Tandridge District Council

**Evaluation of the Gypsy and Traveller Accommodation Assessment 2017 and TDC’s approach to Traveller applications**

Our Local Plan (Submitted 2019) - Supporting Paper 2

September 2019
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Executive Summary

1.1 This assessment of the Gypsy Traveller Accommodation Assessment, 2017 (GTAA) (SAD14) has been prepared to provide further detail for the Planning Inspector and to accompany the suite of examination documents relevant to the submitted Local Plan.

1.2 In preparing the Local Plan, the Council has utilised and been reflective of the most up to date available evidence on gypsy and traveller accommodation needs in the published GTAA 2017 (SAD14). The Council continue to support this evidence and the approach it has taken in response. It remains the primary evidence base published and submitted alongside the Council's Local Plan (MD1).

1.3 For context, completeness and in response to those objecting to the base data used for the GTAA and to the Council’s approach to traveller provision, when compared to earlier evidence in the Traveller Accommodation Assessment (TAA) 2013, the Council felt it important to set out a full comparison between the two assessments. By doing this, the Council can show that the base data used to inform the Local Plan was correct at the time of the study.

1.4 The methodology used by the Council’s consultants, ORS in SAD14 has also been used by Reigate and Banstead Borough Council and Elmbridge Borough Council in assessing their need in an up to date context. The assumptions and approaches taken by ORS within the study are reasonable, and their final need figures are considered to be soundly based. Whilst objectors may have sought to argue discrepancies between the TAA 2013 and SAD14, these can largely be explained by the application of the Planning Policy for Traveller Sites (PPTS) 2015 definition and the use of a more sophisticated method for determining family formation rates.

1.5 The Council has adopted a criteria-based policy approach to Gypsy and Travellers within Our Local Plan and this accords with the requirements of the PPTS 2015 paragraph 11. An assessment of individual sites has been undertaken through the HELAA as well as the Green Belt Assessment (Part 3): Appendix 1 (2018) (GB2) but whilst some could be considered suitable in a ‘policy-off’ context, once policies such as Green Belt were factored in, none were considered to be appropriate land allocations, or to meet the exceptional circumstances needed to justify the release of Green Belt. Other sites were ruled out at the initial site appraisal stages on the grounds of sustainability, flood risk and environmental quality concerns. The Council has identified the proposed Garden Community at South Godstone as having potential to accommodate some future provision (site allocations) and

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this will be proactively considered through the preparation of the South Godstone Garden Community Area Action Plan (AAP).
Introduction

2.1 This paper presents an evaluation of the TDC Gypsy and Traveller Accommodation Assessment (GTAA). It seeks to respond to Our Local Plan 2033 Examination representations regarding the methodology used by ORS in SAD14 and address concerns regarding the need figures produced by the study. The paper also seeks to explain the approach taken in the Plan with regard to site allocations and criteria-based policies for gypsies and travellers.

2.2 Throughout the paper, when used generally, the term 'Travellers' is taken to include ‘travelling Showpeople’. The term ‘Gypsies and Travellers’ is used when ‘Travelling Showpeople’ are considered separately.
Section 1: Proposed policy

3.1 Site allocations in Green Belt

3.1.1 In light of the conclusions from SAD14 the Council has given consideration to the allocation of sites in the Local Plan (MD1). Traveller sites were assessed as part of GB2, but it was concluded that the exceptional circumstances needed to justify the allocation of potential Gypsy and Traveller sites in the Green Belt, which had been submitted as part of the HELAA process, are not considered to exist.

3.1.2 There has been criticism that GB2 assesses issues such as proximity to the motorway and sustainability which is beyond the remit of this assessment. However, in paragraph 13 of the PPTS it is clear that LPA’s should ensure that Traveller sites are sustainable, and that the impact on the health and well-being of Travellers as a result of local environmental quality, such as noise and air quality, should be properly considered. Sites should also not be located in areas of high risk of flooding, given the particular vulnerability of caravans. Therefore, the consideration of these factors is considered to be appropriate and in accordance with paragraph 13 of the PPTS 2015.

3.1.3 In addition, the scale and acuteness of the need for Gypsy and Traveller pitches, in particular, is not such as to generate the general exceptional circumstances required to release land from the Green Belt. In addition, in the same way that need for homes and employment etc does not, in its own right, constitute exceptional circumstances to release land from the Green Belt, need for traveller accommodation should not be seen as an isolated reason for doing so.

3.2 South Godstone Garden Community opportunity

3.2.1 The South Godstone Garden Community (SGGC) has been identified as having the potential to meet some of the identified need and to deliver Traveller accommodation in a sustainable location close to services and facilities. A proposed minor modification to Policy SGC01 of the Local Plan now specifically includes ‘as well as meeting the needs of Gypsies and Travellers’ under the sub-section on delivering a mix of homes.

3.2.2 Whilst it is acknowledged that the SGGC is a longer-term development and sites are unlikely to come forward until the end of the plan-period, this is still considered to be the best opportunity to meet the need identified. In particular, it is noted that Travelling Showpeople require reasonably large plots to accommodate their equipment, and therefore, finding a suitable site in terms of scale and location within the District is very difficult. However, the Garden Community offers an unprecedented opportunity to meet the need identified as part of a sustainable and integrated community, as well as relieving
the overcrowding pressures identified on existing Travelling Showpeople sites in the District. In addition, because the development itself is justified by overall housing need, there is no need to provide special need or site specific exceptional circumstances for Travelling Showpeople provision.

3.3 Other allocation opportunities

3.3.1 It is understood that other authorities, such as neighbouring RBBC, have addressed their longer term need by indicating that Traveller sites should be included as part of their larger housing allocation sites. However, it is considered that, apart from the Garden Community at South Godstone, TDC’s housing allocation sites in the Green Belt are not large enough to accommodate Traveller allocations, particularly in relation to the scale of sites needed to meet the requirements of Travelling Showpeople. In addition to this, due to constraints within the District, the Council has struggled to meet general housing need. Requiring these sites to accommodate Traveller need would certainly adversely impact on their deliverability, as well affecting the overall levels of housing proposed in the District.

3.3.2 The criteria-based policy proposed is therefore considered to be the best approach and would enable appropriate small-scale sites to be allowed within the Green Belt. This approach enables those identified as unknown within SAD14, and those who have moved onto sites since this study, to be assessed against the PPTS definition on a case-by-case basis to ensure that this specialist accommodation is only permitted to those who meet the planning definition. This approach has proved successful in the last few months with a total of 9 pitches having been granted permission in the District. It is acknowledged that one site (4 pitches) were granted on appeal, but two sites (5 pitches) were approved by the Council in accordance with Policy CSP9 currently in place in the Development Plan (Tandridge Core Strategy).

3.4 Policy TSP15 criteria

3.4.1 There has been criticism that Policy TSP15 is too prescriptive and that this approach would not be effective at meeting the need that has been identified. The PPTS (2015) recommends that criteria-based policies should be included to provide a basis for decisions in case applications come forward. In addition, in terms of the unknown households under the PPTS planning definition identified in SAD14, ORS suggested a criteria-based policy would allow scope for such households to provide evidence about whether they do meet the planning definition. In an area with a high percentage of Green Belt a criteria based policy is also the best way to enable small-scale sites to be permitted where NPPF very special circumstances can be shown to apply and to ensure that this specialist
accommodation is only permitted for those who meet the planning definition as set out in the PPTS.

3.4.2 Policy TLP15 is considered to accord with the criteria as set out in the PPTS (2015), which states that LPA’s should ensure that traveller sites are sustainable economically, socially and environmentally. It is appreciated that Criteria III. of the policy, which states that ideally sites should be ‘within or adjacent to the settlement boundary of an Urban or Semi-Rural Service Settlements’, can be difficult to meet, because such sites usually have other uses or high hope value. However, this is recognised in criteria V. of the policy, which states that sites will be supported where ‘it is located within a reasonable distance of local services and facilities’. This allows for an element of pragmatism within the policy with regard to the location of sites, acknowledging the potential difficulties of locating traveller sites within or adjacent to existing settlements, but ensuring that only sites in sustainable locations are permitted (in accordance with paragraph 13 of the PPTS).

3.5 Need of households who do not meet the definition

3.5.1 The need of those households within the study who are identified as not meeting the PPTS definition are included in the Strategic Housing Market Assessment (SMHA), and in the main housing policies within the Local Plan. The Equalities Act 2010 does identify Romany Gypsies and Irish Travellers as protected ethnic groups due to their ethnic origin and they are therefore protected against race discrimination as part of the act. However, the definition set out within the PPTS is very clear that for the purposes of planning policy ‘gypsies and travellers’ means ‘persons of nomadic habit of life whatever their race or origin…’, and therefore in terms of making provision for specialist traveller accommodation within the District the application of the PPTS definition has been applied to all ethnic groups.

3.6 Windfall sites

3.6.1 The reliance on windfall sites has been criticised particularly as in recent years the Council has had to deal with a considerable number of new unauthorised sites setting up in the GB (see map in Appendix 3). However, as shown in the updated planning applications list (Appendix 4) there is evidence that windfall sites can be approved under a criteria approach, with very special circumstances sometimes applying to sites within the Green Belt. Nine pitches have been granted approval in the last few months, which has already met the need identified for Gypsies and Traveller pitches within the first 5 years of the plan.
3.7 Conclusions

3.7.1 The Council has assessed alternatives to the proposed criteria based policy but it has been concluded that the considerable constraint that being 94% Green Belt poses to the District, combined with the low level of need for Gypsies and Travellers identified in SAD14, means that the most PPTS compliant and effective approach for the allocation of traveller sites is as part of the SGGC. Alternative approaches, which include the allocation of individual sites, or inclusion of Traveller sites as part of proposed housing allocations within the plan, are not considered to be effective at meeting the need identified or appropriate given Green Belt policy and potential harm to its purposes.
Section 2: Methodology of the GTAA 2017

4.1 Introduction

This section of the supporting paper seeks to provide an in-depth analysis of the SAD14 assessment, particularly in terms of the robustness of the base data and methodology used in the study. It also seeks to respond to a number of queries raised in representations to the Regulation 19 consultation for the Local Plan on Traveller matters, a summary of which can be found in Appendix 1 of this paper.

4.2 Comparison with TAA 2013

4.2.1 The TAA 2013 was undertaken in accordance with an agreed Surrey-wide methodology (published April 2012). This followed the revocation of the Regional Spatial Strategies (South East Plan) which was due to set out how many pitches each local planning authority in the South East would need to provide. The desktop study to identify all existing sites was undertaken by TDC officers but consultants, Friends, Families and Travellers (FFT) were appointed to undertake the household interviews. FFT are a national charity which works on behalf of Gypsies and Travellers. The surveys were undertaken in February to April 2013.

4.2.2 The SAD14 assessment was undertaken following the publication of the revised version of PPTS in 2015. This changed the definition of Gypsies and Travellers to exclude those who have ceased to travel permanently. Opinion Research Services (ORS) were appointed to undertake the whole study, including the desktop review and interviews. This study used a joint methodology with studies conducted by the other Surrey Authorities of Reigate & Banstead BC and Elmbridge BC at the same time. The interviews took place in March 2016.

4.3 Overall pitches / households identified

4.3.1 Figure 5 of SAD14 lists all the Gypsy and Traveller sites visited in the District, and includes public sites, private sites, temporary sites and unauthorised sites. The total number of pitches surveyed 2017 were 60. Tables 5 and 6 of the 2013 TAA lists similar information but identifies both occupied and vacant pitches. The total number of occupied pitches identified in 2013 was also 60 but included 5 vacant pitches at Green Lane, Outwood which were not recorded in the 2016 survey as they were no longer in existence at this time. The

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additional pitches identified in 2017 resulted from unauthorised pitches at High View (4 pitches) and a temporary site at Burstow Stables (1 pitch).

Figure 1:

<table>
<thead>
<tr>
<th>Gypsy and Traveller</th>
<th>2013</th>
<th>2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total pitches identified</td>
<td>60</td>
<td>60</td>
</tr>
<tr>
<td>Total pitches identified minus 5 vacant pitches at Green Lane</td>
<td>55</td>
<td>60</td>
</tr>
<tr>
<td>Percentage increase</td>
<td>9% increase over 3-year period</td>
<td></td>
</tr>
</tbody>
</table>

4.3.2 The total number of plots identified in the 2013 TAA was 48 with an additional 4 plots identified at Land East of the Plantation and an additional 4 plots at the Terning Wheel in the 2017 GTAA. Three less plots were recorded at The Plantation in SAD14, which it is noted corresponds with 3 vacant plots identified at The Plantation in the 2013 TAA.

Figure 2:

<table>
<thead>
<tr>
<th>Travelling Showpeople</th>
<th>2013</th>
<th>2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total plots identified</td>
<td>48</td>
<td>53</td>
</tr>
<tr>
<td>Total plots identified minus 3 vacant at The Plantation in the GTAA 2013</td>
<td>45</td>
<td>53</td>
</tr>
<tr>
<td>Percentage increase</td>
<td>Total 18% increase over 3-year period</td>
<td></td>
</tr>
</tbody>
</table>

4.3.3 In terms of the identification of Traveller households residing in bricks and mortar, the TAA 2013 acknowledged that data was limited and so the Council could only provide an estimate of the Traveller population living in bricks and mortar, and therefore the total size of the Traveller population in the District was also estimated. Information provided by Housing Officers at the time of the 2013 TAA indicated that there were some 26 households comprising of 33 adults living in bricks and mortar. This resulted in a total of 33 interviews being undertaken with travellers residing in bricks and mortar accommodation.

4.3.4 In paragraph 6.4 of the 2017 study ORS outline the efforts made to contact the Travelling community living in bricks and mortar housing. These efforts included advertisements and holding drop-in sessions, as well as writing to 42 members of the Travelling community

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who were known by the Council’s Housing Department. These efforts however only resulted in 5 interviews with housed travellers.

4.4 Unauthorised pitches and relevant planning applications

4.4.1 Chapter 4 of SAD14 outlines the desk-top study that took place and it is noted that the approach is similar to that outlined in Chapter 4 – Desktop Review of the 2013 TAA. Figure 4 – Total amount of provision in Tandridge (March 2016) of the 2017 GTAA provides a list of the pitches/plots on various types of sites and is comparable with Table 1 - Gypsy and Traveller Sites Summary and Table 2 – Travelling Showpeople Sites Summary from the 2013 TAA. Both studies then proceed to outline the census data and summarise the results of the caravan counts. Neither of the studies made explicit reference to recent/current planning applications, but both are informed by the same data sources and ORS were advised by TDC officers of the any relevant recent planning applications/ enforcement cases.

4.4.2 In 2013, the TAA reports that the District did not have a to regularly deal with unauthorised encampments whereas in the 2017 GTAA the number of unauthorised pitches had increased. An attempt was made to survey/interview all sites occupied at the Study base dates and this included authorised and known unauthorised sites.

4.4.3 A comprehensive map of all known Traveller sites and a list of all Traveller applications submitted since 2013 has now been presented (Appendix 3 and Appendix 4). This information can be matched to, and confirms the accuracy of, the table in Figure 5 of SAD14 of the Traveller sites visited in Tandridge.

4.5 Specific site changes

4.5.1 In a representation received it was suggested that sites at Beech Farm Road, Long Acres and Beechfield were occupied at the time of the March 2016 Survey but have not been included in the table in Figure 5 of the SAD14. See Appendix 1 for a summary of representations to the Regulation 19 consultation in relation to Travellers.

Beechfield

4.5.2 Looking at the planning history at Beechfield the applications for Gypsy and Traveller accommodation (2017/2394 and 2018/1139) appear to post-date the survey date of March 2016 by well over a year, and therefore it is likely that the Council were not aware of the occupation of the site at this time. This assertion is backed up by the Council’s caravan count, with the earliest record of caravans on this site recorded as being one pitch in July 2018. It noted that application 2018/1139 for 2 pitches on this site has since been approved by the Council on 27 June 2019.

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4.5.3 The table in Figure 5 only includes one authorised pitch at Long Acre (Kew Gardens) but this would accord with application 2015/1991, which although is partly retrospective, does state that the second pitch is proposed rather than in existence. Records from the caravan count record one static caravan and one touring caravan recorded on this site in both January and July 2016. Application 2015/1991 has since been refused and an enforcement notice largely upheld at appeal, but an application for the retention of a dayroom and installation of an additional pitch has recently been submitted under application 2019/387.

Beech Farm Road

4.5.4 In terms of Beech Farm Road, there is the long-standing authorised site now known as Hillview Manor Park (formerly Field 2472) which has permission for 4 pitches, and this is included with the 2017 GTAA along with the unauthorised site at High View (4 pitches). It is noted that application 2015/1913 for the 4 unauthorised pitches at High View has since been allowed on appeal.

4.5.5 There is a partly retrospective application (2015/2203) which seeks permission for 3 pitches adjacent to Field 2472 (Hillview Manor Park) and this partly overlaps with part retrospective later application 2017/2377 for 4 pitches. Application 2015/2203 was received by the Council in December 2015 and it is not clear from the documents on file how much of the development was retrospective at this time, it is therefore possible that in March 2016 these additional unauthorised pitches were not yet occupied. This is again backed up by the Council’s caravan count which suggests that there were no additional static caravans recorded at Hillview Manor Park (formerly Field 2472) until January 2017.

4.5.6 Both applications 2015/2203 and 2017/2377 have since been refused by the Council and an appeal is pending for 2017/2377 for 4 pitches.

Oaklands – Plots 1, 2 and 3

4.5.7 The situation at Oaklands can be confusing, and it is noted that the 2013 TAA study records Plots 1 and 2 as a single site with a total of 8 pitches recorded between them. For clarity, on a map Plot 1 (also known at The Oaks/Oak Trees) is located to the north; Plot 2 (also known as Oaklands 2 and Five Oaks) is located centrally; and Oaklands 3 is the longstanding tolerated single pitch to the south.

4.5.8 The earliest permission relates to Plot 1 for application 2004/1244 which was allowed for 2 pitches on appeal in 2007. This was followed by application 2009/1073 which permitted a
total of 4 pitches on the site (2 additional pitches) in 2010. There is a current undetermined application on this site for 2 further pitches (2015/605), which are now thought to be occupied. The Council’s caravan count does not pick up on additional caravans above the 4 permitted until January 2017 when a total of 7 were recorded. However, 6 pitches were recorded on Plot 1 in SAD14.

4.5.9 In terms of Plot 2, application 2007/1472 approved the continued use of the land as a gypsy caravan site, with a condition requiring no more than 6 caravans to be stationed on the land. At the time of the approved application, the caravans comprised of 2 static caravans and 4 touring caravans. According to the Council’s caravan count the number of static caravans on site have fluctuated over the years, with 2 recorded in July 2015, increasing to 7 in January 2016, and 8 in July 2016. Two authorised pitches were recorded in SAD14 but it is noted that ORS observe that no contact was possible on this site at the time of the surveys.

4.5.10 Across both sites (Plots 1 and 2), it would therefore appear that there may have been 3 additional unauthorised pitches present at the time of the study, but, given accessibility difficulties and lack of contact with the occupiers of the site, it is difficult to be certain of the exact situation at the time of the study. For clarity, the position is outlined in the table below. The figure of 8 authorised pitches used by ORS across both sites is considered to be reasonable (given that a total of 6 caravans are permitted on Plot 2 but this is to include static and touring caravans) but it is however acknowledged that there is a possibility that some unauthorised pitches on this site may not have been counted.

Figure 3:

<table>
<thead>
<tr>
<th></th>
<th>Number of pitches permitted</th>
<th>SAD14 count</th>
<th>Caravan count January 2016</th>
<th>Caravan count July 2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plot 1</td>
<td>4</td>
<td>6</td>
<td>4 static</td>
<td>4 static</td>
</tr>
<tr>
<td>Plot 2</td>
<td>6 (caravans in total, includes static &amp; touring)</td>
<td>2</td>
<td>7 static</td>
<td>8 static</td>
</tr>
<tr>
<td>Total</td>
<td>10</td>
<td>8</td>
<td>11 static</td>
<td>12 static</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>+ 3</td>
<td>+ 4</td>
</tr>
</tbody>
</table>

4.5.11 There is no specific permission for Plot 3 but in the 2013 TAA it appeared as a tolerated site for 1 pitch. SAD14 records 1 unauthorised pitch on this site, and it is noted that an

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interview was completed in this instance. The caravan count records only one pitch on this site up until July 2016 when the figure jumps to 8 static caravans and some difficulties have been recorded monitoring this site in the years since.

4.5.12 As a result of the above detailed assessment of sites highlighted by third parties, the Council does acknowledge some difficulties in recording the exact numbers across Plots 1 and 2 Oaklands, however it would appear that this would result in a maximum of 3 additional unauthorised pitches across these sites (if indeed they were present at the time). Given the problems with contact noted by ORS on the sites at Oaklands it is reasonable to assume that even if ORS had been aware of any additional pitches, if they were present on site at the time, then they are likely to have been counted as unknown. Therefore, any additional pitches would have been added to the figures for ‘unknowns’ produced by ORS and would not have increased the need for those who met the definition. Any additional ‘unknowns’ would be invited to apply for planning permission against the criteria based policy whereby there would be an opportunity to assess their gypsy and traveller status as set out in PPTS.

4.5.13 The evidence suggests that the recording of pitches at all other sites in SAD14 was correct at the time of the study and therefore the Council is confident that the assessment was based on suitably robust information as available at time. The sites are also consistent with the list of sites recorded in the TAA 2013 and accord with the list of planning applications that had been submitted at the time.

4.6 Comparison of Figure 5 and 8 of the GTAA

4.6.1 The Planning Inspector in the recent appeal decision (APP/M3645/W/18/3205027), for High View included in Appendix 5, highlighted a potential discrepancy between unauthorised pitches recorded in Figures 5 and 8. A total of 17 pitches were recorded across all the unauthorised sites in Figure 5 – ‘Gypsy and Traveller sites visited in Tandridge’ but only 13 unauthorised sites were recorded in Figure 8 – ‘Planning Status of Gypsy and Traveller households in Tandridge’. Resulting in a difference of 4 pitches between the two tables.

4.6.2 This can be explained in the ‘Reasons for not conducting interviews’ column in Figure 5 where at Forge Farm two pitches are recorded as non-Travellers and one as an unimplemented pitch, and as such these would not be recorded in the planning status table in Figure 8. The remaining one pitch anomaly can be explained as it is noted that in Figure 5, 27 pitches on private sites are recorded but 28 are recorded for private sites in Figure 8. These would therefore cancel one another out as it would appear that the extra pitch
recorded in Figure 8 for private sites should have been recorded in the unauthorised sites row.

4.7 Total households identified

4.7.1 SAD14 reported that there were 4 Gypsy and Traveller households identified in Tandridge that meet the planning definition, 26 unknown households that may meet the planning definition, and 17 households that do not meet the planning definition. This resulted in a total of 47 current Gypsy and Traveller households. This compares to the total of 85 Gypsy and Traveller households identified in the 2013 TAA but it should be noted that this included a large number of households residing in Bricks and Mortar.

4.7.2 In terms of Travelling Showpeople, the 2017 GTAA identified 46 households meeting the planning definition, 28 unknown and 5 that did not meet the definition. These figures are outlined in the table below:

Figure 4:

<table>
<thead>
<tr>
<th></th>
<th>2013</th>
<th>2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gypsies and Traveller households</td>
<td>85</td>
<td></td>
</tr>
<tr>
<td>Meet Planning Definition</td>
<td></td>
<td>4</td>
</tr>
<tr>
<td>Unknown</td>
<td></td>
<td>26</td>
</tr>
<tr>
<td>Do Not Meet Planning Definition</td>
<td></td>
<td>17</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>47</td>
</tr>
</tbody>
</table>

Figure 5

<table>
<thead>
<tr>
<th></th>
<th>2013</th>
<th>2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>Travelling Showpeople households</td>
<td>78</td>
<td></td>
</tr>
<tr>
<td>Meet Planning Definition</td>
<td></td>
<td>26</td>
</tr>
<tr>
<td>Unknown</td>
<td></td>
<td>28</td>
</tr>
<tr>
<td>Do Not Meet Planning Definition</td>
<td></td>
<td>5</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>59</td>
</tr>
</tbody>
</table>

4.7.3 The low level of willingness to partake in the interviews with Travellers in bricks and mortar has had an impact on the total households identified. However, this is recognised by ORS within the 2017 GTAA and in paragraph 3.22 they state that:
As a rule it is not recommended to extrapolate the findings from fieldwork with bricks and mortar households up to the estimated bricks and mortar population as a whole as this often leads to a significant over-estimate of the number of households in bricks and mortar wishing to move to a site or a yard. As such an assumption will be made that all those wishing to move will make their views known based on the wide range of publicity that will put in place and engagement with the Travelling Community.

4.8 Differences in household interview figures

4.8.1 The figures for the number of questionnaires/interviews completed are set out below:

Figure 6:

<table>
<thead>
<tr>
<th></th>
<th>2013</th>
<th>2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gypsy &amp; Traveller on-site</td>
<td>25</td>
<td>21</td>
</tr>
<tr>
<td>Travelling Showpeople on-site</td>
<td>31</td>
<td>31</td>
</tr>
<tr>
<td>Travellers in Brick &amp; Mortar</td>
<td>33</td>
<td>5</td>
</tr>
<tr>
<td>TOTAL</td>
<td>89</td>
<td>57</td>
</tr>
</tbody>
</table>

4.8.2 The figures indicate that the number of questionnaires/interviews completed with Gypsies and Travellers and Travelling Showpeople who live on site were comparable, across the two studies. However, despite a number of efforts to engage, the 2017 study saw a drop in the number of interviews completed with Travellers living in bricks and mortar which largely explains the discrepancy in the total number of completed questionnaires/interviews between the two studies.

4.8.3 The 2013 TAA also highlights the difficulties involved with identifying Travellers in the district who were living in Bricks and Mortar. It is understood that FFT used their personal knowledge and contacts to obtain interviews, but despite this it was estimated in the 2013 study that 74 households (65 from sites and 9 from bricks and mortar) declined the opportunity to participate in the survey, despite a number of repeat visits from FFT.

4.9 Household interview response rate

4.9.1 There has been criticism of the low response rate of 35% for Gypsies and Travellers within the 2017 GTAA. However, taking account of the fact that the percentages for the TAA 2013 is based only on occupied pitches/plots it is considered useful to undertake a similar comparison of percentages for the 2017 GTAA.
4.9.2 For example, of the 60 pitches identified in the 2017 GTAA, there are 11 at Pendell Camp that were mothballed, and at Forge Farm the study identified 2 non-Travellers and 1 unimplemented pitch. Therefore, the response rate of on-site Gypsies and Travellers in reality is around 46% rather than the 36% which is reached without taking these factors into consideration. In contrast, from the 42 occupied pitches identified, as vacant pitches are listed separately, the TAA 2013 reported 17 responses from socially rented sites and only 8 responses from the private sites. This resulted in an overall response rate from occupied pitches of 59%.

Figure 7: Gypsies and Travellers

<table>
<thead>
<tr>
<th></th>
<th>2013 (occupied pitches)</th>
<th>2016</th>
<th>2016 (minus mothballed/non-Traveller/unimplemented pitches)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total pitches identified</td>
<td>42</td>
<td>60</td>
<td>60 – 14 = 46</td>
</tr>
<tr>
<td>Completed questionnaires/interviews</td>
<td>25</td>
<td>21</td>
<td>21</td>
</tr>
<tr>
<td>Response rate (%)</td>
<td>59%</td>
<td>35%</td>
<td>46%</td>
</tr>
</tbody>
</table>

4.9.3 In terms of Travelling Showpeople, the response rate for occupied plots in the 2013 TAA was 74%. Having taken into consideration the 4 unimplemented plots on Land East of The Plantation, and plots that are vacant, used for storage only or accommodate non-Showpeople at The Plantation, the response rate for Showpeople can be seen to have increased in the 2017 GTAA to 79%.

Figure 8: Travelling Showpeople

<table>
<thead>
<tr>
<th></th>
<th>2013 (occupied plots)</th>
<th>2016</th>
<th>2016 (minus vacant/storage only/ non-Showpeople/unimplemented plots)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total plots identified</td>
<td>39</td>
<td>53</td>
<td>53 – 14 = 39</td>
</tr>
<tr>
<td>Completed questionnaires/interviews</td>
<td>29</td>
<td>31</td>
<td>31</td>
</tr>
<tr>
<td>Response rate (%)</td>
<td>74%</td>
<td>58%</td>
<td>79%</td>
</tr>
</tbody>
</table>
4.10.2 The 2013 TAA calculated the overall response rate, including those identified as Travellers living in bricks and mortar, for the 2013 TAA study was 55% which was considered suitably robust for the purposes of the study. It is difficult to provide a similar comparison for SAD14 due to the difficulties identifying Travellers living in bricks and mortar.

4.9.5 Whilst it is therefore acknowledged that the response in SAD14 rate is lower for Gypsies and Travellers, when taking into account unoccupied plots it is not inconsistent with the 2013 TAA response rate, and for Travelling Showpeople the response rate is higher than in 2013.

4.9.6 It is normal in surveys of this kind to encounter difficulties in engaging the households and to therefore achieve relatively low response rates. There are also expected fluctuations in responses due to the changes in site circumstances and occupancy at the time of survey. In this case the 2013 and 2016 results are not dissimilar. It is possible that the preponderance of unauthorised sites amongst those that were added to the survey in 2016, inevitably increased the difficulties of obtaining responses and reduced the overall response rate. In addition, the release of the new PPTS definition would not have helped the situation in terms of relations with the Traveller community.

4.10 Unknowns and traveller need

4.10.1 Unknowns are identified in SAD14 as those households where it was not possible to determine their travelling status as they either refused to be interviewed or were not on site at the time of the fieldwork, despite up to 3 visits being made. The needs of these households are still recognised by SAD14 as it is acknowledged that they may meet the planning definition. Concerns have been raised regarding the high number of these unknowns reported in the SAD14 as well as the assumptions ORS have applied to these figures.

4.10.2 In terms of additional need for Gypsies and Traveller, along with the 5 pitches identified in the main report Appendix D of SAD14 identifies an additional need of 15 pitches from unknown households. This is made up of 8 unauthorised pitches and a new household formation of up to 7 from a maximum of 26 households. This was based on a household formation rate of 1.50%. If all Travellers on unknown pitches were deemed to meet the planning definition then the need could increase by up to a further 15 pitches. However, if the ORS national average of 10% (of those who would meet the definition) is applied then the need would increase by no more than 2. Even if an assumption of 25% meeting the definition were to be applied then the need would increase by 4, resulting in an overall total of 9 pitches needed.

*Document Reference TED06: Tandridge District Council Supporting Paper 2*
4.10.3 In terms of Travelling Showpeople, SAD14 reported that there were 26 Travelling Showpeople households identified in Tandridge that meet the planning definition, 28 unknown households that may meet the planning definition and 5 households that did not meet the planning definition. This resulted in a total of 59 Travelling Showpeople households. Therefore, alongside the identified need for Travelling Showpeople of 21 plots, ORS have identified a potential need of 4 additional plots for those where it is not known whether the households meet the PPTS definition for Travelling Showpeople. If included, this would result in an overall need of 25 Travelling Showpeople plots within the District.

4.10.4 It is therefore clear that SAD14 has accounted for unauthorised pitches and plots in the District but, due to a lack of participation in the survey, it is unknown whether many of these households meet the PPTS definition. It could be argued that the ORS basic assumption of 10% for Gypsies and Travellers meeting the planning definition should be added to the need for pitches identified, resulting in the requirements for 2 additional pitches which would take the total need to 7 pitches. However, it is considered that the criteria-based policy approach does enable Travellers who were identified as unknowns in the 2017 study to provide evidence on a case by case basis to deliver the most appropriate outcomes.

4.11 Family formation rates

4.11.1 The TAA 2013 applied a family formation rate of 3% for Gypsy and Traveller families, and 1.5% for Travelling Showpeople households, over the 15-year period. These figures were included.
recommended by the Surrey Methodology and sought to give a broad indication of potential numbers. However, it is noted that the TAA 2013 acknowledged that it was difficult to accurately forecast the household formation rates. This resulted in a family formation rate of 10 in the period from 2013-2018.

4.11.2 Appendix A of the SAD14 shows the Joint Methodology prepared by ORS for the local planning authorities of Elmbridge, Reigate and Banstead, and Tandridge, and within this ORS included a Technical Paper on Household Formation (Appendix C). This concluded that population and household growth rates of 3% have typically been overestimated. They suggest that it is hard to find evidence that the net national Gypsy and Traveller population and household growth is above 2% per annum nationally. ORS suggest in SAD14 that the net annual Gypsy and Traveller household growth rate is 1.5% per annum, but this may be increased to up to 2.5% per annum to provide a ‘margin’ if a surveyed population is relatively youthful.

4.11.3 Figure 7 in SAD14 shows a more sophisticated breakdown of how household formation rates have been applied in Tandridge, which have been based on the demographics of the population. It is therefore considered that the predicted household formation rates in the 2017 study are more accurate than those set out in Table 9 of the TAA 2013.

4.12 Interpretation of PPTS definition

4.12.1 There has been criticism of the approach taken by ORS to the new planning definition as they have only included those who travel for work purposes and not for purposes other than work, such as visiting horse fairs and visiting friends or relatives. This is a matter for interpretation and whilst appeals, such as the Maidstone BC v Secretary of State for the Environment and Dunn (2006), provide useful guidance they are determined on the unique circumstances of the applicant. In addition, at the time of the study there had only been a small number of appeal decisions issued by the Planning Inspectorate on how the planning definition should be applied and it was considered by ORS that these generally supported the view that households should be able to provide information that they ‘travel for work purposes to meet the definition, and stay away from their usual place of residence when doing so, or have ceased to travel temporarily due to education, ill health or old age but intend to travel again in the future.’ The approach taken by ORS to include only those who travel for work purposes is therefore not considered to be unreasonable. Indeed, it could be regarded as current best practice.

4.12.2 In addition, an assessment of Appendix C of SAD14 which summarises the results of the Survey Results for Gypsies and Travellers interviews suggests that the numbers affected by this interpretation are not likely to significantly impact on the results of this study. Of the

*Document Reference TED06: Tandridge District Council Supporting Paper 2*
21 respondents, 10 respondents’ families reported having made no trips away from their permanent base in the last 12 months. Of those that had travelled in the last 12 months, 4 respondents had travelled for work, 4 respondents had travelled to visit family, 3 respondents said they travel for holidays, 1 respondent travelled for Christian missions, and 5 respondents travelled for fairs. As respondents were able to answer more than one reason for travelling it is likely that some of those travelling to visit fairs or to visit friends and relatives may have also travelled for work purposes. ORS made their assessment on the primary data which will have answered these points directly.

4.12.3 It is also interesting to note that the results of the TAA 2013 states that Tandridge has a predominantly settled Travelling community with 69 of the 89 respondents claiming to have lived at their current address for more than 5 years with many stating much longer periods of time in excess of 20 years. Therefore, the conclusions from the SAD14 are considered to reflect the conclusions found from the surveys undertaken in 2013.

4.13 Comparison of need

4.13.1 It is interesting to compare Table 9 ‘Summary of current supply and demand’ in the TAA 2013, in which the Gypsy and Traveller status of the households has not been questioned, with the need identified in Figure 10 ‘Gypsies and Travellers – Meeting Planning Definition’ and the tables in Appendix D, which includes need for ‘Gypsies and Traveller – Unknown’ and ‘Gypsies and Travellers – Not Meeting Planning Definition’ in the SAD14. The total need for Gypsies and Traveller in the TAA 2013 was 48 pitches. The breakdown for these figures is provided in Appendix 2 of this supporting paper and highlights that much of the need calculated in the TAA 2013 derived from households seeking permanent accommodation in the area and reflects the greater response received from Travellers living in bricks and mortar.

4.13.2 In the case of Travelling Showpeople the TAA 2013 resulted in a need of 18 plots. The need increased to 21 plots in SAD14 and would have been increased further to 29 plots had the unknowns and those who did not meet the planning definition been included within these calculations. The breakdown of the net pitch and plot need for the SAD14 and comparison with the 2013 TAA is as follows:

Figure 11:

<table>
<thead>
<tr>
<th></th>
<th>2013</th>
<th>2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gypsies and Traveller total pitch need</td>
<td>48</td>
<td>Meet Planning Definition</td>
</tr>
<tr>
<td></td>
<td></td>
<td>5</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Unknown</td>
</tr>
<tr>
<td></td>
<td></td>
<td>15</td>
</tr>
</tbody>
</table>

*Document Reference TED06: Tandridge District Council Supporting Paper 2*
<table>
<thead>
<tr>
<th></th>
<th>Do Not Meet Planning Definition</th>
<th>23</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>TOTAL</td>
<td>43</td>
</tr>
<tr>
<td>Travelling Showpeople total plot need</td>
<td>Meet Planning Definition</td>
<td>21</td>
</tr>
<tr>
<td></td>
<td>Unknown</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>Do Not Meet Planning Definition</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>TOTAL</td>
<td>29</td>
</tr>
</tbody>
</table>

4.13.3 The above results reveal that, if the PPTS definition had not been applied, even with the lower response rate from those living in Bricks and Mortar, and the application of a lower family formation rate, the total overall need identified for all those included within the study would not be significantly reduced from that identified in the TAA 2013, and in terms of Travelling Showpeople the identified need would have increased.

4.13.4 In analysing the detailed figures (see Appendix 2), it is interesting to note that the main difference relates to point J in Table 9 of the TAA 2013 which identified 20 pitches needed for households seeking permanent accommodation in the area. This includes Travellers who are living in bricks and mortar but whose existing accommodation is considered unsuitable. In contrast, SAD14 shows only 1 pitch arising as a result of movement from bricks and mortar (with a need of 2 from those who are not considered to meet the definition). SAD14 does however, list a greater total need arising from households on unauthorised developments, however of these only 1 household is considered to meet the planning definition (with 8 unknown and 6 considered not to meet the definition).

4.14 In-migration

4.14.1 There has been criticism that in-migration has not been taken into consideration as part of the SAD14. ORS address this in paragraphs 4.32-4.41 of the Appendix A: Joint Methodology (2017). They state that

‘at national level, there is nil net migration of Gypsies and Travellers across the UK, but assessments should take into account local migration effects on the basis of the best evidence available. … In ORS assessments, the likely net effects of inward and outward movements to and from sites and yards are considered in the light of local circumstances in each local authority area and on the basis of evidence collected during the stakeholder interviews and fieldwork.’
4.14.2 This concurs with the TAA 2013, which also assumed that the net migration would be zero in the 15-year study period. The TAA 2013 paragraph 7.69 stated:

*This study recognises that it is possible that net migration during the study period could be positive. However, there is insufficient information available to be able to predict what the future level could be with any confidence. As a result, rather than assess in-migrant households as being part of the accommodation need for the area, we would propose that the Council should assess future applications for pitches based on the availability of evidence of households that have a clear desire to live in the borough, linked to family connections or for economic reasons.*

4.14.3 The approach taken by ORS with regards to in-migration is therefore considered to be appropriate.

4.15 Transit sites

4.15.1 ORS discuss the requirements for a transit site within the District in Chapter 7 of the SAD14 and recommend that there is not a need for the Council to consider any new transit provision at this time. This was on the basis that there had been relatively low numbers of unauthorised caravans on land not owned by Travellers in recent years. It is accepted that there may be a wider need for a transit site on a county-wide basis to allow for effective enforcement of unauthorised sites where direct action is contemplated, and it was recommended that this should be considered in partnership with other local authorities in Surrey and also with Surrey County Council. This is consistent with the conclusions of the TAA 2013 which states that the questionnaires suggested that the Traveller population within the District is relatively settled and the survey responses did not identify a need for transit pitches in Tandridge.

4.16 Conclusions

4.16.1 An in-depth comparison of the figures therefore reveals where the differences between the two studies arise. Whilst it is acknowledged that the lack of response in SAD14 from Travellers living in bricks and mortar is disappointing, it is not considered to render the results of the study invalid and SAD14 remains a robust study upon which the Council has based the traveller elements of the Local Plan. Also, the results suggest that the base data used in terms of sites is accurate and robust. The main reason for the differences between the 2013 and 2017 figures is therefore due to the application of the PPTS 2015 definition as well as the use of a more sophisticated family formation rate. It was always likely that such a change in national policy would result in variances to data when compared to earlier policy application.
4.16.2 Also, it should be noted that Tandridge has not been alone in moving on from the Surrey Joint Methodology from 2012 as the ORS methodology was undertaken along with other Surrey authorities of Elmbridge Borough Council (EBC) and Reigate and Banstead Borough Council (RBBC). The application of the ORS methodology represents current best practice and necessary changes due to the new PPTS definition.

Document Reference TED06:
Tandridge District Council Supporting Paper 2
Section 3: Provision of pitches and plots since the GTAA

5.1 Gypsies and Travellers

5.1.1 This paper provides an update to the current gypsy and traveller sites in the District, both authorised and unauthorised, using information from the latest caravans counts as well as relevant planning applications details and appeal decisions (Appendix 4 and 5). The total number of authorised pitches in the District (including all those potentially available at Pendell Camp) is now 51.

5.1.2 A total of 9 pitches have been granted permission since the GTAA was undertaken. It is acknowledged that one site (4 pitches) was allowed at appeal (APP/M3645/W/18/3205027), but the other two sites providing a total of 5 pitches were granted permission by the Council in accordance with Policy CSP9 currently in place in the Development Plan (Tandridge Core Strategy). It is also noted from the latest caravan counts that mothballed pitches at Pendell Camp are starting to become occupied with a total of 6 pitches present on site at the last count (an increase of 2 from SAD14). It therefore appears that some of the further 9 unoccupied pitches on this site could also become occupied in the near future and should still be considered as part of the Council’s overall supply.

5.1.3 It is noted that there is also an upcoming appeal for 4 unauthorised pitches at Hillview Manor Park, which is an adjacent site to the recently approved appeal for 4 pitches at High View, Beech Road. An updated list of Traveller planning applications in Tandridge, as of September 2019, can be found in Appendix 4 of this paper. An updated trajectory is included below:

Figure 12:

<table>
<thead>
<tr>
<th>Years</th>
<th>0-5</th>
<th>6-10</th>
<th>11-15</th>
<th>16-17</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2016-21</td>
<td>2021-26</td>
<td>2026-31</td>
<td>2031-33</td>
<td></td>
</tr>
<tr>
<td>GT pitch need for those meeting the PPTS definition in SAD14</td>
<td>5</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>5</td>
</tr>
<tr>
<td>Supply of authorised pitches</td>
<td>9*</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>9</td>
</tr>
</tbody>
</table>

* Four allowed on appeal (APP/M3645/W/18/3205027), but 5 determined by the Council (see Appendix 4 and Appendix 5).

5.1.4 The number of unauthorised pitches has however increased significantly since the SAD14 was undertaken, particularly with the intensification (but also fluctuation of pitches) on
existing sites at, Oaklands (Plots 1, 2 and 3), Hillview Manor Park (formerly Field 2472), and the recent intensification of the former SCC site at Ivy Hatch, Green Lane (which has increased from 15 to 26 pitches in the past 6 months).

5.1.5 The unauthorised occupation of new sites at Beechfield, Paddocks Plots 1 and 2, and The Plantation, Spring Lane were not recorded until July 2018, and applications for these sites have since been determined (2 pitches approved at Beechfield and a total of 5 pitches refused by the Council at Paddocks 1 and 2 and Spring Lane). The table below shows the steady increase in pitches since July 2016 (with the 3 additional pitches in July 2016 already identified earlier in this report as being spread across Oaklands, Plots 1 and 2 included). A summary of the results of the caravan counts since SAD14 was undertaken are outlined in the table below:

Figure 13:

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Authorised</td>
<td>43*</td>
<td>43*</td>
<td>43*</td>
<td>42*</td>
<td>42*</td>
<td>42*</td>
<td>42*</td>
<td>51*</td>
</tr>
<tr>
<td>Unauthorised</td>
<td>17</td>
<td>20**</td>
<td>28**</td>
<td>29**</td>
<td>33**</td>
<td>34**</td>
<td>39**</td>
<td>42**</td>
</tr>
<tr>
<td>Total pitches</td>
<td>60</td>
<td>63</td>
<td>71</td>
<td>71</td>
<td>75</td>
<td>78</td>
<td>81</td>
<td>93***</td>
</tr>
</tbody>
</table>

*Includes the total of 15 authorised (but not all occupied) pitches at Pendell Camp. Temporary permission for 1 pitch at Burstow Camp expired in July 2017.

**The Council is aware of a number of unauthorised caravans to the rear of Oaklands, Plot 3, and 11 static caravans were counted on site in July 2018. Due to safety concerns officers have been unable to access the site for further counts, but it was noted that the caravans may house migrant workers rather than members of the gypsy and traveller community. For these reasons, the unauthorised caravans on this site have not been included in this table.

*** The significant overall increase in pitches at the most recent count in July 2019 is a result of the intensification of two existing pitches at Green Lane, with an additional 12 caravans above the 14 permitted on site. In January this year only 15 caravans were counted on site, and as such the numbers at this count may be found to be an anomaly. If the recent influx of caravans at Green Lane are not included the number of unauthorised pitches would have decreased to 30, with a total of 81 pitches within the District.

5.1.6 This recent increase in unauthorised pitches within the District is unexpected and is at a contrast with the situation reported in the 2013 TAA. It is likely that the uncertainty around the determination of Gypsy and Traveller applications within the District over the last few
years, bolstered by the alterations to national policy, may have had an impact. The increases are generally a result of the intensification of existing sites, with only a handful of smaller new sites. However, these figures do not necessary indicate a higher level of need for Gypsy and Traveller accommodation within the District as there would still need to be an assessment of whether the occupiers of these unauthorised pitches would meet the PPTS definition.

5.1.7 An upcoming appeal for 4 pitches at Hillview Manor Park is due to be heard later this year, and the Council’s enforcement officers are due to take action against recently refused sites at the Paddocks Plots 1 and 2, and The Plantation, Spring Lane (a total of 5 pitches). Long-standing applications at Burstow Stables, Ivy hatch and Forge Farm are due to be determined in due course (a total of 10 pitches).

5.1.8 There is a current undetermined application for 2 pitches at Oaklands Plot 1. Further enforcement investigations are due to take place at Oaklands, Plots 1 and 2, as a total of 9 unauthorised pitches appear to have been present at the latest count. There is a further undetermined application for 4 pitches at Oaklands, Plot 3, but as explained above there are concerns regarding the use of this site and it has proved inaccessible to officers in recent years.

5.1.9 The sudden increase of pitches at Green Lane to 26 (12 unauthorised) is unexpected and the Council’s enforcement team will be investigating, however it is noted that Paragraph 12 of the PPTS states that:

*In exceptional cases, where a local planning authority is burdened by a large-scale unauthorised site that has significantly increased their need, and their area is subject to strict and special planning constraints, then there is no assumption that the local planning authority is required to plan to meet their traveller site needs in full.*

5.1.10 As such, whilst the picture for unauthorised pitches within the District is unexpected, it does not necessary follow that there is a sudden increase in need that has to be met within the District.

5.2 Travelling Showpeople

5.2.1 In terms of Travelling Showpeople, the Council is aware of overcrowding at The Plantation and this need is recognised in the results of the 2017 GTAA, which identified a need of 21 plots during the plan period with 14 of these in the first 5 years (up until 2021). Ascertaining the number of plots at The Plantation is difficult and is further complicated as the planning consent for the yard does not specify the number of authorised plots but instead has a condition that the yard is to be occupied by a maximum of 46 extended

*Document Reference TED06: Tandridge District Council Supporting Paper 2*
family groups. It is clear from the figures recorded in the bi-annual caravan count below that the use of the sites at both The Plantation and Fairview have further intensified over recent years and illustrates the need for the allocation of Travelling Showpeople plots within the District, and the Council has sought to accommodate this within the proposed garden community at South Godstone.

**Figure 14:**

<table>
<thead>
<tr>
<th>Location</th>
<th>SAD14</th>
<th>Jan 2019 caravan count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land East of the Plantation (Fairview)</td>
<td>4</td>
<td>9 residential caravans**</td>
</tr>
<tr>
<td>Long Branch</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>The Terning Wheel</td>
<td>9</td>
<td>9</td>
</tr>
<tr>
<td>Th Plantation</td>
<td>39*</td>
<td>78 residential caravans**</td>
</tr>
<tr>
<td>Total plots</td>
<td>53</td>
<td>-</td>
</tr>
</tbody>
</table>

*The SAD14 recorded 39 plots at The Plantation, but it was noted in para. 6.3 that at the time of the 2016 surveys there were 49 households on 39 plots.

**The caravan count has recorded the number of caravans on site but it is difficult to ascertain the number of plots from these figures.

5.3 Conclusions

5.3.1 The above figures show an increase in both pitches and plots within the District since the 2017 GTAA was undertaken. The increase in authorised pitches indicate that the criteria based policy approach has been effective in meeting the need identified in the 2017 GTAA so far, and the criteria based approach within the Local Plan will continue to support this.
Section 4: Other considerations

6.1 Policy TSP16 criteria

6.1.1 Views have been expressed regarding the descriptive nature of TSP16 and its over-reliance on the 2008 Good Practice Guide. However, the policy is considered to be reasonable and measured in its approach and provides criteria which are more relevant to the special accommodation preferences of the Gypsy and Traveller / Travelling Showpeople community than the general design policy for development as set out in Policy TLP18.

6.2 Noise contours

6.2.1 Issues regarding noise pollution as raised by Gatwick are addressed in paragraph 30.18 of Our Local Plan 2033. In addition, changes to the wording of Policy TLP46: Pollution and Air Quality is proposed as a Main Modification to ensure that Gatwick’s concern that the presence of noise contours should be taken account in application for development has been addressed. Policy TSP15 & TLP16 (criteria VI.) also address the concern that Traveller sites that do not provide a safe environment for the occupants, in terms of their general health and wellbeing, will not be supported.
Appendices

Appendix 1: Summary of Reg.19 representations in relation to Travellers

A total of six comments were received in response to the Regulation 19 consultation in relation to Policies TLP15 and TLP16 regarding Gypsies and Travellers. The majority (5) of these responses came from statutory bodies such as neighbouring authorities, parish councils, Gatwick Airport and a representative from the Surrey Gypsy and Traveller Communities Forum. The sixth response was from a planning consultant.

The main points raised are summarised as follows:

- Concerns regarding the methodology used in the 2017 ORS study which appears to greatly underestimate the need for pitches in the District. Detailed issues are:
  - The 2017 study fails to appraise the 2013 assessment and monitor provision made since 2013;
  - Lack of desktop study in 2017 of current and determined applications/appeals;
  - Outstanding planning applications suggest a greater need within the District;
  - TDC’s biannual caravan count shows an increase in the number of unauthorised caravans since 2016;
  - Requires explanation as to how the identified need has reduced so considerably (from 44 pitches to only 5 pitches) in the 3 years between the surveys;
  - Despite surveying 60 GT pitches, the number of identified households has reduced by 25 households since 2013. This does not seem credible;
  - Rate of interviews (35%) of households is very poor / high ‘unknowns’;
  - Omission from study / survey of sites occupied in 2016, including existing and unauthorised sites off Beech Farm Road, Kew Gardens and Beechfield;
  - No allowance for in-migration in meeting future need;
  - The approach taken by ORS to the new planning definition is incorrect as they have only included those who travel for work purposes and not for purposes other than work, such as visiting horse fairs and visiting friends or relatives;
  - No provision is made for transit sites;

- Criticism regarding the non-allocation of sites in the emerging Local Plan and the adoption of a criteria-based policy, specifically with regards to:
  - Policy fails to allocate sites to meet the identified need in the District, which is not compliant with the requirements of Planning Policy for Traveller Sites (2015) paragraph 10;
  - PPTS para.10(a) states that it is for LPA to provide locally set targets and site allocations, and it should not be for the applicant to demonstrate need;

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Unclear why the Council consider that the exceptional circumstances needed to justify the release of land from the Green Belt does not exist contrary to Policy CSP9 of the Council’s adopted Core Strategy;

There are examples of other authorities who propose to allocate sites for Travellers, and these sites remain ‘washed over’ by the Green Belt;

There are existing sites with planning applications/appeals pending that could be provided within the current, well contained boundaries or with minor extensions, and there is a site near Smallfield which is close to sites which have been allocated for housing within the Local Plan;

Concerns regarding the reasons given in the Green Belt Assessment for not allocating certain sites, for example being near motorways;

There is a need to provide a land allocation ‘buffer’ in the form of a site allocation level greater than assessed need. This is due to an historic failure to implement new provision addressing previous need assessments;

There is a reliance on windfall sites; but planning history for Traveller sites in the District reveals how difficult it is to secure permission;

The criteria of Policy TLP15 is too prescriptive, especially in terms of Criteria 3 regarding locating sites adjacent to Tier 1 and Tier 2 settlements, and effectively prevents windfall sites emerging;

There is no certainty that the South Godstone Garden Community (SGGC) will include provision for any future need;

Unclear how accommodation need of Travellers who do not meet the PPTS definition will be met;

Unmet need arising in Tandridge cannot be accommodated in other adjoining authority areas;

- Question the need for Policy TLP16 for the design of pitches which is over-prescriptive and over-reliant on the 2008 Good Practice Guide;
- Unclear how Policy TLP16 regarding Traveller Pitch/Site/Plot design relates to TLP18 regarding Place-Making and Design;
- Aircraft noise criteria should be included within Policy TLP15 contour (preventing site provision within high noise locations).
Appendix 2: Breakdown of comparison of need between 2017 GTAA and 2013 TAA

Key: G&T = Gypsy and Travellers  
TSP = Travelling Showpeople

Figure 15:
2013 Table 9 –

Current Residential Supply:
Total Households: - 44 G&T / 48 TSP
Projected Supply: 
Total Pitch Capacity: - 6 G&T / 3 TSP

Current Backlog of Need:
J. Households seeking permanent site accommodation in the area: - 20 G&T / 10 TSP
K. On unauthorised encampments: - 0 / 0
L. Currently on unauthorised developments for which pl. permission is not expected: - 0 / 0
M. Currently overcrowded or doubled up: - 12 G&T / 6.5 TSP
N. Temporary planning permissions due to expire before 2018: - 12 G&T / 0 TSP

CURRENT SHORTFALL: - 44 G&T / 16.5 TSP

Future Need:
O. Future need: New family formations expected to arise from existing District households 2013-2018: - 10 G&T / 4.5 TSP

Total Need (Current shortfall + future need): - 54 G&T / 21 TSP

Total current residential demand for extra pitches/plots 2013-2018: - 48 G&T / 18 TSP
(total need less total pitch capacity)

Figure 16:
2017 Fig. 10 – G&T meet definition / G&T unknown / G&T not meet definition = Total G&T

Supply: = 0 / 0 / 0

Current Need:
Households on unauthorised developments: - 1 G&T / 8 G&T / 6 G&T = 15 G&T
Concealed households/doubling-up/over-crowding: - 1 G&T / 0 / 3 G&T = 4 G&T
Movement from B&M: - 1 G&T / 0 / 2 G&T = 3 G&T
Total Current Needs: - 3 G&T / 8 G&T / 11 G&T = 22 G&T

Future Need:
5 year need from older teenage children: - 2 G&T / 0 / 3 G&T = 5 G&T
Households on sites with temporary planning permission: - 0 / 0 / 1 G&T = 1 G&T
In-migration - 0 / 0 / 0
New household formation - 0 G&T / 7 G&T / 8 G&T = 15 G&T
(Base number of households 23 and formation rate 1.75%)
Total Future Needs: - 2 G&T / 7 G&T / 12 G&T = 21 G&T
NET PITCH NEED - 5 G&T / 15 G&T / 23 G&T = 43G&T

Figure 17:

2017 Fig 12 – TSP meet definition / TSP unknown / TSP not meet definition = Total TSP

Supply of Plots:
Plots vacated by households moving to other yards in study area - 3 TSP / 0 / 0
Plots vacated by households moving away from the study area - 1 TSP / 0 / 0
Total Supply - 4 TSP / 0 / 0 = 4 TSP

Current Need:
Households on unauthorised developments - 0
Concealed households/doubling-up/over-crowding - 9 TSP / 0 / 0
Movement from B&M - 0
Total Current Need - 9 TSP / 0 / 0 = 9 TSP

Future Need:
5 year need from older teenage children - 7 TSP / 0 / 0
New household formation - 9 TSP(a) / 5TSP(b) / 3TSP(c)
(Base number of households (a) 42 & formation rate 1.20%, (b) 28 & formation rate 1.00%, (c) derived from site demographics)
Total Future Needs - 16TSP/5TSP/3 TSP = 24TSP
NET PLOT NEED - 21 TSP / 5 TSP / 3 TSP = 29 TSP
Appendix 3: Map of Traveller Sites

[Map of Traveller Sites with markers for various locations such as High View, Field 2472, The Plantation, Springbottom Lane, Pendell Camp, etc.]

*Document Reference TED06:*
Tandridge District Council Supporting Paper 2
### Appendix 4: Planning application for Traveller sites since 2013 – September 2019 update

**Gypsy / Traveller planning applications**

**Determined applications**

<table>
<thead>
<tr>
<th>Application No.</th>
<th>Site Address</th>
<th>Description</th>
<th>Number of proposed pitches/plots</th>
<th>Is site already occupied/Is this a retrospective application?</th>
<th>Current status</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014/1484</td>
<td>Hare and Hounds, Lingfield Common Road, Lingfield</td>
<td>Variation of condition 1 and 2 of permission TA/2009/962 to allow for permanent stationing of three caravans and to enable the occupation by any other unnamed Gypsy and Travellers</td>
<td>3 pitches</td>
<td>Occupied site comprising 3 unauthorised pitches. Site previously granted temporary permission for 3 pitches.</td>
<td>Granted permanent permission on 3/7/2019</td>
</tr>
<tr>
<td>2015/1913</td>
<td>High View Manor Park Beech Farm Road Warlingham</td>
<td>Change of use of land to a private gypsy and traveller caravan site; providing for 4 caravan pitches</td>
<td>4 pitches</td>
<td>Occupied site comprising 4 unauthorised pitches. Retrospective planning application.</td>
<td>Refused January 2018. Appeal allowed 8/7/2019</td>
</tr>
<tr>
<td>2015/1991</td>
<td>Kew Gardens, Antlands Lane, Shipley Bridge</td>
<td>Erection of utility block, day room/ store, stable block with storage barn and kennel (retrospective) and variation of condition 2 of appeal decision APP/M3645/C/11/2149181 and APP/M3645/C/11/2149182 dated 15 September 2011 to allow for an additional pitch on site.</td>
<td>1 pitch</td>
<td>Occupied site comprising 1 authorised pitch and 1 unauthorised pitch. Retrospective planning application in relation to buildings and 1 unauthorised pitch.</td>
<td>Refused August 2017. Appeal submitted but out of time. Enf notice served and enf appeal determined January 2019. Notice largely upheld</td>
</tr>
<tr>
<td>2015/2203</td>
<td>Land adj caravan site, Beech Farm Road, Warlingham (Field 2472)</td>
<td>Change of use of land for residential occupation of caravans by gypsy-travellers with associated hard standing, utility blocks and fencing for three additional pitches (part retrospective)</td>
<td>3 pitches</td>
<td>Occupied site comprising 4 unauthorised pitches. Retrospective planning application. Site overlaps with 2017/2377.</td>
<td>Refused – appeal lodged but subsequently withdrawn</td>
</tr>
<tr>
<td>2017/1721</td>
<td>The Plantation, Springbottom Lane, Bletchingley.</td>
<td>Change of use of land for the stationing of a mobile home with associated hardstanding.</td>
<td>1 pitch</td>
<td>Occupied site comprising 1 unauthorised pitch. Retrospective planning application.</td>
<td>Refused 10/6/19 – no appeal lodged to date</td>
</tr>
</tbody>
</table>

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**Document Reference TED06:**
*Tandridge District Council Supporting Paper 2*
<table>
<thead>
<tr>
<th>Reference</th>
<th>Location</th>
<th>Description</th>
<th>Type</th>
<th>Details</th>
<th>Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017/2377</td>
<td>Land adjacent to caravan site, Beech Farm Road,</td>
<td>Change of use of land for the stationing of four static caravans for</td>
<td>4 pitches</td>
<td>Occupied site comprising 2 unauthorised pitches. Planning application part retrospective. Site overlaps with 2015/2203.</td>
<td>Refused – appeal lodged – public inquiry to take place 25/09/19.</td>
</tr>
<tr>
<td></td>
<td>Warlingham</td>
<td>residential occupation by gypsy travellers, formation of new access and track, hard-standing, utility block, cesspool, storage area for</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>up to four touring caravans and fencing. (Part retrospective)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2017/2652</td>
<td>Land at Farm Lane, Godstone, RH9 8DH</td>
<td>Proposed siting of 10 mobile homes and touring caravans and two day rooms</td>
<td>10 pitches</td>
<td>Unoccupied site.</td>
<td>Refused – no appeal lodged and now out of time.</td>
</tr>
<tr>
<td>2018/839</td>
<td>Plot 1, The Paddocks (formerly Black Barn)</td>
<td>Change of use of land for a proposed two pitch site for settled gypsy</td>
<td>2 pitches</td>
<td>Occupied site comprising 2 unauthorised pitches. Retrospective planning application.</td>
<td>Refused 13/03/19 – no appeal lodged to date.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>accommodation</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2018/840</td>
<td>Plot 2, The Paddocks (formerly Black Barn)</td>
<td>Change of use of land for a proposed two pitch site for settled gypsy</td>
<td>2 pitches</td>
<td>Occupied site comprising 2 unauthorised pitches. Retrospective planning application.</td>
<td>Refused 13/03/19 – no appeal lodged to date.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>accommodation</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2018/1139</td>
<td>Beechfield, Moats Lane, South Nutfield RH1 5PF</td>
<td>Stationing of 2 mobile homes</td>
<td>2 pitches</td>
<td>Occupied site comprising 2 unauthorised pitches. Retrospective planning application.</td>
<td>Permanent planning permission granted 27/06/19 (2017/2394 withdrawn)</td>
</tr>
<tr>
<td>2018/1592</td>
<td>Land north of Effingham Road, Burstow</td>
<td>Change of use to a private gypsy and traveller caravan site consisting of 6 pitches each containing 1 mobile home, 1 day room, 1 touring</td>
<td>6 pitches</td>
<td>Unoccupied site.</td>
<td>Refused 22/5/19 – no appeal lodged to date.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>caravan and associated development</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2019/24</td>
<td>Land between Dornalong and The Retreat, Kemsley</td>
<td>Change of use to a private gypsy and traveller caravan site consisting of 1 pitch</td>
<td>1 pitch</td>
<td>Unoccupied site.</td>
<td>Refused 6/6/19 – appeal lodged and to be determined by a hearing - no date for hearing as yet.</td>
</tr>
<tr>
<td></td>
<td>Lane, TN16 2BH.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2019/155</td>
<td>Land to rear of 64-70 Copthorne Road, Felbridge.</td>
<td>Outline application with all matters reserved for a proposed single pitch site for settled gypsy accommodation.</td>
<td>1 pitch</td>
<td>Unoccupied site.</td>
<td>Refused 26/04/19 – no appeal lodged to date.</td>
</tr>
</tbody>
</table>
## Outstanding planning applications

<table>
<thead>
<tr>
<th>Application No.</th>
<th>Site Address</th>
<th>Description</th>
<th>Number of proposed pitches/plots</th>
<th>Is site already occupied/is this a retrospective application?</th>
<th>Current status</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013/1454</td>
<td>Hades Wood Farm, Cogman’s Lane, Smallfield.</td>
<td>Change of use of land for the stationing of a mobile home with associated hard standing, septic tank, utility building and storage.</td>
<td>1 pitch</td>
<td>Site appears not to be occupied.</td>
<td>Awaiting determination.</td>
</tr>
<tr>
<td>2014/2038</td>
<td>Forge Farm Nurseries West Park Road Newchapel</td>
<td>Variation of condition 4 of permission App/M3645/A/09/2108985 dated 21 December 2009 to allow the temporary use of the land as a private gypsy caravan site to become a permanent site and for the removal of condition 1 to allow un-named persons to live at the site.</td>
<td>6 pitches</td>
<td>Occupied site comprising 5 unauthorised pitches. Site previously granted temporary permission for 6 pitches. This application seeking permanent permission.</td>
<td>Awaiting determination</td>
</tr>
<tr>
<td>2015/227</td>
<td>Ivy Hatch, Downlands Lane, Copthorne</td>
<td>Stationing of three mobile homes with access, parking and private amenity space. (Retrospective)</td>
<td>3 pitches</td>
<td>Occupied site comprising 3 unauthorised pitches. Retrospective planning application.</td>
<td>Awaiting determination</td>
</tr>
<tr>
<td>2015/605</td>
<td>The Oaks/Oak Trees, Green Lane, Shipley Bridge RH6 9TJ (Plot 2?)</td>
<td>Variation of condition 4 of planning permission TA/2009/1073 to allow the stationing of 2 additional caravans.</td>
<td>2 pitches</td>
<td>Occupied site comprising 4 authorised pitches. Unknown if proposed pitches are existing and occupied.</td>
<td>Awaiting determination</td>
</tr>
<tr>
<td>2016/1344</td>
<td>Land east and south of, Oaklands, Green Lane, Shipley Bridge</td>
<td>Extension to existing Gypsy/Traveller site to provide 4 additional pitches comprising 4 mobile homes, 4 touring caravans and 4 utility rooms together with the repositioning of the existing lawful mobile</td>
<td>4 pitches</td>
<td>Occupied site comprising a long-established and licensed mobile home. Unknown if proposed pitches are</td>
<td>Awaiting determination</td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th>Application No.</th>
<th>Site Address</th>
<th>Description</th>
<th>Number of proposed pitches/plots</th>
<th>Is site already occupied/Is this a retrospective application?</th>
<th>Current status</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017/1457</td>
<td>Burstow Stables, Church Lane, Burstow, RH6 9TG.</td>
<td>Change of use of land to a gypsy and traveller caravan site consisting of 1 pitch</td>
<td>1 pitch</td>
<td>Occupied site comprising 1 unauthorised pitch. Site previously granted temporary permission for 1 pitch. This application seeking permanent permission.</td>
<td>Awaiting determination.</td>
</tr>
<tr>
<td>2019/387</td>
<td>Kew Gardens, Antlands Lane Shipley Bridge</td>
<td>Retention of dayroom (Building A) and installation of proposed mobile home (Part Retrospective)</td>
<td>1 pitch</td>
<td>Occupied site comprising 1 authorised pitch and 1 unauthorised pitch. Retrospective planning application in relation to unauthorised pitch.</td>
<td>Awaiting determination.</td>
</tr>
</tbody>
</table>

**Travelling showpeople planning applications**

<table>
<thead>
<tr>
<th>Application No.</th>
<th>Site Address</th>
<th>Description</th>
<th>Number of proposed pitches/plots</th>
<th>Is site already occupied/Is this a retrospective application?</th>
<th>Current status</th>
</tr>
</thead>
<tbody>
<tr>
<td>2016/863</td>
<td>Former Lingfield Common Nursery, Lingfield Common Road, Lingfield</td>
<td>Change of use of land to create 12 plots for travelling showpeople with equipment storage area</td>
<td>12 plots</td>
<td>Unoccupied site.</td>
<td>Refused October 2017. No appeal lodged.</td>
</tr>
<tr>
<td>2019/236</td>
<td>Land adjacent to Michael's Commercials, East Park Lane, Newchapel.</td>
<td>Change of use of land to create 17 plots for travelling showpeople with creation of new access to highway.</td>
<td>17 plots</td>
<td>Unoccupied site.</td>
<td>Awaiting determination.</td>
</tr>
</tbody>
</table>
Appendix 5: Appeal decision Highview, Beech Farm Road, Warlingham – APP/M3645/W/18/3205027

Document Reference TED06:
Tandridge District Council Supporting Paper 2
Appeal Decision

Inquiry Held on 16 April 2019 Site visit made on 17 April 2019

by C Sherratt DipURP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 8th July 2019

Appeal Ref: APP/M3645/W/18/3205027 Highview, Beech Farm Road, Warlingham, CR6 9QG

The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.

The appeal is made by Mr & Mrs E & M Cash against the decision of Tandridge District Council.

The application Ref TA/2015/1913, dated 21 October 2015, was refused by notice dated 15 January 2018.

The development proposed is the use of land as a private gypsy and traveller caravan

Procedural Matters

The proposed development has already occurred. The application is therefore made retrospectively.

The application site, as identified by a red edge on the site location plan, erroneously includes land occupied by an existing bungalow not referred to in the description of development. There is no intention to demolish the bungalow or use it in association with the proposed gypsy and traveller caravan site. A revised plan, reference TDA.2167.01 Revision C ‘Red Line’ was therefore submitted prior to the close of the Inquiry excluding the bungalow and its curtilage. I do not consider any prejudice would arise if I accept the revised plan. I shall determine the appeal on this basis.

Decision

The appeal is allowed and planning permission is granted for the use of land as a private gypsy and traveller caravan site consisting of 4 no. pitches at Highview, Beech Farm Road, Warlingham, CR6 9QG in accordance with the terms of the application, Ref TA/2015/1913, dated 21 October 2015, and the plans submitted with it and revised plan TDA.2167.01 Revision C ‘Red Line’, subject to the conditions set out in the Schedule attached.

Main Issues

Paragraph 146 of the National Planning Policy Framework (‘the Framework’) confirms that material changes in the use of land within the Green Belt are not inappropriate development provided they preserve its openness and do not conflict with the purposes of including land within it. Policy E of Planning Policy for Traveller Sites

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(PPTS) confirms that Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. There is no dispute between the parties that the development represents inappropriate development in the Green Belt having regard to the Framework, PPTS and relevant development plan policies. I agree. The main issues are therefore:

(a) The effect on the openness and purposes of including land in the Green Belt;

(b) The effect of the development on the character and appearance of the area, designated an Area of Great Landscape Value (AGLV);

(c) Whether the appeal site is situated within a sustainable location; and

(d) Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons


3. CS Policy CSP1 sets out a hierarchy for the location of development. Policy CSP9 is specific to gypsy and traveller caravan sites. This states that the Council will make provision for sites for gypsies and travellers, through a Site Allocations Development Plan Document in accordance with any identified need and taking into account the existing authorised provision within the District. In allocating sites, the preference will be for urban sites, however when it is not possible to identify urban sites the Council will allocate sites within the Green Belt. Criteria are set out within the policy which are to be used not only to assess the suitability of sites being considered for allocation but also to be satisfied by proposals for sites to meet unexpected and proven need.

4. CS Policy CSP18 ‘character and design’ requires new development to be of a high standard of design that must reflect and respect the character, setting and local context, including those features that contribute to local distinctiveness. Although cited in the reasons for refusal, CSP20 relates to Areas of Outstanding Natural Beauty (AONB) only. The site is not situated within an existing area of AONB. Any comparisons with the AONB or future aspirations to include the area within which the appeal site is situated as AONB is not a consideration that I afford any weight in this appeal. CSP21 requires the character and distinctiveness of the District’s landscapes and countryside to be protected for their own sake. New development will be required to conserve and enhance landscape character.

5. Policy DP1 of the LP is an overarching policy that reflects the presumption in favour of sustainable development set out in the Framework. LP policy DP10 is relevant to development in the Green Belt. It confirms that proposals for inappropriate development in the Green Belt will only be permitted where very special circumstances exist, to the extent that other considerations clearly outweigh any potential harm to the Green Belt by reason of inappropriateness
and any other harm. Policy DP13 is specific to buildings in the Green Belt. No buildings are proposed.

6. LP Policy DP7 General Policy for New Development’ requires all new development to be of a high-quality design. Development should integrate effectively with its surroundings, reinforcing local distinctiveness and landscape character. A number of matters must be effectively addressed.

7. The Council is in the process of producing a Local Plan for the period to 2033 ‘Our Local Plan’ (the emerging LP). It has been submitted for examination. As an emerging plan the parties agreed it could still only be afforded limited weight. No gypsy and traveller sites have been allocated in the emerging LP. Although some sites were found to be suitable for the purposes of the Housing and Economic Land Availability Assessment all were in the Green Belt. The exceptional circumstances needed to justify their release from the Green Belt were judged, by the Council, not to exist. It is therefore expected that the plan allows for sites to come forward where they meet essential criteria and assist in meeting identified needs. Whether very special circumstances exist for proposals in the Green Belt will be determined on a case by case basis.

8. Policy TLP15 is a criteria-based policy. It requires the first four criteria (i)–(iv) to be met and / or a further six criteria (v – x). Three additional bullet points set out circumstances when planning permission will not be granted; essentially where sites do not provide a safe environment for the occupiers. Emerging Policy TLP16 relates to the design of traveller sites.

Green Belt

9. The development comprises inappropriate development. It is therefore accepted that openness is not preserved. The existing lawful use of the site is for equine purposes. No equestrian buildings exist on the land. As such the existing lawful use is open in nature. The introduction of a caravan site containing 4 pitches with the stationing of up to 8 caravans, including 4 static caravans, would undoubtedly reduce openness and result in encroachment into the countryside. Whilst the introduction of some earth bunding and planting has helped to reduce the impacts of the site from available longer distance views there is nevertheless some harm to the visual qualities of the Green Belt in addition to an overall reduction on openness. That said, the appeal site is relatively well contained in the southern section of the wider site, close to the existing bungalow and adjacent lawful gypsy and traveller site. Indeed, the static caravans that I observed on the site in their current positions were far less obtrusive than the bungalow, with only glimpses of the caravan roofs being seen in the available longer distance views.

10. I am mindful that in granting planning permission for the bungalow in 2015 the application proposed to demolish an existing building and remove a lawfully sited caravan. The proposed package was considered to result in an improvement to the openness of the Green Belt and its visual amenities. In summary, the removal of the built form and hardstanding that had evolved on the site was considered to amount to the very special circumstances necessary to outweigh the harm caused by inappropriateness and other identified harm1. The Council expressed concern that any grant of planning permission for the appeal development would undermine the justification for the bungalow and the improvements that were considered to be gained to openness.

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11. Nevertheless, for the reasons rehearsed above, I consider that harm to openness and the purposes of including land in the Green Belt that is caused by the appeal development is only modest.

1 As set out in the Officer’s delegated report – Appendix 2 of Mr Woods’ Proof of Evidence.

Character and appearance of area

12. The appeal site is situated within an area designated in the LP as an AGLV. It occupies a position on the upper part of a dry valley. Although the Council describe the site as elevated and prominent, there are no close public views and so it is only seen in distant views from nearby roads, where only glimpses of the site can be gleaned. I appreciate that it may be more visible in winter months but still only from limited sections of the road and in long distance views.

13. In my view, in the context of the lawful bungalow and adjacent lawful caravan site and subject to the appropriate siting of the caravans and additional planting, the development would conserve and enhance landscape character in accordance with CS Policy CSP21.

Sustainable location

14. The site is in a location away from any settlements. Site occupiers are therefore likely to be reliant on the car as the main mode of transport. However, it must be acknowledged that sites for gypsies and travellers are unlikely to come forward on urban sites as preferred in Policy CSP9. Nearly all of the District, outside settlements, is within the Green Belt or designated as AONB. All existing sites, whether public or private, are within the Green Belt. The suitability of the location of the development must be considered in this context and in the recognition that PPTS anticipates the likelihood of rural sites in the Countryside.

15. With this in mind, it would be unrealistic to expect sites for gypsies and travellers to be found in locations that are equally suitable for housing for the settled population as such development potential for housing is likely to rule out the affordability and availability of such sites.

16. The nearest settlement to the appeal site is the town of Warlingham which contains a wide range of services and facilities including shops, restaurants, schools, hairdressers and the like. Indeed, it is a Category 1 settlement in the CS, where Policy CSP1 permits development in order to promote sustainable patterns of travel. The appeal site is about 3.8km (2.4 miles) from a large Sainsbury’s supermarket on the edge of Warlingham. Whilst I do not therefore dispute that there will be a reliance on the private car to access facilities and services, over and above the travelling associated with a nomadic way of life, the site is not isolated.

17. PPTS requires sites to be economically, socially and environmentally sustainable. The site would provide the appellants and his family with a settled base where it is easier to gain access to health and education. It would also reduce the need for continuous travelling associated with living on the roadside and give the family a safe and secure base. These are social and environmental benefits.

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18. Policy CSP9(f) expresses a preference for sites that are accessible by non-car modes of transport. Within 1 mile there is a bus stop which I heard is serviced by a regular service to Croydon and I saw from this point there is also a footpath and cycle path into Wallingham. However, to reach these, the road from the appeal site is a typical rural lane that is unlit and has no separate footpath. The site itself cannot reasonably be described as being accessible by non-car modes of transport.

19. Nevertheless, Policy CSP9(f) is expressed as a preference only, not a requirement. I therefore find no conflict with the development plan in this regard. Furthermore, the emerging LP requires pitches to be located within a reasonable distance of local services and facilities including shops, GPs and schools, even if the site is not directly adjacent to the settlement boundary\(^3\). In the context of gypsy and traveller sites, I regard the appeal site as being within a reasonable distance of local services and facilities.

Other considerations

Need

20. Previous appeal decisions concerning proposals for gypsy and traveller sites in the District refer to a Traveller Accommodation Assessment (TAA) (draft report) that provided the evidence base for the adopted CS. This identified a need for 63 pitches between 2013-2028, of which 48 were required during the initial five-year period up to 2018. However, despite such a pressing need, no Site Allocations Development Plan Document has been produced as set out on CS Policy CSP9.

21. Another Gypsy and Traveller Accommodation Assessment (GTAA) was commissioned by the Council and published in 2017 to provide evidence to support the emerging LP. The evidential base date for this GTAA is 2016. The robustness of this evidence and in turn the justification for any policies it supports has not yet been tested through the examination process.

22. The 2017 GTAA seeks to distinguish between those occupiers that meet the definition of a gypsy and traveller for planning purposes (as revised in 2015) and those that don’t. I heard that this was determined based on the responses to interviews with site occupiers who were available on the pitches visited\(^4\). Interviews occurred on only 30% of the pitches visited. Of the 47 gypsy and traveller households in Tandridge identified in Figure 8\(^5\) of the GTAA, 4 were considered to meet the definition, 17 to not meet it and in the case of 26 households, the position was unknown.

23. The preamble to emerging LP Policy TLP15 explains that the 2017 GTAA found a need for 5 additional pitches for gypsies and travellers between 2016 and 2033. This is consistent with Figure 10 ‘Need for additional pitches for Gypsies and Travellers that meet the Planning Definition 2016-2033’. These are all required in the first five-year period (Figure 11).

24. At the Inquiry the Council’s witness accepted that the GTAA acknowledges that there may be a need for ‘up to’ a further 15 pitches. This is explained in paragraph 7.37 of the GTAA as being because it was not possible to determine

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the travelling status of the 26 households who are believed to be ethnic gypsies and travellers and may meet the definition. For the purposes of this appeal, in the absence of evidence to the contrary, the figure of a further 15 pitches should be regarded as an absolute minimum. More or less than 15 households within the 26 ‘unknown’ households could meet the definition; it’s simply undetermined at this stage. In any event, these together with the remaining ‘unknowns’ and 17 households found not to meet the definition, are still households in need of accommodation and that need may well be for accommodation on caravan sites.

25. The appellant’s planning witness was able to identify a number of instances where unauthorised pitches existed at the time of the GTAA base date but had not been recorded. This amounts to some 9 to 13 pitches; the additional 4 pitches only arising if the sites at Plot 1 and Plot 2 Oaklands have been recorded the right way around in the Figure 5. All of the occupiers of these additional pitches were said, by the appellant’s witness, to meet the planning definition of gypsies and travellers. No evidence was presented by the Council to challenge this information. Added to this were further unauthorised pitches referred to by the appellant’s witness as having been established since the 2016 base date of the GTAA. Again, this evidence was unchallenged. The immediate needs of these households for pitches or any emerging needs through newly formed households during the plan period therefore appear to be in addition to the 5 plus 15 further households identified in the GTAA.

26. Of the sites visited, 5 were unauthorised, containing 17 pitches. There appears to be a potential discrepancy between this information and that contained in figure 8 that suggests only 13 households live on unauthorised sites. Two unauthorised pitches were occupied by non-travellers which may account for a difference of 2 but the other two households seem to be unaccounted for based on the information available to me and could not be explained by the Council’s witness.

27. Notwithstanding any future examination of the emerging LP where the robustness of the GTAA as a whole will be considered, based on the evidence put to this Inquiry there would appear to be a far greater need for pitches than recorded in the GTAA. Some of this represents an immediate need. I do not accept the Council’s proposition that this overall need was not significant. It cannot be directly compared to other GTAAs that have not attempted to split those meeting or not meeting the definition and need will always be relative to the gypsy and traveller population already occupying sites in a local authority area. I regard the need for additional pitches to be significant and in a matter to be afforded significant weight.

Lack of Alternative Sites

28. There was no suggestion that there were other suitable and available sites accessible to the occupiers of the appeal site. Whilst the Council’s witness understood that those not meeting the definition had been taken into account in addressing the objectively assessed need of the settled population, there

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3 Policy TLP15 – criterion (v)
4 Figure 5 ‘Gypsy and Traveller Sites visited in Tandridge by ORS’
5 Figure 8 ‘Planning Status of Gypsy and Traveller households in Tandridge by ORS’
was no certainty how the needs of those not meeting the definition and who may potentially be displaced as a result of any action, but still requiring a caravan site, are to be met going forward.

29. No site allocations are proposed in the emerging LP although paragraph 18.37 refers to a recognition by the Council that the South Godstone Community could provide an opportunity to deliver traveller accommodation in a sustainable location close to services and facilities to meet longer term needs. I was not informed of any specific timetable within the Local Development Scheme for the production of an Area Action Plan relevant to this proposal should such an approach be found sound, other than it was likely to take 5 to 6 years to produce. In any event, as this is only a possible longer-term solution, the emerging plan will not address any immediate need for pitches. I give the lack of suitable and available alternative sites great weight.

Failure of Policy

30. There is no dispute between the parties that the Council cannot demonstrate a 5-year supply of pitches for gypsies and travellers.

31. The Council has failed to meet any of the need identified in the (draft) TAA some 5 years on. The Site Allocations Plan referred to in the CS was not progressed to completion.

32. Policy E of PPTS confirms that Green Belt boundaries should be altered only in exceptional circumstances. If a local planning authority wishes 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, it should do so only through the plan making process and not in response to a planning application. No sites are proposed in the emerging LP, despite a need being identified. As stated previously, the emerging LP only refers to meeting the longer-term needs at the proposed South Godstone Garden Community for which an Area Action Plan would be produced should the emerging LP be found sound. In the meantime, any need can only therefore be addressed through planning applications.

33. As most, if not all, proposals will be in the Green Belt it will be necessary to demonstrate that very special circumstances exist for applications to be successful. The government has made clear in a Written Ministerial Statement that need and personal circumstances are unlikely to amount to very special circumstances when determining a planning application. The Council’s stated approach to meeting need through planning applications actually therefore sets a more stringent test for proposals to meet than demonstrating the exceptional circumstances required to justify the release of land through a Local Plan. And yet, despite identifying sites to consider through the LP process, the Council has already indicated that exceptional circumstances do not exist to allocate any Green Belt sites that were considered as part of the emerging LP process.

34. Furthermore, as need can only be addressed through planning applications at least until such time as any Area Action Plan is prepared and adopted, it is of great concern that the Council has a number of long-standing validated applications, some of which were submitted as long ago as 2015, that have not yet been determined.

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35. To conclude, I consider that there has been a persistent and woeful failure on
the part of the Council to meet the needs of the gypsy and traveller community
both historically and potentially going forward. This is a matter I afford
substantial weight.

Previously developed land

36. Paragraph 26 of PPTS confirms that when considering applications, local
planning authorities should attach weight to a number of matters including the
effective use of previously developed (brownfield), untidy or derelict land. The
NPPF defines previously developed land as "Land which is or was occupied by a
permanent structure, including the curtilage of the developed land (although it
should not be assumed that the whole of the curtilage should be developed)
and any associated fixed surface infrastructure. This excludes: land that is or
was last occupied by agricultural or forestry buildings; .... and land that was
previously developed but where the remains of the permanent structure or
fixed surface structure have blended into the landscape.

37. The appellant’s case is that the wider site (i.e. that edged in red and blue on
the site location plan that was part of the set of application plans) is previously
developed land. In support of this proposition the appellant cites a previous
appeal decision including the appeal site concerning linked appeals relating to
(i) the lawfulness of the stationing of a caravan for residential purposes; and
(ii) a s78 appeal for the retention of the caravan and use of part of a stable
block as a day room\(^6\) (the 2007 appeal decision).

38. Paragraph 8 of that 2007 appeal decision, under a heading ‘Planning History
and Background’, describes the entire land holding in 2007 as appearing "to
have been used for equestrian purposes from the late 1980s, with the stable
block being used both as stables and, in its north eastern part, as a rest room
or mess area with toilet and washing facilities for the horse riders and owners.
Sufficient evidence existed for the Council to grant a LDC for the use of the
entire land holding (including the building) for private equestrian purposes, in
1999”. Whilst the stable building has gone, having been replaced by the
bungalow, the lawful use of the land beyond what would be the newly formed
curtilage of the bungalow, was and remains for equestrian purposes. It is
therefore land that was occupied by a permanent structure. The question
therefore arises as to whether the entire landholding referred to in paragraph 8
of the appeal decision was the curtilage of the developed land.

39. The Council relies on paragraph 7 within the 2007 appeal decision that states,
"Around the building is a mainly concrete and tarmac surface, surrounded by
fencing beyond which are grassed enclosures, a sand-covered horse exercise
area and two paddocks, a smaller one to the east and a much larger one to the
north.” This, in the Council’s submission, demonstrates that the curtilage must
be regarded as a much smaller area confined to the area of concrete and
tarmac surface surrounded by fencing. I agree. To my mind the paddocks
beyond the stable building and the defined and demarcated space beyond it,
would be outside the curtilage of the former building. I do not accept that the
entire land holding referred to in paragraph 8 would have met the definition of
previously developed land, despite having been subject to a material change of
use some 10 years or more prior to 2007. Whilst the change of use to
equestrian purposes constituted development that is not to say it is ‘developed

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land’ in the sense referred to in the definition of previously developed land.

40. Even if I am wrong on this point, the definition is clear that it should not be assumed that the whole of the curtilage should be developed. From the description set out in paragraph 7 of the 2007 appeal decision, the area beyond the building and mainly concrete and tarmac surface, surrounded by fencing remained predominantly open in nature. I do not therefore consider that even if it was previously developed land, that it would weigh positively in favour of developing the land beyond that contained within the fence surrounding the concreted area around the building. This is not a consideration I find to weigh in favour of the proposal.

6 Appendix 2 to Mr Woods’ proof. Appeal ref: APP/M3645/X/06/2034051 & APP/M3645/A/07/2034462

Needs of the appellant and other intended occupiers for a pitch

41. The site is occupied by the appellant and his wife together with their three adult children and their partners together with four grandchildren. They are Irish Travellers. I heard from the appellant that they all travel regularly, albeit not necessarily together, throughout the summer months, carrying out mainly landscape and gardening work. All members of each household will travel together as a family except during periods when children are attending school. The site occupiers also trade at various horse fairs, sometimes keeping up to four horses at the site. I am satisfied on the evidence before me, that the family group who occupy the site all currently meet the definition of a gypsy and traveller set out in the PPTS.

42. I heard that none of the group had a settled base before purchasing the site and lead a predominantly road side existence; occasionally pulling up on pitches belonging to other family members. The wider family group have a personal need for four pitches. In the absence of any suitable and available sites, I give the personal needs of the occupiers for a pitch significant weight.

43. Case law establishes that the best interests of the children are a primary consideration. There are a number of children on the site ranging from 4 years old to 14. A settled base rather than a predominantly road-side existence is clearly in the best interests of the children. A settled base will ensure easier access to education (both for the child already at school and those approaching school age) and health care provision on a consistent basis. In addition I accept that the overall safety and welfare of the children must be improved when compared to a predominantly road side existence where there is a risk of constantly being moved on or pulling up in locations with no access to safe and accessible amenity space; and more so during the winter months when the appellant indicated the families do less, if any, travelling due to the nature of their employment. I give the best interests of the children substantial weight.

Balancing exercise

44. The development comprises inappropriate development in the Green Belt. The harm by reason of inappropriateness and other harm to the Green Belt must be afforded substantial weight. There is some additional harm to openness and the purposes of including land in the Green Belt.

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45. Considerations weighing in favour of the development are the general and significant need for gypsy and traveller pitches in the district, the lack of a 5-year supply of pitches and any suitable alternatives, the longstanding and ongoing failure of Council policy to address the needs of the gypsy and traveller community and thus the unequal approach when compared to the settled population. Given the weight I have attributed to each of these considerations in this particular case, the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by these considerations alone. It is not therefore necessary to add personal circumstances or the best interests of the children into the balancing exercise or restrict occupation on this basis.

**Conditions**

46. The site is justified for occupation by those meeting the definition of gypsies and travellers and so a condition restricting occupancy accordingly will be required. The number of caravans that can be stationed on the site at any one time should be limited to eight, of which no more than four should be a static caravan. A number of details require approval by the Council to ensure the satisfactory development of the site. These are means of foul and surface water drainage, the site layout, details of external lighting, refuse and waste storage and collection arrangements, boundary treatments and landscaping. As the development has already been carried out the condition must be worded in such a way that the use would cease if the details were not submitted and approved within a reasonable period of time.

47. The application was accompanied by a landscaping plan. The Council expressed concern that the use of laurel hedging that has already been planted was not appropriate in this countryside setting. I agree. I shall therefore, notwithstanding the submitted landscaping plan, require the submission of a scheme to be approved.

**Overall Conclusions**

48. For the reasons given above I conclude that the appeal should be allowed.

_Claire Sherratt_

Inspector
APPEARANCES

FOR THE APPELLANT:

Mr A Masters Of Counsel
Instructed by Mr B Woods
He Called:

Mr E Cash Appellant
Mr B Woods Agent for Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Ms J Parker QC
Instructed by the Council’s solicitor
He called:

Mr Thurlow Of C.F. Thurlow Town Planning Consultancy

DOCUMENTS:

1 Planning Statement of Stephen Downes DipTP MRPI dated March 2014;
2 Schedule of Draft Conditions;
3 Opening Submissions for Tandridge District Council;
4 Plan showing lawful and unlawful development surrounding appeal site;
5 2014 application plan;
6a Gypsy and traveller applications position statement - April 2019;
6b Appeal Decision APP/M3645/C/17/3186366;
6c Copy of Enforcement Notice re: Land at Kew Garden;
7 Planning application and Design and Access Statement re: Land at Kew Gardens;
8 Parental consent for various ‘departments’ to discuss a child;
9 Closing Submissions for Tandridge District Council;
10 Closing Submissions for the Appellant.

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Schedule of Conditions

1. The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1: Glossary of Planning Policy for Traveller Sites (or its equivalent in replacement national policy).

2. No more than 8 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended (of which no more than 4 shall be static caravans) shall be stationed on the site at any time.

3. No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.

4. No commercial activities shall take place on the land, including the storage of materials.

5. The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days of the date of failure to meet any one of the requirements set out in i) to iv) below:

   i) Within 3 months of the date of this decision a scheme for:

      (a) the means of foul and surface water drainage of the site;

      (b) the facilities for, and location of, the storage and collection of refuse and waste;

      (c) siting of proposed and existing external lighting on the boundary of and within the site;

      (d) the internal layout of the site, including the siting of caravans, pitches, hardstanding, access roads, parking and amenity areas;

      (e) tree, hedge and shrub planting including details of species, plant sizes and proposed numbers and densities; boundary treatments and where appropriate earth mounding (notwithstanding the application plan TDA.2167.02);

      (hereafter referred to as the site development scheme) shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.

   ii) If within 11 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

   iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.

   iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable.
Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained. In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

6. At the same time as the site development scheme required by condition 5 above is submitted to the local planning authority there shall be submitted a schedule of maintenance for a period of 5 years of the proposed planting beginning at the completion of the final phase of implementation as required by that condition. The schedule shall make provision for the replacement, in the same position, of any tree, hedge or shrub that is removed, uprooted or destroyed or dies within 5 years of planting or, in the opinion of the local planning authority, becomes seriously damaged or defective, with another of the same species and size as that originally planted. The maintenance shall be carried out in accordance with the approved schedule.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other order revoking and re-enacting that order with or without modifications), no walls, fences or other means of enclosure other than those approved under condition 5 shall be erected on the site unless details of their size, materials and location shall have previously been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.