



Department for  
Communities and  
Local Government

We want your views on our consultation on  
planning and travellers

**Please note that this is not the full consultation document. It is an easy-to-read version, which sets out in simple language what we are proposing. For full details of what we're proposing and the questions we're asking, you should refer to the full consultation document.**

**The questions we are asking can also be found in the consultation response form available on the website.**

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In this paper we use some technical words. Here are the definitions. Where they appear in this paper we have put them in bold.

**Authorised Traveller Site** – These are sites for travellers where planning permission has been given.

**Enforcement Action** – This is where councils take action against development that breaks planning rules – so that the development has to be changed or removed

**Green Belt** – Green Belt is land that is specially protected because it keeps land open and stops towns merging together. It has the highest protection in planning terms.

**Local Plan** – This is a document the council produces that shows where development should go and sets out their planning policies.

**Material Consideration** – This is something that the council (or whoever takes the decision) takes into account before deciding whether or not to grant planning permission.

**National Planning Policy Framework** – This is a document that sets out the Government's planning policies.

**Planning Policy for Traveller Sites** – This is a document that sets out the Government's planning policies specifically for traveller sites.

**Settled Community** – Those people who do not have a traveller way of life and generally live in bricks-and-mortar houses.

**Unauthorised occupation** – This happens where people live on a site without first getting planning permission.

# Summary

## What is this about?

We want to hear what you think about the changes we are proposing to make to planning policy and guidance.

In short, we propose

- Changing the planning definition of traveller so that it includes only those who travel.
- Making sure the housing need definition of gypsy and traveller matches the planning definition of traveller.
- Changing **Planning Policy for Traveller Sites** to make sure the Green Belt and other sensitive land is given proper protection.
- Making clear to councils that new traveller sites in open countryside should be very strictly limited.
- Making clear that where a council has not planned to identify traveller sites to meet their needs then this should not be a significant material consideration in relation to giving temporary planning permission in sensitive areas.
- Making clear that subject to the best interests of the child, unmet need and personal circumstances are unlikely to outweigh harm to the **Green Belt** and any other harm to mean that there are very special circumstances, which would allow a traveller site in the **Green Belt**.
- Making intentional unauthorised occupation of land a **material consideration** that would count against giving planning permission.
- Making clear that, in exceptional cases, where a council is facing a very large unauthorised site that has significantly increased their need for traveller sites, and their area is subject to planning restrictions, then it should not be assumed that the council should have to plan to meet all of their traveller site needs.
- Introducing new simple planning guidance on how councils should work out the number of traveller sites they need and also making clear that temporary stop notices can be used where unauthorised development has occurred on public land.

Our proposals would make sure that planning rules apply equally to those who lead a travelling life and those who don't; better protect our countryside and **Green Belt** and deal with problems caused by **unauthorised occupation** of land.

## What area does this cover?

This is just about planning policy in England.

## Has someone considered the impact of these proposals?

Yes. The possible impact is set out in an Equalities Statement, which we have published alongside the consultation document. We will continue to consider the impact of these proposals during and after the consultation.

## **Whose views do you want to hear?**

This is a public consultation open to anyone who has views on planning policy and guidance for travellers. We are very keen to hear views from councils, Gypsy and Traveller groups and their representatives, as well as travellers themselves.

## **How long have I got to give you my views?**

Anytime up until 23 November 2014

## **How do I give you my views?**

In writing to:

Owen Neal  
Planning – Economy and Society  
3<sup>rd</sup> Floor South East Fry Building  
Department for Communities and Local Government  
2 Marsham Street  
London  
SW1P 4DF

Or by email to:

[PPTS@communities.gsi.gov.uk](mailto:PPTS@communities.gsi.gov.uk)

## **When I've read this if I'm still unsure what you are actually proposing how do I find out more without having to read the full consultation document?**

Contact Owen Neal as above or ring him on 0303 444 4412.

## **Are there additional ways to get involved?**

We are keen to get your views in writing, by telephone or through meetings with traveller groups and those who work for and with travellers. Please contact Owen Neal to arrange.

## **What happens after the consultation?**

We will publish a Government response, including a summary of the views we have received. We will then decide - having listened to everyone's views - whether to make the proposed changes to **Planning Policy for Traveller Sites** and the planning guidance.

# Proposed changes to national planning policy and Planning Policy for Traveller Sites

## 1. Introduction

1. The **National Planning Policy Framework** and Planning Policy for Traveller Sites were both published in March 2012. These two documents should be read together.
2. We want more traveller sites that have planning permission and are in the right places to deal with the shortage of sites, a problem that has built up over time. We also want to make sure that those who have a need for a site now and in the future have their needs met. Councils should plan to work out how many traveller sites they need based on strong evidence and then work out where to place sites to meet their needs over the next 5 years in their **Local Plan**. This is similar to how councils should plan for other types of development, as set out in the **National Planning Policy Framework**.
3. We wish to make sure that the planning system treats both those who lead a travelling life and those who do not fairly and equally. When people feel that this does not happen it can often lead to problems in the community. We believe that those who have stopped travelling permanently should be treated in the same way as anyone else who does not lead a travelling life, even more so where their sites are in protected areas, such as the **Green Belt**.
4. We also want to make sure that national planning policies protect our countryside and **Green Belt**. **Planning Policy for Traveller Sites** came out over two years ago and Ministers have become more concerned that it is not providing enough protection for these areas.
5. We are also aware of the problems caused by a small number of travellers who continue to ignore planning rules and live on land without planning permission. This harms community relationships and leads to a lack of public trust and confidence in the planning system. This is unfair on those who choose to play by the rules, and makes people question whether the planning system is actually working.
6. A small number of areas - through no fault of their own - are unfairly affected by very large unauthorised sites. Councils in these areas then have to find sites in their **Local Plan** to meet this need, which has come about from those who choose to ignore planning rules. This puts off councils from taking early **enforcement action** against unauthorised sites. In some cases it means councils are under a lot of pressure as they have to plan for many more sites than would have normally been needed.

7. We want to hear your views on our proposals to make national planning policy and Planning Policy for Traveller Sites better and to help sort out the problems we've set out in this paper.
  
8. We also want to hear your views on new, simple planning guidance to help councils work out the number of traveller sites they need in their area. This fits in with the the rest of the new planning guidance on other types of development that we put on our website earlier this year. This new guidance would replace the previous Government's guidance published in 2007.

## 2. Making the planning system fair for everyone

9. The meaning of “gypsies and travellers” and “travelling showpeople” is set out in **Planning Policy for Traveller Sites**. It says that those who have stopped travelling permanently because of their, their family’s or their dependents’ ill health, education or old age, should be treated in the same way as those people who lead a travelling life.
10. We believe that those who have given up travelling permanently, for whatever reason, and apply for planning permission for a site, should be treated in the same way as those who do not lead a travelling life.
11. These people would still be able to apply for permanent caravan sites, but the application would not be considered under **Planning Policy for Traveller Sites**.
12. This is not about ethnic or racial background. We simply believe that for planning purposes a “traveller” should be someone who travels.
13. We wish to change the current meaning of both “gypsies and travellers” and “travelling showpeople” in our policy to remove the words or permanently. This would mean that only those who have a travelling life would be viewed as a “traveller” in planning policy.
14. We wish to support those who lead a travelling life, including their right to family life. In considering whether we should change the definition we will continue to give this careful thought.
15. Decision takers (councils and others making planning decisions) when working out whether the applicants would meet the suggested new definition of “travellers”, would have to think carefully and decide whether they are leading a travelling life.
16. We also wish to hear your views on what else can be done to support those who lead a travelling life, as well as any possible effects on the traveller community. For example, making sure that there are enough transit sites available at certain times of the year, so that such sites can only be occupied on a temporary basis.
17. At the moment, the law says that each local council must work out the amount and type of accommodation needed by gypsies and travellers in their area at the same time as working out the amount and type of housing needed in their area. Here, the meaning of “gypsies and travellers” is also set out in law.
18. To make it easier for councils to work out the amount and type of accommodation needed for gypsies and travellers for both planning and housing, we wish to hear your views on whether the definition of “gypsies and travellers” for housing should be the same as the proposed planning definition of “travellers”. This would mean that the definition would include only those who have a travelling way of life and would not include those who have stopped travelling permanently.

19. In thinking about this change, we would work out whether any changes to the law are needed to make sure that the accomodation needs of those who have stopped travelling permanently are worked out.

### 3. Protecting sensitive areas and the Green Belt

20. The **National Planning Policy Framework** gives important protection to certain sensitive areas<sup>1</sup>. The National Parks are one example.
21. We want to make sure councils (and others making decisions) give the right protection to these areas by changing **Planning Policy for Traveller Sites** to include sections from the **National Planning Policy Framework**.
22. We are not changing policy. We are simply being clear about those parts of the **National Planning Policy Framework** that also apply to traveller sites.
23. Paragraph 23 of **Planning Policy for Traveller Sites** means that councils should strictly limit new traveller site development in open countryside.
24. We wish to better protect the character and beauty of the countryside and wish to change paragraph 23 to say “Local planning authorities should very strictly limit new traveller site development in open countryside.”
25. Paragraph 25 of **Planning Policy for Traveller Sites** sets out that where a council cannot show they have an up-to-date supply of deliverable traveller sites to meet their needs over the next five years then this should be a significant **material consideration** in favour of giving temporary planning permission when deciding individual applications for traveller sites.
26. We wish to keep this approach - because it encourages councils to plan for travellers - but believe it has not given enough protection for the **Green Belt** and other sensitive areas.
27. We would like to change paragraph 25 in **Planning Policy for Traveller Sites** to make clear that it does not apply to **Green Belt** land and to certain other sensitive areas<sup>2</sup>.
28. Under this proposal, the lack of an up-to-date five year supply of deliverable sites would no longer be a significant material consideration in support of temporary permission for sites in these areas. Although, it could still be a **material consideration**.
29. If we make this change, we would also make sure that it applies equally to applications for homes from the **settled community**.

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<sup>1</sup> The National Planning Policy Framework gives important protection to areas covered by the Birds and Habitats Directives and / or sites designated as Sites of Special Scientific Interest; Local Green Space, Areas of Outstanding Natural Beauty, or within a National Park (or the Broads)

<sup>2</sup> As above

30. In many cases more weight is given to unmet need for traveller sites and the personal circumstances of the occupants than the harm to the **Green Belt**.
31. This is used to allow planning permission for inappropriate development. As a proportion there is a greater impact on the **Green Belt** from traveller site decisions than those made for bricks-and-mortar housing.
32. We know that court decisions make clear that the best interests of the child are a primary consideration in planning decisions that involve children. We also know that no other consideration is treated with more importance than the best interests of the child.
33. The best interests of the child will be different for each case and there may be situations where those best interests could best be met by living away from the site rather than on the site.
34. Councils (and other decision takers) need therefore to give substantial weight to the best interests of the child; however this can be outweighed by the harm to the **Green Belt** and any other harm. But this will depend on the circumstances of each case.
35. We would like to change national planning policy and **Planning Policy for Traveller Sites** to set out that, subject to the best interests of the child, unmet need and personal circumstances are unlikely to outweigh harm to the **Green Belt** and any other harm so as to show that very special circumstances exist to allow inappropriate development in the **Green Belt**.

## 4. Dealing with the problems caused by those who ignore planning rules and set up sites without planning permission

36. We want councils to plan ahead to provide sites where there is a need through their **Local Plan**. However, we are concerned about those who choose to ignore planning rules and live on land without planning permission.
37. Making a planning application before living on the land is important because it allows the council to work out the benefits of the development as well as any harm caused.
38. This means that a balanced view can be taken and a decision made. This includes whether the council should set any conditions or limitations on the development, for example, the number of caravans allowed on the site.
39. Ignoring planning rules and living on land without first gaining permission raises questions about the effectiveness of the planning system. This harms public trust and confidence in the planning process as a whole.
40. Using conditions on a planning permission to stop or limit any harmful effects from the development, for example, environmental harm or public health and safety issues, is a very important part of the planning process.
41. A condition could mean that changes are needed to a public highway to help with road safety. It could also mean that actions are taken to lower the risk of flooding; or make sure that very old woodland is not lost.
42. Living on land without planning permission often means the harm has already taken place and little can be done to stop it happening. Also, it is clear that living on land without planning permission causes problems between those who live on the site and the rest of the community. This can be worse in protected areas (such as the **Green Belt**) where those who follow the rules would be unlikely to gain planning permission.
43. It also costs the council money in taking planning **enforcement action** against those who have ignored planning rules. Costs they would not have had to pay had planning permission first been applied for and gained. This can also include the costs of bailiffs and police action.
44. We do not want to stop people from applying for planning permission after the development has taken place (known as retrospective planning permission). Sometimes people do not know that planning permission is needed. Being able to make a planning application after the development has taken place means that these innocent mistakes can be put right. But choosing to ignore planning rules is unacceptable and makes people ask why we have a planning system at all.
45. We would like to change national planning policy and **Planning Policy for Traveller Sites** to make clear that where people choose to ignore planning rules

and live on land without first gaining planning permission, this should be a **material consideration** that counts against their proposal.

46. This does not mean that applications for retrospective planning permission should be automatically refused, but that failing to apply for planning permission before living on land will count against the application. We hope that this will encourage everyone to go through the planning process first before living on land and carrying out development.
47. Where people are living on large unauthorised sites, councils can find that the number of sites needed in their area can go up quickly, and more so than would have been normally expected.
48. These large unauthorised sites could encourage other travellers to move to the area from other parts of the country, which further adds to the number of sites the local council needs to plan for.
49. This situation affects some areas more than others, and makes it difficult for those councils to plan to meet their traveller needs, even more so where they have a large amount of protected land (such as **Green Belt**) in their area.
50. Although these large sites are very unusual they have a major impact on the local area. It means that a small number of councils have to spend large amounts of money on **enforcement action** against a large number of people. They then have to plan to meet the increased need that arises from those who choose to ignore planning rules and live on land without planning permission. This can lead to problems within the community and damages public trust and confidence in the planning system.
51. We believe that some of the proposals set out in this paper will help the small number of councils in this very unusual situation. However, we are keen to know whether there is anything else that might help.
52. At the moment where the council can show that their need for traveller sites cannot be met because they have a lot of protected land (for example, **Green Belt**), they do not have to meet those needs in full. This is important for those councils faced with very large unauthorised sites.
53. To help lift some of the burden on such councils, we could change **Planning Policy for Traveller Sites** to set out that in exceptional cases, where a council is facing a very large unauthorised site that has significantly increased their need for travellers sites, and their area is subject to planning restrictions, then it should not be assumed that the council should have to plan to meet all of their traveller site needs.
54. We recognise that in this situation the council may plan to provide less sites than the number of sites needed. This is likely to mean that those travellers evicted from very large unauthorised sites may not have their needs met in the local area and would need to move to another area. Councils would need to think carefully about

where the residents of such sites might go, and the effects on them of not meeting their needs.

55. We are keen to make sure that the policies achieve their aims. We want therefore to think carefully about the effects of these proposals before deciding what to do next.

56. We also wish to hear your views on new simple planning guidance on how councils should work out the number of traveller sites they need. This fits in with the other new simple planning guidance which is available on our website.

57. Furthermore, we also wish to make clear in the draft planning guidance that Temporary Stop Notices can be used where unauthorised development has occurred on public land.

58. We would welcome your comments on the draft planning guidance for travellers which is attached to the end of the full consultation document (Annex A).