the Office of Deputy Prime Minister.

Greg won his case after four years.

Help from Planning Aid

A family of Gypsies lived on a relative's site in open countryside. When the father of the family fell ill the relative agreed they could stay on the land as long as they needed to. The Council told them they must apply for Planning Permission. But when they applied permission was turned down.

With the help of a supporter, the family went to Appeal. They won the Appeal although a total of 12 conditions were attached to the Permission.

The family felt too intimidated to go back to the Council to discuss the case further. A caseworker from Planning Aid (see page 10) was brought in. She met the family and the Council and successfully sorted out the conditions.

Both the family and the Council were happy with the result.

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GYPSIES & HORSE DEALERS AT APPLEBY HORSE FAIR This video shows living waggons on the road, to beautiful Piebald and Skewbald horses in the River Eden, there's singing in the pub and trotting horses on the lanes, deals, wheels, carts and laughter. £16.95 DVD £20.95	Romany Summer & A Family Affair Released by Granada TV exclusively to the Appleby Fair Company. "A Romany Summer" which featured a family of Gypsies who travelled and lived in the York area. During our research we also found a Calendar Special programme called "A Family Affair" We have included this film on this video. Running time 65 minutes approx. £16.95 DVD £20.95	GYPSY FAIRS & COLOURED HORSES Featuring all the action from Stow Horse Fair, Waggons on the Road to Appleby; Seamer Horse Fair; Kenilworth Horse Fair; the Skewbald and Piebald Section at the Great Yorkshire Show; Andoverford Horse Sales, and much, much more! Running Time 3 hours £21.95 DVD £25.95	The Pride of The Peaks 2005 Harness Racing, Straight Racing, Simulated Coursing, Brick-lifting Competition, Digging Competition, Lurcher and Terrier Championships and much much more Running Time 101 minutes DVD ONLY £20.95	

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"How do I...
find a site?"

We want to find a site and get Planning Permission.

✔ You've more chance of success if you find the right site and do some research before you buy or move on.



- Decide on an area for your search.
- Go and see the Planning Officer at the Councils which cover your area. Ask them where you should be looking for a site. (Councils use Proposal Maps or Development Plans to decide where development should be allowed.) This will usually be called Open Countryside, close to settlements where land is reasonably cheap and sites are accessible to shops and schools.
- When you find some possible sites, go back and ask the Planning Officer what they think of them. (Even if they are unhelpful, it will help your case later if you have to go to Appeal.)

★ **Tip** – Take care over buying land without Planning Permission. Check out the planning history of the land before you buy it.



"How do I get...
Retrospective
Planning
Permission?"

We moved on to our land because we'd nowhere else to go. The Council says we've got to apply for Planning Permission.

✔ Councils can be tougher on people who occupy land without Planning Permission. It's not against the law, but Councils have new powers to prevent you living there.



New Council powers include: Temporary Stop notices, Full Stop notices and Enforcement notices. And the Environment Agency is getting tougher where waste material is brought on to sites as hardcore for roadways without a waste licence. They will make you clear it away.

So what can we do?

✔ Put in for Retrospective Planning Permission. Follow the points on Page 2, 3, 4 and 5.

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? "How do I find... someone to help?"

Who can help me with Planning Permissions?

➤ You could use a Planning Consultant.

A Planning Consultant is an expert in planning. Be careful: some know a lot about Travellers and Gypsies and some don't.

If you are going to use a Planning Consultant, try to use one recommended by a friend.

Planning Consultants charge upwards of £50 an hour and that's for travelling time too. Keep your costs down by:

- using someone local;
- giving them all the information they need (be honest and straightforward: you'll need to trust them and they'll need to trust you);
- see if they will charge a fixed fee for the job.

★ **Tip** – You may have to pay up front or in instalments.

PLANNING EXPERTS AND OTHER USEFUL CONTACTS

Avon Traveller Support Group
Ron Stainer, 65 Hawthorn Grove, Combe Down, Bath BA2 Tel 01225 835130

Philip Brown Associates
74 Park Road, Rugby, CV21 2QX
Tel 01788 570574
Philip Brown is a Chartered Town Planner who has specialised in assisting Gypsies and Travellers including New Travellers to obtain Planning Permission for caravan sites throughout England.

Brian Cox, Sarah Green and Janine Sargoni South West Law
1 Hide Market, West Street, Bristol BS2 0BH.
Tel 0117 3146400
Email sarah.green@southwestlaw.org.uk
This legal practice offers advice on planning and legal aid in relation to Gypsies and Travellers.

Bramwell, Browne, Odedra
85 High Street, Chesham, Bucks HP5 1DE
Tel 01494 782244
Email admin@bbosolicitors.co.uk
Solicitor Jeremy Browne will assist with enquiries, planning appeals and enforcement procedures including injunctions and the threat of direct action.

Michael Cox Associates
177 Cuckfield Road, Hurstpierpoint, West Sussex BN6 9RT Tel 01273 834521
Michael Cox is a Chartered Town Planning Associate and has worked with Gypsies, Travellers, Showpeople, houseboat dwellers and New Travellers across south and west England.

Community Law Partnership
Tel 0845 1202980
The Community Law Partnership incorporates the Traveller Advice Team, a ground-breaking nationwide, 24 hour advice service for Travellers. The Travellers Team provides assistance over evictions and harassments and planning and discrimination and enjoys a national profile.

Derbyshire Gypsy Liaison Group
Siobhan Spencer, Ernest Bailey Community Centre, New Street, Matlock, Derbyshire.
Tel 01692 583300 **Email** info@dglg.org
The DGLG help Gypsies with planning problems.

Cliff and Janie Codona National Travellers' Action Group
Tel 07890 596718

Simon Fairlie
The Potato Store, Flaxdrayton Farm, South Petherton, Somerset TA13 5LR
Tel 01460 249204
Email chapter7@tio.org.uk
Free planning advice over the telephone especially aimed at smallholders and low impact, and caravan dwellers.

Alison Heine
10 Whitehall Drive, Hartford, Northwich, Cheshire CW8 1SJ Tel 01606 777757
Email heineplanning@btinternet.com
Alison Heine is a qualified planning consultant who can help with planning applications, appeals and enforcement enquiries. Willing to give free, quick telephone or internet consultations.

Maggie Smith-Bendell
Tel 01428 210899
Maggie is a Romany Gypsy Liaison Officer.

National Romani Rights Association
Basil Burton, 10 Dugdell Close, Ferndown, Dorset BH22 8BH Tel 01202 893228

Planning Aid
Provides free, independent, professional planning advice to groups and individuals who can't afford to employ professional planning experts. The service also runs planning education and community planning events. **Planning Aid** is able to assist with planning issues affecting Gypsies and Travellers. Tel 0121 7665280
www.planningaid.rtpi.org.uk

OTHER USEFUL ADDRESSES
The Gypsy Council for Education, Culture, Welfare and Civil Rights, 8 Hall Road, Aveley, Romford, Essex RM15 4HD. Tel 01708 868986

Useful website:
www.planning-applications.co.uk



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