

## APPENDIX E

### TONBRIDGE & MALLING BOROUGH COUNCIL

### PLANNING and TRANSPORTATION ADVISORY BOARD

04 June 2013

#### Report of the Director of Planning, Housing and Environmental Health

#### Part 1- Public

#### Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)

#### **1 A REVISED GYPSY AND TRAVELLER ACCOMMODATION ASSESSMENT FOR TONBRIDGE AND MALLING**

**This report summarises the results of the revised Gypsy and Traveller Accommodation Assessment (GTAA) and sets out a proposal for responding to future needs through the Local Plan process.**

#### **1.1 Introduction and Background**

- 1.1.1 The Housing Act in 2004 placed a duty on Local Authorities to produce accommodation needs assessment for Gypsies and Travellers and in 2005/6 DCA Research completed a first GTAA for Tonbridge and Malling jointly with Tunbridge Wells, Ashford and Maidstone. This assessment is now out of date.
- 1.1.2 In March last year the Government published the National Planning Policy Framework (NPPF) and also a separate document entitled 'Planning Policy for Traveller Sites' (PPTS). It is anticipated that the PPTS will be incorporated into the NPPF at some point in the future. For the time being they are to be read in conjunction with each other.
- 1.1.3 Policy A of the PPTS, entitled 'Using an Evidence Base to Plan Positively and Manage Development' notes that in assembling evidence to support their planning approach, Local Planning Authorities should pay particular attention to early and effective community engagement, including discussing Traveller's accommodation needs with Travellers themselves, their representative bodies and local support groups. Local Planning Authorities should work collaboratively with neighbouring authorities and use a robust evidence base to establish accommodation needs to inform local plans and make planning decisions.
- 1.1.4 In September 2012 Salford Housing and Urban Studies Unit, part of Salford University, were commissioned jointly by the Council together with Ashford and

Gravesham Councils to prepare new GTAA's for each of the authorities using an established methodology already used to update GTAA's in Sevenoaks and Maidstone earlier in 2012. Since commissioning last autumn, most of the Kent Districts have since decided to use Salford for this task ensuring a consistent approach across the County.

- 1.1.5 Surveys with the Gypsy and Traveller community located in Tonbridge and Malling were carried out in October 2012 and a first draft report received before Christmas. Following discussions with the consultants it was decided to separate out the Gypsy and Traveller needs into a Part One report and the Travelling Show People needs into a Part Two report as the former was becoming an urgent piece of evidence in a number of ongoing appeals. This report concerns the final Part One report, which was received in May. It is anticipated that the Part Two report concerning Travelling Show People will also be finalised shortly.

## **1.2 Summary of Key Findings**

- 1.2.1 An Executive Summary of the Assessment can be found at **[Annex 1]** to this report.
- 1.2.2 The assessment was informed by a review of the results of the previous GTAA and published data sources including the biannual caravan count, 2011 Census and local authority information. The survey of 56 Gypsy, Traveller and Travelling Show People households carried out in October 2012 represents an estimated 55% of the total population of 102 households living in the borough, which is considered to be a representative sample and statistically sound for the purposes of this assessment.
- 1.2.3 The consultants concluded that the resident population comprises at least 380 individuals or 102 households distributed across the following accommodation types:
- 1.2.4 24 households living on two socially rented (public) sites (Coldharbour and Windmill Lane, both managed by Kent County Council).
- 1.2.5 5 households on four privately owned sites, two with permanent planning permission (Rear of the Harrow Public House, Hadlow and Orchard Place, Offham) and two with temporary permissions (Rear of Methodist Church, Offham (to 7.7.13) and Sunny Meadow/Paddock Leybourne (to 22.8.14)).
- 1.2.6 7 households on two sites, formally unauthorised, but deemed to be lawful or tolerated (Hoath Wood and Church Lane East Peckham).
- 1.2.7 10 households on seven unauthorised developments (these sites were subject to appeals or enforcement action at the time of the survey. Five cases are still under consideration (The Horseshoes, Sandy Lane Offham; The Hollies, Askew Bridge, Platt; Malling Meadows, Teston Road, West Malling; Land west of Branbridges Road, East Peckham).

- 1.2.8 Two appeals at Well Street and Old Orchard were allowed in March this year. These households are now privately owned sites with planning permission and this has to be taken into consideration when looking at the bottom line.
- 1.2.9 52 households in bricks and mortar. These are gypsy and traveller households living in houses in the borough.
- 1.2.10 There are also 3 Travelling Showpeople households located at Constitution Hill, Snodland (privately owned, with planning permission) and one unconfirmed unauthorised encampment, also a Travelling Showperson household.
- 1.2.11 The average household size is four, although this varies across accommodation types. There are strong local connections across the whole population, although this varies within the families living on the unauthorised developments, with the exception of Hoath Wood. The local population is predominantly Romany Gypsy (80%), with smaller numbers of Irish Travellers and Travelling Show People.
- 1.2.12 The survey showed that the local population is quite static with those who do tending only to travel for one to two weeks a year.
- 1.2.13 The need assessment for the period to 2012-2028 is summarised in Table (i) of the appended Executive Summary (There is a more detailed breakdown in Table 9.1 of the full report). The need is expressed in terms of pitches needed. It is worth noting that a pitch generally equates to a single family unit or household, which may represent more than one caravan – this can lead to some confusion when comparing figures from the caravan count and needs assessments.
- 1.2.14 The need for the first five year period (2012-2017) is for 22 new pitches.
- 1.2.15 The assessment has assumed all of the new capacity at Coldharbour Lane (18 additional pitches during 2013) is available to meet the needs in Tonbridge and Malling, leaving a net need of four pitches. This assumption may have to be qualified by the allocations policy adopted by KCC and the comments in the recent appeal Inspector's reports, which will be addressed below.
- 1.2.16 The two allowed appeals reduce this figure by a further three pitches leaving a pitch need of one for the period to 2017.
- 1.2.17 The need for the remaining years to 2028 is 17 pitches. This means the total net need for additional pitches in Tonbridge and Malling between 2012-28 is 18, taking into consideration the recent appeal decisions and assuming all of the Coldharbour pitches are made available.
- 1.2.18 The consultants recommend revisiting the assessment in approximately five years.

### **1.3 Implications of Recent Appeal Decisions**

- 1.3.1 The two allowed appeals at Well Street, East Malling and Old Orchard, Rochester Road, Aylesford in March were accompanied by Inspector's reports which made similar points in reaching their decisions.
- 1.3.2 The Council's case was based on the fact that the sites were an inappropriate use and contrary to planning policy and also that new provision for approved pitches is being made available at the Coldharbour Lane site. Neither of the sites are located in the Metropolitan Green Belt.
- 1.3.3 Although both Inspectors attributed some weight to personal circumstances that would have made moving to the Coldharbour site difficult for the appellants, the main reason for allowing the appeals was that the extra pitches at an expanded Coldharbour could not be guaranteed for families living in the Borough, pending the final allocations policy agreed by KCC, and in any case only offering one public site was not, in the Inspector's opinions, sufficient in terms of meeting the Government's new Traveller policy, which requires a range of options and more choice. **In that context**, the Council could not demonstrate an adequate five year supply of pitches.
- 1.3.4 The implications of these decisions are that in planning to meet future need the Council will have to consider identifying sites that are suitable for future private pitches in addition to the public pitches already being developed at Coldharbour. In the shorter term, there are also implications for the ongoing appeals, if the Council cannot rely on the additional capacity at Coldharbour in contributing towards future supply.

### **1.4 Planning to Meet Future Needs**

- 1.4.1 The level of need is relatively low in Tonbridge and Malling compared to neighbouring authorities. For example, Sevenoaks District and Maidstone Borough have a significantly higher unmet need of 40 and 105 pitches respectively for the first 5 year period of their GTAA's (2011-16).
- 1.4.2 This and the fact the Council is embarking on a new Local Plan that is anticipated to be adopted by 2015 points towards planning for any new need arising through the Local Plan process, rather than as a separate Development Plan Document.
- 1.4.3 The Local Plan process will involve objectively assessing needs for a wide range of uses over the plan period, for new homes, employment sites, infrastructure, leisure and town centre uses as well as accommodation needs for Gypsies and Travellers. In doing so it will be essential to engage with and consult local communities. It will also be necessary to work collaboratively with neighbouring authorities in accordance with the Duty to Cooperate.
- 1.4.4 As previously noted, most of the Kent Districts are in the process of updating their GTAA's. Each District is exploring ways of meeting local needs internally, but there

may a need to discuss a more strategic approach in due course. This may be more pertinent with regard to meeting the future needs of Travelling Show People due to the nature of their businesses and the propensity to travel. There is currently little enthusiasm for the latter among the Kent authorities, although there are indications that authorities in Surrey and Greater London may be more interested in such a study.

## **1.5 Concluding Remarks**

- 1.5.1 The revised GTAA for Tonbridge and Malling (Part One) has been finalised and updates and replaces the DCA study of 2005/6. It provides a robust and relevant piece of evidence for the ongoing and future appeals and the basis for planning for future provision of pitches through the Local Plan.
- 1.5.2 The levels of need for the next five years and over the study period up to 2028 are relatively modest compared to neighbouring authorities. The level of need is influenced by the allocation of pitches and contribution of the additional capacity at Coldharbour Lane expected to be made available during 2013. Planning for future capacity will also have to take into account the new PPTS requirement, introduced by Government, for there to be a choice of public and private sites.

## **1.6 Legal Implications**

- 1.6.1 The Housing Act 2004 places a duty on Local Housing Authorities to prepare GTAAs. This is reinforced in the NPPF and PPTS for Local Planning Authorities.

## **1.7 Financial and Value for Money Considerations**

- 1.7.1 The joint commissioning of Salford University is expected to deliver a cost saving the final details of which will be known when the Part 2 report is finalised.

## **1.8 Risk Assessment**

- 1.8.1 Failure to demonstrate an up to date GTAA and a five year supply of deliverable sites can result in planning appeals being upheld.

## **1.9 Equality Impact Assessment**

- 1.9.1 See 'Screening for equality impacts' table at end of report

## **1.10 Policy Considerations**

- 1.10.1 The results of the GTAA will provide the evidence base for revised policies for meeting the needs of Gypsies and Travellers and Travelling Show People in the new Local Plan.

## 1.11 Recommendations

- 1.11.1 That Members note the finalisation of the revised Part One Gypsy and Traveller Accommodation Assessment and the key findings summarised in this report; and
- 1.11.2 Recommend Cabinet agree the proposed way forward set out in Section 1.4 to plan to meet the objectively assessed needs for future accommodation to 2028 via the Local Plan process.

The Director of Planning Housing and Environmental Health confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and policy Framework.

Background papers:

Gypsy, Traveller and Travelling Showpeople  
Accommodation Assessment: Tonbridge and Malling  
Part 1: Gypsy and Traveller Assessment (Salford  
University April 2013)

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Screening for equality impacts:		
Question	Answer	Explanation of impacts
a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	No	The revised GTAA seeks to address the future accommodation needs of a hard to reach group.
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	Yes	The outputs of the GTAA will be used to positively plan for future needs through the Local Plan.
c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		

*In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above.*