

Proof of Evidence

Town and Country Planning Act 1990 Section 78 appeal against the refusal of planning permission

Subject of Evidence: Land at Lawrences Lane, Thatcham

Appeal: APP/W0340/W/22/3292211

Site: Land at Lawrences Lane, Thatcham

Proposal: Change of use to 7 no. Gypsy/Traveller pitches comprising
7 no. static caravans, 7 no. day rooms, 7 no. touring
caravans and associated works

Council Reference: 21/02112/FUL

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1. Introduction

- 1.1 My name is by Dr Michael Bullock, Managing Director of arc4 Ltd. I hold a BSc(Hons) and PhD in Geography, both from Lancaster University. I have over 25 years' housing research experience and I am a Member of the Market Research Society and a Member of the Chartered Institute of Housing.
- 1.2 I was responsible for preparing the Gypsy and Traveller Accommodation Assessment (GTAA) evidence base including the latest GTAA which was published in June 2021. Over the period 2012-2022, we have completed GTAAs for 100 local authorities (72 initial studies for LAs and a further 28 updates). Since the revised PPTS was published in August 2015, we have completed GTAAs for 58 local authorities (34 initial studies for LAs and a further 24 updates). Overall, through our GTAAs we have interviewed 3,231 Gypsy and Traveller households living on pitches, 348 living in Bricks and Mortar accommodation and 540 Travelling Showperson households. Our work has been successfully tested at 7 local plan examinations.
- 1.3 I confirm that the evidence which I have prepared and provided for this appeal is true to the best of my knowledge and belief. I confirm that the opinions expressed are my true and professional opinions.

Purpose and Scope of Evidence

- 1.4 This proof of evidence has been prepared to set out the evidence of need for additional Gypsy and Traveller pitches in West Berkshire.

2. Pitch supply and residential pitch need in West Berkshire

Pitch supply in the GTAA

- 2.1 In West Berkshire there is one council site (with 16 pitches currently being refurbished), 3 private authorised sites (with 27 pitches) and one unauthorised site with 1 pitch. The location of sites is summarised in a map at Appendix A. There are also transit pitches at 1A Paices Hill (16 transit pitches although there is planning permission to change the use of 8 pitches to residential). There is one Travelling Showperson's yard used for storage.
- 2.2 A comprehensive household survey was carried out as part of the 2021 GTAA (CD7.15). Data from a total of 20 households helps inform an understanding of the range of Gypsy and Traveller households living in West Berkshire:
- 16 household interviews were achieved in the 2021 household survey;
 - 1 household survey from the 2019 household survey has been reanalysed; and
 - data for 3 households is based on planning application data.
- 2.3 Survey responses were weighted to take account of non-response households. A total of 20 responses from 29 households were achieved, so a weighting of 1.45 (29/20) has been applied.
- 2.4 The Council site at Four Houses Corner is currently being refurbished; 16 pitches were expected as per the 2021 GTAA (CD7.15) but this has now been revised to 17 pitches. It is recommended that when the site reopens, a survey of households is carried out to determine long-term needs from children and young people living on the site. It is therefore logical to assume that the 2021 GTAA (CD7.15) sets out a minimum residential pitch need across West Berkshire.
- 2.5 Note that the appellant site at Land at Lawrences Lane, Thatcham was not included in the 2021 GTAA (CD7.15). That said, the GTAA modelling of short term need (Table 6.1 of the 2021 GTAA CD7.15) includes an allowance at row 3g for 9.7 households moving into West Berkshire based on past trends in migration. Therefore, it can be

reasonably assumed that the residential pitch needs at the Lawrences Lane site has been accounted for in the GTAA.

Evidence of need

- 2.6 The 2021 GTAA (CD7.15) identified a minimum need over the plan period to 2037/38 for 30 additional pitches and of this number, 20 pitches are needed for households who meet the nomadic habit of life definition set out in the August 2015 Planning Practice for Traveller Sites (PPTS). It was recommended that the Local Plan recognises the overall cultural need for 30 pitches to ensure that need from all Gypsies and Travellers is considered in the Local Plan.
- 2.7 The minimum need over the short-term five year period 2021/22 to 2025/26 was for 13 pitches, of which 9 is PPTS need and 4 non-PPTS need. Our methodology includes need from unauthorised sites as an immediate need.
- 2.8 The GTAA (CD7.15) also considered a range of potential supply options which could help meet this shortfall. This included turnover on public sites, regularisation of unauthorised pitches and new pitch provision.
- 2.9 Given that the council site at Four Houses Corner is currently being refurbished, no turnover data is available to inform the 2021 GTAA.
- 2.10 Table 2.1 summarises the need for Gypsy and Traveller pitches across West Berkshire and the supply-side factors which have the potential to reduce need based on the 2021 GTAA (CD7.15).
- 2.11 Table 2.2 then sets out three changes to supply since the 2021 GTAA was completed as set out at rows B1, B2 and B3.
- 2.12 Row B1 of Table 2.2: There is potential additional permanent residential pitch capacity at 1A Paices Hill. There is capacity for at least 8 residential pitches through the change of use of some transit pitches. An application for the change of use of 8 transit pitches to 8 permanent pitches at Paices Hill was approved by the Local Planning Authority on 30th September 2022 (reference 22/00120/FUL). The decision notice and officer's delegated report provided at Appendix B.

- 2.13 Row B2 of Table 2.2: One additional pitch at Four Houses Corner is planned. It is planned to submit a planning application during the latter half of 2022, with works commencing subject to planning consent and clearance of any pre-commencement conditions thereafter. It is therefore reasonable to count this in to the Council's 5 year supply, and this is recognised by the Inspector in the recent appeal for a pitch at Ermin Street, Lambourn Woodlands (paragraph 46 of APP/WO340/W/22/3292939) (CD9.1).
- 2.14 Row B3 of Table 2.2: One additional pitch at Ermin Street, Lambourn Woodlands which has recently been granted planning permission.
- 2.15 Factoring in these supply factors at Rows B1, B2 and B3 of Table 2.2, the 5-year need has changed from 5 (of which 1 is need from households meeting the PPTS nomadic habit of life definition) to 3 (and all PPTS need is met). The plan period need changes from 22 (of which 12 is PPTS need) in Table 2.1 to 20 (of which 10 is PPTS need) in Table 2.2.

Table 2.1 Addressing Gypsy and Traveller pitch need		
West Berkshire	Cultural need	Of which PPTS NEED
5yr Authorised Pitch Shortfall (2021/22 to 2025/26) (A)	13	9
Additional residential pitches (B)	8	8
Residual need 2021/22 to 2025/26 with additional residential pitches included in supply (C) = A-B	5	1
Longer-term need 2026/27 to 2037/38 (D)	17	11
Residual need 2021/22 to 2037/38 with additional residential pitches included in supply (E) = C+D	22	12
Summary	Cultural need	Of which: PPTS NEED
Plan period Authorised Pitch Shortfall (2021/22 to 2037/38) (F)	30	20
Additional residential pitches (G)	8	8
Residual need 2021/22 to 2037/38 after potential pitch development considered (F-G)	22	12

Source: Table 6.4 West Berkshire 2021 Update GTAA

Table 2.2 Addressing Gypsy and Traveller pitch need updated		
West Berkshire	Cultural need	Of which PPTS NEED
5yr Authorised Pitch Shortfall (2021/22 to 2025/26) (A)	13	9
Additional residential pitches (B1) – Paices Hill transit to residential	8	8
Additional residential pitches (B2) – Additional pitch at Four Houses Corner	1	1
Additional residential pitches (B3) – Additional pitch at Ermin Street, Lambourn Woodlands (recently granted permission)	1	1
Residual need 2021/22 to 2025/26 with additional residential pitches included in supply (C) = A-B1-B2-B3	3	-1
Longer-term need 2026/27 to 2037/38 (D)	17	11
Residual need 2021/22 to 2037/38 with additional residential pitches included in supply (E) = C+D	20	10
Summary	Cultural need	Of which: PPTS NEED
Plan period Authorised Pitch Shortfall (2021/22 to 2037/38) (F)	30	20
Additional residential pitches (G)	10	10
Residual need 2021/22 to 2037/38 after potential pitch development considered (F-G)	20	10

Supply going forward

- 2.16 There are three planning applications, the first has been recently approved, and the second and third are pending consideration, with details as follow:
- i. As already highlighted, 22/00120/FUL Land at Paices Hill, Aldermaston (Appendix B): Change of use from 8 transit caravan pitches to 8 permanent Gypsy/Traveller pitches. This was permitted on 30th September 2022. The Inspector for Ermin Street (CD 9.1), in paragraph 49, considers that the site does not represent a new site allocation as it is currently used for transit pitches. Whilst it is not a new site the allocation is for a permanent use rather than transit, and therefore contributes to the supply of sites to meet the permanent need.
 - ii. 22/01899/FUL: Land west of pumping station, Enborne Row, Wash Water (Appendix C): Change of use of land for 2 Gypsy/Traveller pitches comprising the siting of 1 mobile home, 1 touring caravan, and the proposed erection of 1 dayroom per pitch.

Pending consideration. At the current time there is a submitted appeal for this development in respect of an enforcement notice.

- iii. 22/02400/FUL: Land at Mount Pleasant Farm, Enborne, Newbury (Appendix D): The change of use of land to a gypsy and traveller caravan site consisting of 1 no. mobile home, 1 no. utility dayroom, 1 no. touring caravan, and associated development. Pending consideration (valid on 2/11/22).
- 2.17 Aside from the 8 pitches permitted on land at Paices Hill, Aldermaston, which is accounted for in the supply, there are potentially three additional pitches coming forward.
- 2.18 A pitch on land at Hillplace, Bath Road, Woolhampton (reference 22/01659/FUL) was refused planning permission for 1 pitch (addition to already permitted pitch) on 28th October 2022. The basis of the refusal was mainly for technical reasons, as outlined in the decision notice included in Appendix E.
- 2.19 The Local Plan Review (LPR) (CD7.9) includes a policy to carry forward the Paices Hill allocation for 8 pitches, which was allocated in the Housing Site Allocations Development Plan Document, and will remain until the permission is implemented. This is the approach taken to all sites allocated in the Housing Site Allocations DPD. There is a policy proposed to assess all sites for pitches, for the allocated site, the allocated travelling showperson's site and for windfall sites.
- 2.20 It is proposed to consult on the Regulation 19 version of the LPR in early 2023. As part of the Regulation 18 consultation of the Local Plan Review a question was specifically asked to provide the Council with details of available land for gypsies and travellers. No land was submitted. The Council accepts submission of land for identification through the Housing and Economic Land Availability Assessment (HELAA), and this is an open process where the HELAA is updated regularly. To date, only the travelling showperson site at Long Copse Farm, Enborne, which is already an allocated site, has been submitted.
- 2.21 Alongside submission of the Local Plan Review, and to prevent delay in submitting the Plan, the Council will prepare a Development Plan Document for Gypsies and Travellers, to seek to address the remaining need. This will need to take account of the repopulation of Four Houses Corner and an update to the GTAA. The Local

Development Scheme has been updated, and was uploaded to the Council's website on 1st November 2022. The relevant pages are located in Appendix F.

Past need and supply

- 2.22 It is noted in the appeal decision for the traveller pitch at Ermin Street (CD 9.1) that the Inspector considered, in paragraphs 49 and 51, that 'there is a long-standing failure to allocate land to meet Gypsy and Traveller needs in the district. There has been a requirement to allocate land for Gypsy and Traveller sites since 1994 and since then no sites have been allocated in the development plan except for Paices Hill in the current adopted DPD.' With respect to the Inspector, the Council strongly disagrees and notes that this comment stemmed from a verbal comment from the appellant's advocate at the Inquiry, with no evidence to confirm this from the appellant's advocate, and no opportunity for the Council to provide evidence in response at short notice. The Council therefore provides the following evidence to highlight that although there is a requirement to ensure the needs of the travelling community are met, in West Berkshire (having been made a unitary authority in 1998) there was no identified need for a number of years, and therefore no allocations made.
- 2.23 The Berkshire Structure Plan 1991-2006 (Appendix G) highlights that the then Berkshire County Council provided six permanent sites which were considered sufficient to meet the needs of gypsies in Berkshire. Adequate provision for transit sites was needed, and a generic policy was set out by which to assess applications.
- 2.24 The Berkshire Structure Plan 2001-2016 (Appendix H) outlined that the Unitary Authorities in Berkshire already ran a number of gypsy sites. The policy outlined in the Structure Plan would be used to determine planning applications or use the principles to develop more detailed policies in Local Plans.
- 2.25 The South East Plan (Regional Spatial Strategy) adopted in May 2009 (Appendix I) sat above the Structure Plan, and set out the requirements for Gypsy and Traveller Accommodation Assessments, and where there is a 'clear and immediate need' local planning authorities should bring forward development plan documents containing site allocations in advance on regional consideration of pitch numbers, and completions of the Accommodation Assessments.

- 2.26 The Newbury District Local Plan 1991-2006, adopted in 1996 (Appendix J), outlined that the Structure Plan considered that there were a sufficient number of sites to meet the permanent needs of gypsies residing in Berkshire, and these included the then County run sites at Burghfield (Four Houses Corner) and the private site at Paices Hill, Aldermaston. A need for transit sites was highlighted, with a criteria based policy to assess such applications by included (Policy HSG17).
- 2.27 The West Berkshire District Local Plan 1996-2001, adopted in 2002 (Appendix K), outlined that the Structure Plan considered that there were a sufficient number of sites to meet the permanent needs of gypsies residing in Berkshire, as above. In addition to the need for transit sites, as identified in the previous Local Plan together with criteria based policy, the Local Plan also included a criteria based policy (Policy HSG17A) for permanent sites, in accordance with Government guidance Circular 1/94 (now archived).
- 2.28 The West Berkshire District Local Plan 1996-2001 was formally 'saved' in 2007. This was at a time of changing Government guidance to replace Local Plans with the Local Development Framework, and a Core Strategy was being prepared. Policies HSG17 and HSG17A were saved, noting that Circular 01/2006 indicated that Core Strategies should set out criteria for the local of Gypsy and Traveller sites, and that the criteria would be used to meet unexpected demand. The Core Strategy and Site Allocations DPDs would replace the policies in due course.
- 2.29 The West Berkshire Core Strategy 2006-2026 was adopted in 2012 (CD 7.2). No sites were sought to be allocated, as this would be for the Site Allocations Development Plan Document to cover. The approach was found sound by the Inspector, as highlighted below.
- 2.30 Paragraph 128 of the Inspector's report: *'Policy CS9 Gypsies and Travellers and Travelling Showpeople. I have considered the soundness of this policy in the light of national guidance in Planning Policy for Traveller Sites March 2012 and the NPPF. The policy rightly makes clear that identified needs will be met by allocations in the Site Allocations and Delivery DPD. The criteria for allocations and any other applications are reasonable for sites outside settlement boundaries, but would be unjustified within settlement boundaries, where such sites should be treated in the same way as other residential development. Their applicability only outside*

settlement boundaries is needed for the policy to be justified and is made clear in MM 5.17’.

- 2.31 The Main Modifications added the sentence ‘for sites outside settlement boundaries’ to the end of the second paragraph, and a further bullet point in the list of criteria ‘Where applicable have regard for the character and policies affecting the North Wessex Downs AONB’.
- 2.32 The West Berkshire Housing Site Allocations Development Plan Document (HSA) 2006-2026, was adopted in 2017 (CD 7.3). The HSA allocated Paices Hill, as previously explained.
- 2.33 In preparation for the HSA and for a GTAA a call for sites was conducted in 2014 for land for Gypsy and Traveler and Travelling Showpeople. The site at Paices Hill (8 pitches) and a site at Clapper’s Farm, Bloomfield Hatch, near Beech Hill (up to 5 pitches) were initially recommended for allocation. The GTAA was finalised in 2015 in accordance with the GTAA practice guidance at that time, and was used to inform the pitch target and policy in the submitted DPD. A total of 17 pitches were identified as being required between 2014 and 2029, with 4 within the first 5 year period. However, the PPTS was revised in 2015 to change the definition of who is a ‘traveller’ and changed the focus of the PPTS. The authors of the GTAA were not confident that the GTAA could be fully relied upon as a reflection of need following the change of definition. The evidence for the short term was considered robust but uncertain and not robust for the later part of the plan. The decision was taken to continue with one site for gypsies and travellers. Paices Hill was an existing site and therefore could make provision. The evidence was considered sufficient to withdraw Clappers Farm from the DPD, as delivery was not profiled to be needed until later in the plan period, after 2021. The Inspector for the HSA DPD found this approach sound, as explained below. As a further note, it is now unlikely that the site would be included as an option for a new Gypsy and Traveller site as the land is within the Detailed Emergency Planning Zone (DEPZ) of Burghfield Atomic Weapons Establishment (AWE).

‘115. During the course of the Examination the Council reconsidered the advice in the revised ‘Planning Policy for Traveller Sites’ (Department of Communities and Local Government – August 2015), particularly in terms of the definition of a ‘Traveller’. A ‘Gypsy and Traveller Accommodation Assessment’ was undertaken in 2014 but the Council is not confident that it

sufficiently reflects the up-dated advice referred to above and therefore it is proposed to delete policy TS 3.

116. I am mindful that the policy only identified an area of search for a Gypsy and Traveller site and that the provision of up to 9 pitches would be implemented after 2021. In these circumstances I agree that, as it stands, the policy is not sufficiently robust with regards to longer-term provision. I have considered whether or not this section of the HSADPD should be revised at this time but have concluded that a more pragmatic approach should be adopted and that revised proposals should be included within the forthcoming WBLP (anticipated adoption in 2019). This will ensure adequate short-term provision, whilst establishing that appropriate proposals for medium and longer term provision will be addressed shortly. MM47 which deletes policy TS 3 and its supporting text is therefore recommended.'

- 2.34 The preparation of the current Local Plan Review follows the HSA DPD together with two GTAA's. As explained previously, the Council will prepare a Gypsy and Traveller Development Plan Document, which will include an update to the GTAA following the repopulation of Four Houses Corner. This is due for adoption in 2027, with a criteria based planning policy proposed in the Local Plan Review to guide allocated and windfall sites.
- 2.35 In conclusion, it is not considered that there has been a long term failure of the Council to allocate land for Gypsies and Travellers. The evidence at each point in Local Plan policy did not support such allocations, up until relatively recently. The HSA DPD allocated enough land to meet the short term need based on the evidence in the GTAA and taking into account changes in national policy and was endorsed by the HSA DPD Inspector.

Alternative sites

- 2.36 It is reasonable to conclude that there is limited availability of alternative authorised sites in West Berkshire. The GTAA outlines that there are two vacant transit pitches at Paices Hill (New Stocks Farm), though there are restrictions on the occupiers of such pitches, including a restriction on the length of stay to 3 months. No details have been submitted by the appellant to demonstrate that sites outside of the District are available, or indeed that other plots of land were investigated within the District.

3. Conclusions

- 3.1 The latest evidence from the 2021 GTAA identifies a shortfall in Gypsy and Traveller pitches across West Berkshire. The overall need is for 30 additional pitches of which 20 is PPTS need over the period 2021/22 to 2037/38. Once a range of potential supply options are considered, the shortfall is 20 of which 10 is PPTS need. For the five year period 2021/22 to 2025/26, there is no longer a shortfall in the 5 year PPTS need.

- 3.2 The Council recognises the need for Gypsy and Traveller pitches and is taking action to address the short term shortfall as identified by granting planning permission at Paices Hill, Aldermaston, and planning for an additional pitch at Four Houses Corner, and committing in the LDS to a Gypsy and Traveller DPD to be completed by the autumn of 2027 to address the identified long term need. This will address Gypsy and Traveller need in a planned way ensuring that the most appropriate locations are allocated.