

Rugby Borough Council

Gypsy and Traveller Site Need and Supply Background Paper



January 2022

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1. Introduction

- 1.1. This Background Paper is intended to form part of the evidence base for the emerging Rugby Borough Gypsy and Traveller Site Allocations Development Plan Document. It provides information on:
 - The national and local planning policy context;
 - The identified need for Gypsy and Traveller pitches in Rugby Borough;
 - The provision of pitches since April 2017; and
 - The remaining need compared with the adopted Rugby Borough Local Plan pitch requirements to 2032.
- 1.2. This Background Paper also provides a summary of the Caravan Count for Rugby Borough since July 2017, including the July 2021 Count, and a summary of the records maintained by Rugby Borough Council on unauthorised encampments since the 2017 GTAA, i.e., between 1 April 2017 and 30 September 2021. Both sources of data were used in the 2017 GTAA to inform trends in the population levels and distribution of gypsies and travellers in Rugby Borough.

2. National and Local Planning Policy Context

National Planning Policy Framework (July 2021)

- 2.1 The National Planning Policy Framework (NPPF, 2021)¹ sets out the Government's planning policy on a range of matters.
- 2.2 Paragraph 4 states *'The Framework should be read in conjunction with the Government's planning policy for traveller sites, and its planning policy for waste. When preparing plans or making decisions on applications for these types of development, regard should also be had to the policies in this Framework, where relevant.'*
- 2.3 Paragraph 35 states that 'Plans are 'sound' if they are:
- 'a) Positively prepared – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs²¹; ...'*
- 2.4 Paragraph 60 of the NPPF sets out that:
- 'To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.'*
- 2.5 Paragraph 62 of the NPPF requires that:
- 'Within this content, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers²⁷, people who rent their homes and people wishing to commission or build their own homes²⁸).'*
- 2.6 Footnote 27 of Paragraph 62 states: *'Planning Policy for Traveller Sites sets out how travellers' housing needs should be assessed for those covered by the definition in Annex 1 of that document.'*

Planning Policy for Traveller Sites (August 2015)

- 2.7 Planning Policy for Traveller Sites (PPTS, 2015)² sets out the government's planning policy for traveller sites. It states that the overarching aim of government is to *'ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.'* (Paragraph 3).

¹ National Planning Policy Framework 2021 – <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

² Planning Policy for Traveller Sites 2015 – <https://www.gov.uk/government/publications/planning-policy-for-traveller-sites>

2.8 In producing local plans, local planning authorities should:

- Use a robust evidence base to establish accommodation needs;
- Set pitch targets for gypsies and travellers and plot targets for travelling showpeople to address the likely permanent and transit site accommodation needs of travellers in their area;
- Identify and update annually a supply of specific deliverable sites to provide 5 years' worth of sites against their locally set targets;
- Identify a supply of specific developable sites or broad locations for years 6 to 10 and, where possible, for years 11-15;
- 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;
- Protect local amenity and environment; and
- Set criteria based policies to meet identified need and/or provide a basis for decisions in case applications nevertheless come forward.

2.9 The PPTS also states that '*local planning authorities should ensure that traveller sites are sustainable economically, socially and environmentally*' (Paragraph 13) by ensuring that policies:

- Promote peaceful and integrated co-existence between the site and the local community.
- Promote access to appropriate health services.
- Ensure that children can attend school on a regular basis.
- Provide a settled base that reduces both the need for long-distance travelling and possible environmental damage caused by unauthorised encampment.
- Provide for proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well-being of any travellers that may locate there or on others as a result of new development.
- Avoid placing undue pressure on local infrastructure and services.
- Do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans.
- Reflect the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability.

2.10 Temporary or permanent traveller sites in the Green Belt are classed as inappropriate development which is harmful to the Green Belt and should not be approved, except in very special circumstances. The PPTS does however allow the local planning authority to make an exceptional, limited alteration to the defined Green Belt boundary (which might be to accommodate a site inset within the Green Belt) to meet a specific, identified need for a traveller site. This should only be done through the plan-making process and not in response to a planning application. If land is removed from the Green Belt in this way, it should be specifically allocated in the development plan as a traveller site only. (Paragraphs 16 and 17).

2.11 Annex 1 of the PPTS sets out for the definitions of gypsies and travellers and travelling showpeople for the purposes of the planning system. Annex 1 is included as Appendix 1 of this Background Paper.

Rugby Borough Local Plan 2011-2031 (June 2019)

- 2.12 The Rugby Borough Local Plan 2011-2031³ was adopted in June 2019.
- 2.13 Policy DS2: Sites for Gypsies, Travellers and Showpeople sets out the required pitch provision for gypsies and travellers in the Borough up to 2032. The pitch provision was identified by the Rugby Borough Council Gypsy and Traveller Accommodation Assessment Study 2017⁴.
- 2.14 Policy DS2 states that the Council will allocate land in a separate Gypsy and Traveller Site Allocations Development Plan Document (DPD) to meet the requirements as identified by the Gypsy and Traveller Accommodation Assessment (GTAA) 2017. The GTAA will be updated on a regular basis and pitch allocations requirements updated through the GTAA process. The requirements identified in the GTAA 2017 and subsequently set out in Policy DS2 are as follows:

Figure 1 - Local Plan Policy DS2 - Additional Gypsy and Traveller residential pitches required 2017-2032 (Source: Rugby Borough Local Plan 2011-2031, adopted June 2019)	
Timeframe	Total required pitch provision
2017 to 2022	35
2022 to 2027	12
2027 to 2032	14
Total	61

- 2.15 Policy DS2 also sets out the criteria to be used when assessing the suitability of sites for allocation for residential and mixed use occupation by Gypsies, Travellers and Travelling Showpeople, and for the purposes of considering planning applications for such sites.
- 2.16 The supporting text to Policy DS2 in Paragraphs 4.20 to 4.28 of the Local Plan sets out the expected approach to the Gypsy and Traveller Site Allocations DPD.
- 2.17 Policy DS2 and the supporting text in Paragraphs 4.20 to 4.28 is included as Appendix 2 of this Background Paper.

Equality Act 2010

- 2.18 Romany Gypsies and Irish Travellers constitute separate ethnic groups protected as minorities under the Equality Act 2010 engaging the Public Sector Equality Duty under section 149. There is therefore a statutory duty on public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations in the course of developing policies and delivering services.

³ Rugby Local Plan 2011-2031, adopted June 2019 –

https://www.rugby.gov.uk/info/20004/planning_strategy/348/local_plan_2011-2031

⁴ Rugby Borough Council Gypsy and Traveller Accommodation Assessment Study, August 2017 -

https://www.rugby.gov.uk/downloads/file/1450/lp_57_-_gypsy_and_traveller_accommodation_assessment_study

3. Gypsy and Traveller Accommodation Need and Provision in Rugby Borough

Introduction

- 3.1 The latest version of the Gypsy and Traveller Accommodation Assessment (GTAA)⁵ was published in August 2017. It was produced in line with the definitions of gypsies and travellers as set out in the 2015 PPTS. The assessment took into account current pitch need and demand, as well as future need, and was based on modelling of data as advocated by the 'Gypsy and Traveller Accommodation Assessment Guidance' (DCLG, 2007). The GTAA assessed the need for the period 2017-2037. The base date for the need figures is 1 April 2017.
- 3.2 The GTAA considered the requirement for two different types of pitches:
- Residential pitches that can be a longer-term base for a household; and
 - Transit pitches.

Existing Provision of Pitches at 31 August 2017

- 3.3 The existing provision at the time when the 2017 GTAA was published is summarised below and shown in Appendix 3 to this background paper: GTAA 2017 – Existing Gypsy and Traveller sites at 31 August 2017.

Permanent Planning Permissions

- 3.4 At the time when the 2017 GTAA was published, in Rugby Borough there were 20 sites with full planning permission accommodating 101 permanent residential pitches. 19 sites were private sites and 1 site was owned by Rugby Borough Council. 17 of these pitches were occupied by non-Gypsy and Traveller households. Table A of Appendix 3 of this background paper lists the authorised permanent sites at 31 August 2017.

Figure 2 - Permanent Residential Pitches 2017 (Source: Rugby BC GTAA August 2017)	
Type of site	Number of Pitches
Authorised with permanent planning permission, occupied ⁶	73
Authorised with permanent planning permission, vacant ⁷	3
Authorised with permanent planning permission, potential ⁸	8
Authorised with planning permission, occupied by non Gypsy and Traveller households ⁹	17
Total permanent residential pitches with planning permission¹⁰	101

⁵ Rugby Borough Council Gypsy and Traveller Accommodation Assessment Study, August 2017 - https://www.rugby.gov.uk/downloads/file/1450/lp_57_-_gypsy_and_traveller_accommodation_assessment_study

⁶ GTAA 2017, Paragraph 6.13.

⁷ GTAA 2017, Paragraph 6.14.

⁸ GTAA 2017, Paragraph 6.19.

⁹ GTAA 2017, Paragraph 6.4.

¹⁰ GTAA 2017, Paragraph 6.4.

Temporary Planning Permissions

- 3.5 In addition, at the time when the 2017 GTAA was published, in Rugby Borough there were two sites with temporary planning permission accommodating 6 residential pitches. Both sites were private sites. 1 of these pitches was occupied by a non Gypsy and Traveller household. Table B of Appendix 3 of this background paper lists the authorised temporary sites at 31 August 2017.

Figure 3 - Temporary Residential Pitches 2017 (Source: Rugby BC GTAA August 2017)	
Type of site	Number of Pitches
Authorised with temporary planning permission, occupied ¹¹	5
Authorised with temporary planning permission, occupied by non Gypsy and Traveller households ¹²	1
Total temporary residential pitches with planning permission¹³	6

Unauthorised Developments

- 3.6 At the time when the 2017 GTAA was published there were a further 3 unauthorised sites without planning permission accommodating 16 pitches. Table C of Appendix 3 of this background paper lists the unauthorised sites at 31 August 2017.

Figure 4 - Unauthorised Residential Pitches 2017 (Source: Rugby BC GTAA August 2017)	
Type of site	Number of Pitches
Unauthorised without planning permission ¹⁴	16
Total unauthorised temporary residential pitches without planning permission¹⁵	16

Need for Additional Pitches 2017-2032

- 3.7 With regards to future pitch requirements, as set out in Policy DS2 of the adopted Local Plan, the GTAA 2017 identifies that between 2017 and 2032 a total of 61 permanent residential pitches are required in Rugby Borough¹⁶. This is divided into 3 five year periods as follows:

Figure 5 - Additional Gypsy and Traveller residential pitches required 2017-2032 (Source: Rugby BC GTAA August 2017)	
Time period	Number of pitches required
Total 2017-22	35
Total 2022-27	12
Total 2027-32	14
Total	61

¹¹ GTAA 2017, Paragraph 6.20.

¹² GTAA 2017, Paragraph 6.20.

¹³ GTAA 2017, Paragraph 6.5.

¹⁴ GTAA 2017, Paragraph 6.6.

¹⁵ GTAA 2017, Paragraph 6.6.

¹⁶ GTAA 2017, Table 6.5, Page 75.

Need for Transit Accommodation

- 3.8 The 2017 GTAA found that there was a total of 96 unauthorised encampments over the period January 2015 to April 2017. Excluding unauthorised encampments of unusual length, the average length of encampments was 5 days. There was, however, an absence of data regarding the average number of vehicles per unauthorised encampment which made it difficult to determine the number of transit pitches required.¹⁷
- 3.9 Consequently, the 2017 GTAA recommended that Rugby Borough Council considers setting up a negotiated stopping places policy to deal with smaller unauthorised encampments.¹⁸ It also recommended that the Council works with neighbouring authorities to determine the location of new transit provision within the county to address the larger-scale and longer-term unauthorised encampments.¹⁹

Need for Travelling Showpeople

- 3.10 At the time when the 2017 GTAA was published there were no Showpeople yards in Rugby Borough and only one known Showperson family who resided on a private pitch.²⁰ Consequently, no need for plots or yards for Travelling Showpeople was identified in the GTAA.

Development of Gypsy and Traveller Pitches between 1 April 2017-31 October 2021

- 3.11 Between 1 April 2017 and 31 October 2021 planning permission was granted for 24 permanent residential pitches. Of these 10 pitches are subject to a personal occupancy condition.
- 3.12 Between 1 April 2017 and 31 October 2021 planning permission was also granted for 1 temporary residential pitch, which was subject to a personal occupancy condition. This permission expired on 30 October 2021.
- 3.13 No transit sites have been permitted since 2017.
- 3.14 Appendix 4 to this background paper lists the permanent and temporary sites permitted between 1 April 2017 and 31 October 2021.

¹⁷ 2017 GTAA, Paragraph 6.36

¹⁸ 2017 GTAA, Paragraph 6.37

¹⁹ 2017 GTAA, Paragraph 6.38

²⁰ 2017 GTAA, Paragraph 4.6

4. Gypsy and Traveller Accommodation Current Supply in Rugby Borough

The remaining pitches needed as at 1 November 2021 compared with the requirement in Local Plan Policy DS2

- 4.1 Between 1 April 2017 and 31 October 2021 planning permission has been granted for 24 permanent residential pitches and 1 temporary residential pitch.
- 4.2 The permission for the temporary pitch has now expired so this is not counted in the supply of pitches since 1 April 2017.
- 4.3 The 2017 GTAA includes a total of 4 pitches at two sites in the authorised permanent sites which were granted planning permission after 1 April 2017: three pitches at Land at rear of Marisburn House and one pitch at Land at Gipsy Lane. The pitches at these sites were included in the baseline to calculate the need for permanent residential site pitches 2017-2022 (see Table 6.1, Page 68, 2017 GTAA). This means that the 'Current occupied permanent residential site pitches' in line 1 of Table 6.1 should be 69 rather than 73. To order to ensure there is no double-counting in terms of meeting the need identified in the 2017 GTAA and Policy DS2 of the adopted Rugby Borough Local Plan 2011-2031 it is considered that these two sites should not be counted as permissions since 1 April 2017, as they have already been counted in the baseline in the 2017 GTAA.
- 4.4 This means that 20 permanent residential pitches that have been granted planning permission since 1 April 2017 can be counted as contributing to the 61 permanent residential pitches required between 2017/18 and 2031/32 in Policy DS2 of the adopted Rugby Borough Local Plan 2011-2032.
- 4.5 Therefore, the remaining requirement for permanent residential pitches at 1 November 2021 is 41 pitches.

Five Year Land Supply for Gypsy and Traveller Sites

- 4.6 Paragraph 10 of the Planning Policy for Traveller Sites (PPTS, 2015) requires that '*Local planning authorities should ... identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets.*'
- 4.7 As at 31 March 2021, when comparing permissions against the policy requirements set out in Policy DS2, the Council had an undersupply of 8 pitches. Between 1 April 2017 – 31 March 2021 28 pitches were required but only 20 pitches were granted planning permission – a shortfall of 8 pitches.
- 4.8 15 more pitches would be required between 1 April 2021 and 31 March 2022 to meet the requirement for 35 pitches between 2017-2022 as set out in Policy DS2. No further planning permissions have been granted for pitches since 1 April 2021.

- 4.9 For the 5 year period 1 April 2021 to 31 March 2026, the annualised requirement equates to an unmet need for an additional 16.6 permanent pitches. Together with the existing undersupply from the period 1 April 2017 to 31 March 2021 of 8 pitches, a total of 24.6 pitches are therefore required over the next 5 years.
- 4.10 As noted above, no planning permissions have been granted for pitches since 1 April 2021 that would contribute to the 5 year supply in the period 1 April 2021 to 31 March 2026. Furthermore, there are no allocated sites to contribute to the 5 year supply. In the absence of any identified deliverable sites, the Council therefore has 0 years supply.
- 4.11 Given the lack of identified deliverable sites at this time, the Council has no supply and is therefore reliant on individual applications coming forward to meet the required need until the Gypsy and Traveller Site Allocations DPD has progressed.

The Current Provision of Pitches in Rugby Borough

- 4.12 At 1 November 2021 there are a total of 121 authorised permanent pitches and 0 authorised temporary pitches in Rugby Borough. All these pitches are situated in the Green Belt. There are no travelling showpeople plots.
- 4.13 In addition to the authorised permanent pitches in Rugby Borough there are a number of unauthorised sites which are the subject of current planning applications or current planning appeals and enforcement cases. Further details are set out in Paragraphs 4.15 to 4.18 below.
- 4.14 Appendix 5 to this background paper lists the authorised and unauthorised sites in Rugby Borough at 1 November 2021.

Current Planning Applications in Rugby Borough

- 4.15 There are currently 7 undetermined planning applications for a total of 18 gypsy and traveller pitches at two private, adjoining sites in Rugby Borough.

Current Planning Appeals and Enforcement Cases in Rugby Borough

- 4.16 Planning permission was refused on 30 June 2021 for 2 pitches on a private site in Rugby Borough. An appeal against the planning refusal has been submitted and the appeal date is awaited. An enforcement appeal related to the same site has been held and the Planning Inspector's decision is awaited.
- 4.17 Enforcement appeals are pending and due to be heard in March 2022 at one of the private sites in Rugby Borough which has undetermined planning applications (see Paragraph 4.15).

Planning Applications Refused since 1 April 2017

4.18 Three planning applications have been refused since 1 April 2017:

- One planning application for 1 pitch on a private site was refused in December 2019. This site was visited for the July 2021 Caravan Count but there were no caravans on the site.
- One planning application for 4 pitches and an amenity block was refused in July 2021. An appeal was submitted but subsequently withdrawn in October 2021. This site was visited for the July 2021 Caravan Count but there were no caravans on the site.
- One planning application for 2 pitches was refused in July 2021 and is currently subject to a planning appeal (see Paragraph 4.17).

5. Additional Data on Trends in Population Levels in Rugby Borough

- 5.1 The 2017 GTAA used the Caravan Count and records of unauthorised encampments to inform trends in the population levels and distribution of gypsies and travellers in Rugby Borough.
- 5.2 A summary of the Caravan Count results for Rugby Borough since July 2017, including the July 2021 Count, is set out below. A summary of the records maintained by Rugby Borough Council on unauthorised encampments since the 2017 GTAA, i.e., between 1 April 2017 and 30 September 2021, is also provided.

Caravan Count July 2021

- 5.3 The Caravan Count is undertaken twice a year by the Borough Council – once in January and once in July. No count was taken in July 2020 or January 2021 due to the Coronavirus outbreak.
- 5.4 The number of caravans on authorised pitches recorded in Rugby Borough between July 2017 and July 2020 has averaged 173 caravans, with a peak of 211 caravans in January 2018. Since then, it has declined to 161 caravans in January 2020. These figures are higher than the trend noted in the 2017 GTAA.
- 5.5 The number of caravans on unauthorised pitches recorded in Rugby Borough between July 2017 and July 2020 has averaged 35 caravans, with a peak in July 2019 of 53 caravans. This declined to 33 caravans in January 2020. These figures are lower than the trend noted in the 2017 GTAA.
- 5.6 It should be noted that the Caravan Count provides a snapshot only of the number of caravans on all sites on the day of the count. The Count cannot reliably or credibly be used on its own as there is a risk that the count will under-estimate need:
- It will ignore those normally resorting to the borough who are away in another local authority administrative area on the day of the count;
 - It can miss caravans that are present in the borough;
 - It does not provide information about the number of households or individuals in the caravans, the adequacy of their accommodation, their needs and preferences, their travelling patterns or their reasons for living where they do;
 - It will not establish the need for pitches among those housed in bricks and mortar, or whether some of those on unauthorised sites would prefer to live in bricks and mortar if they could access it;
 - It does not provide information on matters such as need in the immediate/ short-term future as a result of new household formation or suppressed households; and
 - Counts by themselves do not indicate what type of site is required – e.g permanent or transit.

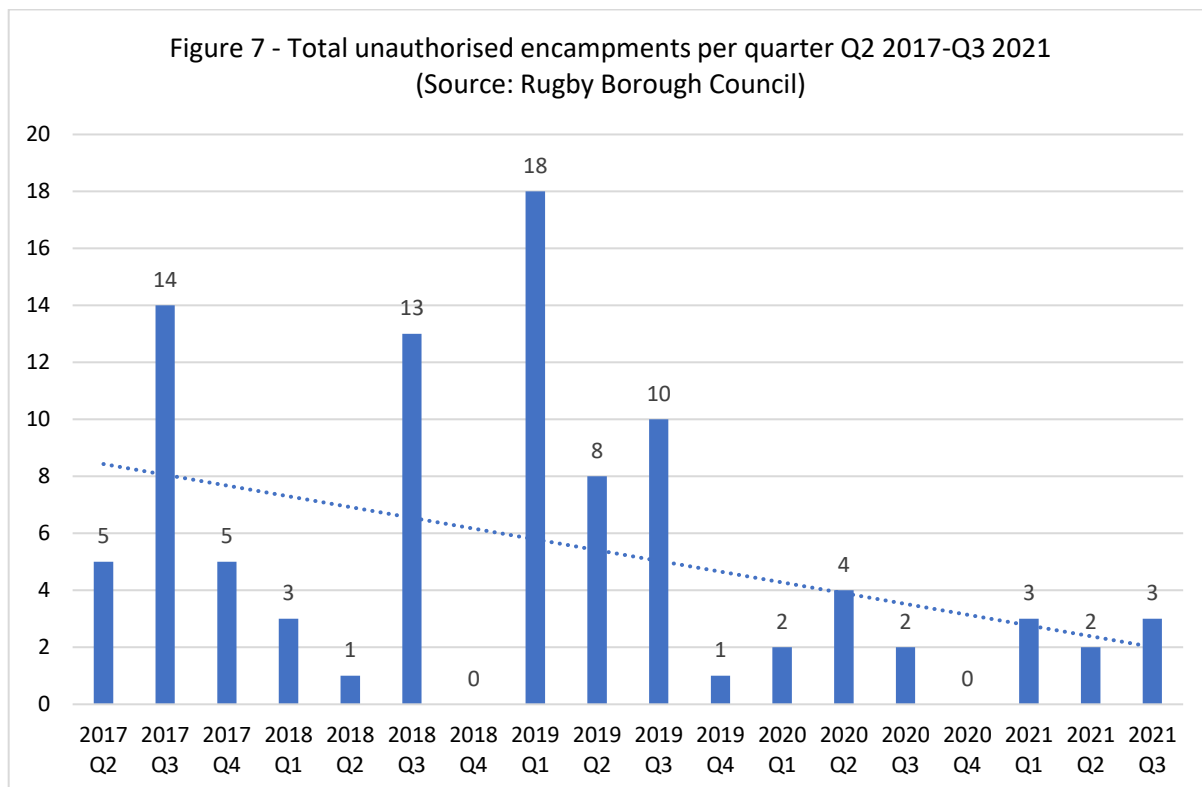
- 5.7 The most recent Caravan Count was held on 28 July 2021. 209²¹ caravans were recorded in Rugby Borough on the day. Figure 6 below lists the caravans recorded by the type of site.

Figure 6 - Caravan Count 28 July 2021 – Caravans recorded by type of site	
Type of Site	Total Number of Caravans recorded
Authorised permanent sites	183
Authorised temporary sites	2
Unauthorised, tolerated sites	24
Unauthorised, intolerated sites	0
Total	209

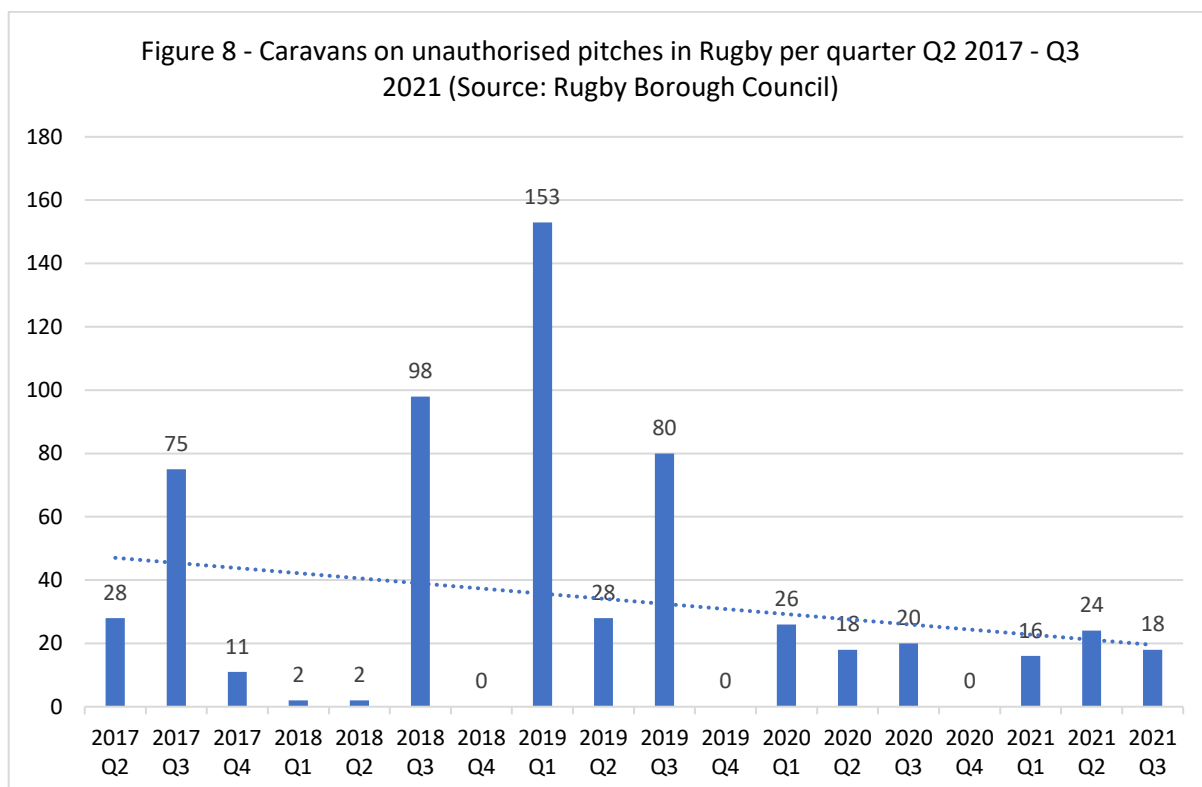
Unauthorised encampments

- 5.8 Rugby Borough Council keeps detailed records of unauthorised encampments. The records for unauthorised encampments in Rugby Borough between 1 April 2017 (2017 Quarter 2) to 30 September 2021 (2021 Quarter 3) have been collated to provide an update on the number of unauthorised encampments in Rugby Borough since 2017 and an indication of the number of caravans on unauthorised encampments. The broad location of these encampments has also been identified. It should be noted that this period includes the Coronavirus outbreak which resulted in restrictions on travel and may have reduced the number of unauthorised encampments.
- 5.9 There was a total of 94 unauthorised encampments for the period April 2017 to September 2021 equating to an average of 5 per quarter. As shown on Figure 7 below, the lowest number of unauthorised encampments in a full quarter was zero which occurred between October to December 2018 and again between October to December 2020. The highest number of unauthorised encampments was 18 between January to March 2019. The overall trend is that, on average, the number of unauthorised encampments within the borough has been steadily decreasing – continuing the downward trend identified in the 2017 GTAA.

²¹ An additional 9 caravans were recorded on the July 2021 Caravan Count for Rugby Borough at an authorised permanent site which crosses the boundary with Hinckley and Bosworth Borough Council. The planning permission for this site permits 8 transit and 3 permanent pitches but no caravans are to be sited in Rugby Borough.



5.10 Figure 8 below shows the number of caravans recorded on unauthorised encampments per quarter between April 2017 and September 2021. It should be noted that the number of caravans has not always been recorded on each encampment, so these figures are in most cases a minimum. The overall trend is that the number of caravans on unauthorised encampments within the borough (where recorded) has been steadily decreasing. However, it is clear from Figure 8 that there are significant variations in the number of caravans recorded in each quarter.



- 5.11 Figure 9 below shows that the majority of unauthorised encampments between April 2017 and September 2021 have been in Rugby (76%). This is a similar pattern to that identified in the 2017 GTAA, although there have been a significantly greater number of encampments at Brownsover and Brandon than previously noted.

Figure 9 Unauthorised encampments by location Q2 2017-Q3 2021 (Source: Rugby Borough Council)		
	Number	%
Rugby	71	76%
Brandon	6	6%
Brownsover	11	12%
Dunchurch	2	2%
Long Lawford	1	1%
New Bilton	1	1%
Stretton on Dunsmore	2	2%
Total	94	