

Matter 1 – Legal Compliance

Issue 3 – Public Sector Equality Duty

3. Policy SP4 'Housing' sets out that to provide good quality housing that meets the needs of all parts of society, the Council seeks to address the needs of 'Gypsies, Travellers and Travelling Show People'. The Plan's approach is informed principally by the 2024 Gypsy and Traveller Accommodation Assessment ('GTAA'), along with the Evidence Paper and Evidence Paper Addendum.
4. At the Stage 1 hearing sessions, the Council explained that it has undertaken further work following the Evidence Paper Addendum to assess the delivery potential of pitches and plots. The updated evidence was published in Examination Document SADC/ED79 and made available for consultation. It describes a potential capacity for 162 pitches against a need figure of 95 pitches to 2041.

Q1 Is the minimum requirement figure based on a robust, objectively assessed analysis of needs over the plan period? Is the Plan effective in identifying the pitch requirement and stating how those needs will be met?

Is the minimum requirement figure based on a robust, objectively assessed analysis of needs over the plan period?

- 1.1 Yes, it is considered that the minimum requirement figure is based on a robust, objectively assessed analysis of needs over the plan period.
- 1.2 The Stage 1 MIQ Matter 1 Issue 6 answer to Question 2 set out that the requirement for Gypsy and Traveller pitches to 2041 is 95 pitches, and that the requirement for travelling showpeople plots to 2041 is 7 plots. It sets out what the requirement figure was based on and how it was calculated, with reference to the Gypsy and Traveller Accommodation Assessment Final Report dated September 2024 (GTAA) (HOU 05.01); as follows:
 - 2.13 *The identified accommodation needs for gypsies and travellers and travelling showpeople over the plan period are based on the findings of the GTAA, as set out above.*
 - 2.14 *The identified needs were calculated in accordance with the GTAA's methodology, which is summarised in the Executive Summary and is set out in more detail in Chapter 3 'Methodology' of the GTAA report.*
 - 2.15 *The following excerpts from the Executive Summary provide a high-level summary of how the identified needs have been calculated:*

Introduction and Methodology

1.1 The primary objective of this Gypsy and Traveller Accommodation Assessment (GTAA) is to provide a robust assessment of current and future

need for Gypsy, Traveller and Travelling Showpeople accommodation in St Albans City & District Council (the Council) area.

1.2 As well as updating the previous GTAA, the GTAA provides a credible evidence base which can be used to aid the implementation of Local Plan Policies and, where appropriate, the provision of new Gypsy and Traveller pitches and Travelling Showpeople plots for the period 2024-2041 to cover the Council's Local Plan period and the 15-year requirements set out in Planning Policy for Traveller Sites (PPTS). The outcomes of this study supersede the outcomes of the previous GTAA for St Albans City & District Council.

1.3 The GTAA has sought to understand the accommodation needs of the Gypsy, Traveller and Travelling Showpeople population in the Council area through a combination of desk-based research, stakeholder interviews, and engagement with members of the Travelling Community living on all known sites, yards, and encampments.

1.4 A total of 97 interviews or proxy interviews were completed with Gypsies and Travellers living on sites in St Albans and a total of 4 interviews were completed with Travelling Showpeople. This represents a very robust overall response rate of 87%. Despite the efforts that were made no interviews were completed Travellers living in bricks and mortar.

1.5 A total of 9 stakeholder interviews were also completed.

1.6 The fieldwork for the study was completed between November 2023 and May 2024 and the baseline date for the study is June 2024.

2.16 It is not considered necessary to repeat here all of the Methodology section of the GTAA (Chapter 3), which already forms part of the Evidence Base for the Local Plan Examination; but it is considered that the 'Background' section provides useful context as to how the needs were calculated and the robustness of the ORS approach, as below:

Background

3.1 Over the past 10 years, ORS has continually refined a methodology for undertaking robust and defensible Gypsy, Traveller and Travelling Showpeople Accommodation Needs Assessments. This has been updated in light of changes to the PPTS in 2015 and in 2023, the Housing and Planning Act (2016) the NPPF (2023), and the PPG (2021). It has also responded to changes set out by Planning Ministers, with particular reference to new household formation rates. This is an evolving methodology that has been adaptive to changes in planning policy as well as the outcomes of Local Plan Examinations and Planning Appeals.

3.2 PPTS contains a number of requirements for local authorities which must be addressed in any GTAA methodology. This includes the need to pay particular attention to early and effective community engagement with both settled and traveller communities (including discussing travellers' accommodation needs with travellers themselves); identification of permanent and transit site accommodation needs

separately; working collaboratively with neighbouring local planning authorities; and establishing whether households fall within the planning definition for Gypsies, Travellers and Travelling Showpeople.

- 3.3 *ORS would note that the ORS GTAA methodology has been repeatedly found to be sound and robust, including through Local Plan Examinations in Bedford, Brentwood, Cambridge, Castle Point, Central Bedfordshire, Cheltenham, Cotswold, Daventry, East Hertfordshire, Gloucester, Maldon, Milton Keynes, Newham, Runnymede, South Cambridgeshire, South Northamptonshire, Tewkesbury, and Waverley.*
- 3.4 *An Appeal Decision for a Hearing in Central Bedfordshire (APP/P0240/C/18/3213822) that was issued in March 2020 concluded: ‘...whilst there have been some queries in previous appeal decisions over the conclusions of other GTAA’s produced by ORS, the methodology, which takes into account the revisions made in 2015 to the Government’s Planning Policy for Traveller Sites (PPTS), has nevertheless been accepted by Inspectors in a considerable number of Local Plan Examinations.’*
- 3.5 *The Inspector for the East Herts District Plan also found the evidence base in relation to Gypsies and Travellers to be sound in her Inspection Report that was issued in July 2018. She concluded: ‘The need of the travelling community has been carefully and robustly assessed and locations to meet identified needs have been allocated for the plan period. Policy HOU9 sets out the need for 5 permanent pitches for Gypsies and Travellers... the approach to the provision of housing is comprehensive, positively prepared, appropriate to the needs of the area and consistent with national policy.’*
- 3.6 *The stages below provide a summary of the methodology that was used to complete this study. More information on each stage is provided in the appropriate sections of this report.*
- 2.17 *GTAA Chapter 3 ‘Methodology’ goes on to set out the methodology in relation to the following matters, which are not reproduced here in full but which are found at paragraphs 3.8 – 3.34 of the GTAA:*
- Desk-Based Review*
 - Stakeholder Engagement*
 - Working Collaboratively with Neighbouring Planning Authorities*
 - Survey of Travelling Communities*
 - Engagement with Bricks and Mortar Households*
 - Timing of the Fieldwork*
 - Applying the PPTS Planning Definition*
 - Undetermined Households*
 - Households that Do Not Meet the Planning Definition*

2.18 Under the next section 'Calculating the Current and Future Need' the GTAA notes:

3.35 To identify need, PPTS requires an assessment for current and future pitch requirements but does not provide a methodology for this. However, as with any housing assessment, the underlying calculation can be broken down into a relatively small number of factors. In this case, the key issue is to compare the supply of pitches available for occupation with the current and future needs of the population.

2.19 It then goes on to set out a 3-stage process with subsections as follows (introductory sentence(s) only reproduced below, the GTAA report has more detail):

Supply of Pitches - 3.36 The first stage of the assessment sought to determine the number of occupied, vacant, and potentially available supply in the study area.

Current Need - 3.38 The second stage was to identify components of current need, which is not necessarily the need for pitches because they may be able to be addressed by space already available in the study area.

Future Need 3.39 The final stage was to identify components of future need. This includes the following components: » Households living on sites with temporary planning permission. » New household formation.

2.20 Finally the chapter details and justifies the ORS approach in relation to 'Pitch Turnover' and 'Transit Provision'.

2.21 To conclude, the methodology used by ORS to undertake the GTAA has been found to be robust and justified, as set out above and in the GTAA. The identified accommodation needs for gypsies and travellers and travelling showpeople over the plan period are based on the findings of the GTAA and they have been calculated in accordance with the methodology set out in the GTAA report, most notably in the Executive Summary and in GTAA Chapter 3.

1.3 Taking the above into account, the minimum requirement figure is based on the findings of the GTAA of September 2024, and it is considered that it represents a robust, objectively assessed analysis of needs over the plan period.

Is the Plan effective in identifying the pitch requirement and stating how those needs will be met?

1.4 The Plan does set out the policy basis for how those needs will be met, but does not explicitly identify a pitch requirement or the specific strategy for meeting the needs.

1.5 Main Modifications are proposed in this regard; in order to add in to the reasoned justification for Policy HOU6 specific reference to the pitch and plot requirement and the strategy for how those needs will be met. It is considered that this would provide additional clarity and effectiveness for the Plan. This is achieved through adding in

information that was within the Stage 1 MIQ Matter 1 Issue 6 answers to Questions 2 and 3. The proposed additions shown underlined below are from paragraphs 2.1 and 3.19 respectively of the aforementioned Stage 1 MIQ answers:

Gypsies, Travellers and Travelling Show People

4.20 National planning policy sets out an overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.

4.21 The Council seeks to establish a positive framework for how provision for Gypsies, Travellers and Travelling Show people will be made in the District. This will guide development to more sustainable parts of the District, provide enhanced quality of life for the Gypsy and Traveller community, help to prevent unauthorised sites and ensure that environmental concerns, impact on the Green Belt and community cohesion are proactively addressed.

4.22 Evidence shows that there are future accommodation needs for Gypsies and Travellers over the Plan period. ~~The Plan therefore provides additional accommodation opportunities which includes provision of new sites as well as potential redevelopment and expansion at existing sites through planning applications. For potential new sites, site suitability is affected by factors including proximity to the strategic road network, site size, the landscape and topography of the area, and availability of local services. These are set out in the Council's Gypsy and Traveller Accommodation Assessment Final Report 2024 (GTAA) and can be summarised as follows:~~

- Need for gypsy and traveller pitches to 2041 for households that meet the PPTS 2023 definition: 95 pitches*
- Need for travelling showpeople plots to 2041: 7 plots*

4.22A The Council seeks to meet the identified need for additional pitches at private sites primarily through the regularisation, intensification, reconfiguration or expansion of existing sites. The Council seeks to meet the identified need for additional pitches at public sites through the two specific allocations identified in Policy HOU6, at East Hemel Central and East Hemel South Broad Locations. The Plan therefore provides additional accommodation opportunities which includes provision of new sites as well as potential redevelopment and expansion at existing sites through planning applications.

4.22B For potential new sites, site suitability is affected by factors including proximity to the strategic road network, site size, the landscape and topography of the area, and availability of local services.

- 1.6 Subject to the Main Modifications to the reasoned justification for Policy HOU6 set out above and in SADC/ED85A and SADC/ED85C, it is considered that the Plan is effective in identifying the pitch requirement and stating how those needs will be met.

Q2 What process did the Council follow in seeking to meet the identified needs referred to above? How were potential sites identified and was this process robust?

What process did the Council follow in seeking to meet the identified needs referred to above?

2.1 The Council's process in seeking to meet the identified needs referred to above was, in summary, firstly to consider:

- National policy and guidance;
- The findings and recommendations of the various Gypsy and Traveller Needs Assessments, including early indications from the latest Assessment;
- The results of the multiple Calls for Sites between 2016 and 2024 that have included calling for potential Gypsy and Traveller sites, including the 2024 Call for Sites which was solely for traveller sites;
- Work on Hemel Garden Communities (HGC); and
- Recent experience of planning applications including at appeal.

2.2 Having considered the above, the Council developed a realistic strategy to meet the identified needs in the District over the Plan period.

2.3 The national policy and guidance referred to in 2.1 above consisted primarily of the NPPF 2023 and the Planning Policy for Traveller Sites 2023 (PPTS)¹. The NPPF sets out in paragraph 63 that within the context of establishing need “...*the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include (but are not limited to) ...travellers...*”. The PPTS includes, in relation to considerations for assessing suitability of potential sites:

13. Local planning authorities should ensure that traveller sites are sustainable economically, socially and environmentally. Local planning authorities should, therefore, ensure that their policies:

- a) promote peaceful and integrated co-existence between the site and the local community*
- b) promote, in collaboration with commissioners of health services, access to appropriate health services*
- c) ensure that children can attend school on a regular basis*
- d) provide a settled base that reduces both the need for long-distance travelling and possible environmental damage caused by unauthorised encampment*

¹ PPTS 2023 available via:

https://webarchive.nationalarchives.gov.uk/ukgwa/20241211225427mp_/https://assets.publishing.service.gov.uk/media/658198bb23b70a000d234c03/Final_planning_and_travellers_policy.pdf

- e) *provide for proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well-being of any travellers that may locate there or on others as a result of new development*
- f) *avoid placing undue pressure on local infrastructure and services*
- g) *do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans*
- h) *reflect the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability.*

14. When assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community.

- 2.4 The various Gypsy and Traveller Needs Assessments referred to at 2.1 above consist of the following Evidence Base documents:
- HOU 07.01 - St Albans Gypsy, Traveller and Travelling Showpeople Accommodation Needs Assessment (2015) (the 2015 Assessment)
 - HOU 06.01 - St Albans Gypsy and Traveller Accommodation Assessment (2019) (the 2019 Assessment)
 - HOU 05.01 - St Albans Gypsy and Traveller Accommodation Assessment Report (2024) (the GTAA)
- 2.5 While the 2024 GTAA was not completed until September 2024, substantive work had been carried out in 2023 and earlier in 2024 that had fed into both the draft Local Plan at Regulation 18 and Regulation 19 stages.
- 2.6 Each of the studies included both an assessment of need and, in their 'Conclusion' sections, the 2019 Assessment and the GTAA 2024 included suggestions for the Council to consider in relation to meeting those needs; these were considered by the Council in developing its strategy. The most relevant paragraphs which summarise the approaches suggested in the assessments for the Council to consider, are as follows:

- From the 2019 Assessment:

7.3 It is recommended that need for households that met the planning definition is addressed through new pitch allocations or the expansion or intensification of existing sites. Any need arising from undetermined households, or from new households seeking to move to the area and develop a site, should be addressed through a criteria-based Local Plan Policy. Need from households who do not meet the planning definition will be met as part of Local Plan proposals for housing development in response to assessment of overall housing need.

- From the GTAA 2024:

8.5 Need from households who met the 2023 PPTS planning definition should be addressed through the intensification, reconfiguration or expansion of existing sites, or the allocation of new sites or pitches. The Council should also consider the regularisation of sites that currently have temporary planning permission or are unauthorised. In order to explore opportunities for need, or a proportion of need, to be met on existing sites the Council should consider completing a more detailed Pitch Deliverability Assessment (PDA). This approach has been successfully used by other Local Authorities in England and has concluded that a large proportion of need could, in principle, be met on existing sites.

8.6 For private sites it is also recommended that alternative approaches should be considered when seeking to address the levels of need identified in this GTAA, especially when seeking to meet the need through the intensification, reconfiguration or expansion of existing sites.

8.7 The first approach to consider is in relation to single concealed or doubled-up adults and teenagers who will be in need of a pitch of their own in the next 5 years. In the short to medium term it is likely that the accommodation need of these individuals could be met through additional touring caravans on existing sites as opposed to more formally set out larger pitches.

8.8 The second approach to consider is for sites occupied by larger extended family groups. Again, sites like this may be able to meet the overall accommodation needs through a combination of shared static caravans, tourers and dayrooms on existing sites which are, generally, each equivalent to the provision of a pitch – as opposed to more formally set out sites with separate pitches. It is common for conditions in Decision Notices for Travellers sites to simply place limits on the numbers and types of caravans as opposed to placing limits on the number of pitches.

8.9 In addition, a large proportion of current need identified in the GTAA (26 pitches) is from households currently living on the 3 public sites in St Albans. Whilst there is a small amount of pitch turnover on these sites it is unlikely to be sufficient to meet the levels of identified need. Therefore it is recommended that the Council consider opportunities to intensify or expand the existing public sites, or opportunities to develop a new public sites(s) in St Albans.

- 2.7 In relation to the consideration of the Gypsy and Traveller Needs Assessments referred to at 2.1 above: There were multiple Calls for Sites between 2016 and 2021 that included calling for potential Gypsy and Traveller sites, but these led to only limited sites being put forward. The Housing and Economic Land Availability Assessment (HELAA) Report 2021 (HELAA 01.01) identified in 'Table 10: Other Uses identified in the HELAA taken forward for Site Selection Process' that 4no. sites had been put forward for a Gypsy Traveller use, all of which are existing sites.
- 2.8 A Gypsy and Traveller Call for Sites ran from 8 July 2024 to 19 August 2024 whereby individuals, landowners or developers were invited to suggest potential sites for traveller use which were available and suitable for pitches and potentially for transit stopping places. The Call for Sites was solely for Gypsy and Traveller sites,

inviting submissions for new sites or existing sites with potential for limited expansion and / or intensification (i.e. more pitches on an existing site within its current boundary). A total of 7 of the 9 Call for Sites submissions received related to expansion or intensification of existing traveller sites, and 2 new sites were put forward.

- 2.9 In relation to the consideration of work on HGC referred to at 2.1 above: HGC had been identified for a number of years as being the most suitable location for new Gypsy and Traveller sites in the District. As set out at HOU6 d) this is based on “a variety of factors including proximity to the road network most used by Gypsies and Travellers, development site scale, area topography and landscaping opportunities, and the wide range of uses to be provided in the Broad Locations for development”.
- 2.10 The scale and scope of the HGC project provides for opportunities to deliver a wide range of uses, including Gypsy and Traveller pitches, as part of the wider scheme. The suitability of HGC for the delivery of Gypsy and Traveller pitches has been identified throughout the inception and Masterplanning stages for the development of East Hemel Hempstead (the land covered by Part B Sites H2, H3 and H4, essentially the land owned by The Crown Estate). This is evidenced via the following:

- Hemel Garden Communities Charter November 2018, available via HGC 09.01 – ‘Link to Hemel Garden Communities Webpage’² which states under ‘Principle 4: Vibrant Communities’ and subheading ‘Providing A Diversity Of Homes’:

Varied character areas will ensure a mix of dwelling sizes, tenures and types, including provision for self and custom-built homes, lifetime homes and genuinely affordable and starter homes, will provide great homes for people at all stages of life. Smaller sites for development will be made available to encourage diversity in design. This will respond to local needs which will change over time and also include opportunities for gypsy and traveller sites.

- HGC 04.03 - Framework Plan Technical Evidence Report (2024) states at 1.11:

The Framework Plan exercise is being undertaken in order to:

...

ii. Test the capacity of the site and any reasonable options to deliver up to 11,000 homes and around 10,000 jobs along with other relevant and/or emerging policy requirements...

iii. Prepare an Infrastructure Framework which quantifies the Growth Area infrastructure requirements and uses this to inform a viability assessment in order to establish whether the emerging policy requirements are viable and deliverable.

...

² Direct link to HGC Charter 2018: <https://www.hemelgardencommunities.co.uk/media/adpohoaw/hemel-garden-communities-charter.pdf>

The Report lists under 'Table 1: Summary of Policy Requirements' and column 'SADC Draft Local Plan Policies from 2023 / 2024 - key components': *"Gypsy and Traveller sites" "Between 30-40 pitches"*. It also notes in the 'Draft Scenario D Infrastructure Schedule (July 2024)' column 'Infrastructure Item': *"2 x 15 pitch gypsy and traveller sites"*.

- The 'Environmental Impact Assessment (EIA) Scoping Report East Hemel December 2024' – submitted in support of EIA Scoping Opinion application 5/2024/2171³ – lists the delivery of the pitches as part of the draft description of development at 5.1.4 as follows: *"The draft Description of Development for EIA purposes is as follows: "Outline application for:...land for up to 40 Gypsy and Traveller pitches..."*. It also states at 5.1.7: *"The Development would provide:... Land for up to 40 Gypsy and Traveller pitches;"*
- SADC/ED12 'Statement of Common Ground between SADC and The Crown Estate' (TCE) notes under Section 3 'Common ground': *"SADC and TCE generally support what is set out in the Local Plan Part A, including the housing trajectory for Hemel Garden Communities. SADC and TCE generally support what is set out in the Local Plan Part B, including the Key Development Requirements for sites H2, H3 and H4."*

It is noted that the Key development requirements for Sites H3 and H4 include delivery of the Gypsy and Traveller pitches, at points 14 and 12 respectively. N.B. It is proposed to clarify that the Gypsy and Traveller pitches are a separate requirement at H3, as set out in SADC/ED85B and SADC/ED85C – H3 point 14B.

- The planning application for this development is expected to be submitted in Autumn / Winter 2025 and the updated Housing Trajectory sets out that the first homes will realistically be completed in 2029/30. The Council's expectation is that delivery will include the 2 public site allocations by the end of the 2030/2031 period; within 5 years of expected adoption of the Plan.

2.11 In relation to the consideration of recent experience of planning applications including at appeal referred to at 2.1 above, the Council had paid particular attention to applications submitted since 2019, so as to cover the period since the St Albans Gypsy and Traveller Accommodation Assessment 2019 (HOU 06.01) was published. The status and outcome of the 13no. valid applications received since 2019 can be summarised as follows:

- i. SADC Ref: 5/2018/0048, Appeal Ref: APP/B1930/W/18/3212960 (link to [Appeal Decision](#) – 15/11/2019) - Nuckies Farm - 5 years temporary **permission granted** for: *"Change of use of land to use as a residential*

³ Application 5/2024/2171 documents available via: <https://planningapplications.stalbans.gov.uk/planning>; EIA Scoping Report document available via: <https://planningapplications.stalbans.gov.uk/w2webparts/Resource/Civica/Handler.ashx/Doc/pagestream?cd=inline&pdf=true&docno=10340525>

gypsy caravan site, including the stationing of 6 caravans, of which no more than 3 would be static caravans/mobile homes, together with the laying of hardstanding."

- ii. SADC Ref: 5/2018/2725, Appeal Ref: APP/B1930/W/19/3233651 (link to [Appeal Decision](#) – 31/03/2020) - Tullochside Farm - Permanent **permission granted** for: *"Change of use of land to use as a residential caravan site for 5 gypsy families, each with two caravans of which no more than one shall be a static caravan/mobile home, together with the laying of hardstanding."*
- iii. SADC Ref: 5/2019/2463, Appeal Ref: APP/B1930/W/20/3259165 (link to [Appeal Decision](#) – 17/10/2022) - Ardens Rise - Permanent **permission granted** for: *"Change of use of land to use as a residential caravan site for 5 Gypsy families each with one static caravan/mobile home, including laying of a hardstanding."*
- iv. SADC Ref: 5/2020/1121, Appeal Ref: APP/B1930/W/21/3276551 (link to [Appeal Decision](#) – 06/04/2023) - Woodview Lodge - Permanent **permission granted** for: *"Change of use of land to use as a residential gypsy caravan site."*
- v. SADC Ref: 5/2020/1124, Appeal Ref: APP/B1930/W/21/3283105 (link to [Appeal Decision](#) – 03/02/2023) - Land Adjacent The Mill House Coursers Road - Permanent **permission granted** for: *"Use of land as residential for Gypsy and Traveller families and stationing of four static and four touring caravans with associated hardstanding, parking and related plant and infrastructure."*
N.B. this was a retrospective application.
- vi. SADC Refs: 5/2021/0682, Appeal Ref: APP/B1930/C/21/3269059 (link to [Appeal Decision](#) – 08/03/2022) - Land at rear of Hoofprints Cottage - 3 years temporary **permission granted** for: *"Change of use of agricultural field to land used for the stationing of a mobile home"*.
- vii. SADC Ref: 5/2023/1479 – Ardens Rise - Permanent **permission granted** on 01/03/2024 (link to [SADC Decision Notice](#)) for: *"Change of use of land to use as a residential caravan site for 8 gypsy families each with one static caravan/ mobile home and other associated works (retrospective)"*
- viii. SADC Ref: 5/2023/2342 – Woodview Lodge – **Withdrawn** application for *"Extension to existing Gypsy/Traveller site comprising the creation of eight additional pitches comprising the siting of eight static caravans and eight touring caravans, alongside associated infrastructure and erection of shared dayroom"*
N.B. There were issues raised by National Highways in relation to site boundary and land ownership prior to Withdrawal of the application.
- ix. SADC Ref: 5/2024/1171 – Woodview Lodge – **Invalid** application for: *"Extension to existing Gypsy/Traveller site comprising the creation of eight additional pitches comprising the siting of eight static caravans and eight touring caravans, alongside associated infrastructure and erection of shared dayroom"*
N.B. There were issues raised by National Highways in relation to site boundary and land ownership prior to Withdrawal of the application.
- x. SADC Ref: 5/2024/2214 – Land South of Bower Heath Lane – **Pending** application for: *"Material change of use of equestrian use to a residential caravan site for gypsies and travellers comprising siting of one caravan, one touring caravan and one utility building"*

N.B. This application is on a site within the red line boundary of allocation B2 – North East Harpenden.

- xi. SADC Ref: 5/2025/0139 – Land Rear of Hoofprints – Proposal for: *“Variation of Conditions 1 & 2 (site occupation) and 3 (number of permitted caravans) of appeal decision APP/B1930/C/21/3269059 dated 08/03/2022 against enforcement notice numbered 5/2021/0682 for Change of use of the land to the rear of Hoofprints cottage for the stationing of a mobile home”*. **Refused** on (link to [SADC Decision Notice](#))
Reason for Refusal: *“The proposal would result in a change to the description of development. Case law has established that the description of development cannot be varied by an application made under Section 73 of the Town and Country Planning Act 1990. The proposal is therefore refused as it falls outside the scope of a Section 73 application which is limited to the conditions attached to the planning permission.”*
- xii. SADC Ref: 5/2025/0303 – Land Rear of Hoofprints – **Pending** application for: *“Extension to existing Gypsy/Traveller site comprising 8 additional pitches consisting each of 8 Static caravans, 8 touring caravans and the erection of a combined day room (part retrospective)”*
- xiii. SADC Ref: 5/2025/1537 - Ardens Rise – **Pending** application for: *“Change of use of land to use as a residential Gypsy/Traveller caravan site accommodating a total of 21 caravans, including no more than 19 static caravans/ mobile homes”*
N.B. This is application is for the stationing of 5 additional mobile homes within the boundaries of the existing site.

2.12 Taking the above review into account, of the 13no. valid applications received since 2019:

- All but one application was for pitches at an existing site (either a site with previously allowed pitches or a retrospective application for existing pitches) and a site included in the GTAA (most relevantly in Appendix E: Site and Yard List).
- The applications include proposals for additional pitches through extending existing sites or through intensification through reconfiguring existing sites, in a manner consistent with the Council’s approach and set out in Policy HOU6 a)i.
- The other site was at Land South of Bower Heath Lane, which has an application currently pending (see above); it is noted that this is within the boundary of the North East Harpenden Broad Location site (Site B2) and that Policy HOU6 a) i. allows for consideration of “New sites as part of Broad Locations for development”.
- All 6 of the applications which were decided at appeal were allowed, and permission was granted.

2.13 Therefore, from a proportionate review of the Council’s experience in relation to planning applications and appeals since 2019, the strong propensity is for existing families in the District to wish to expand provision on their own family-owned private sites. There was 1 proposal on a new site, but it is noted that this was within the boundary of a Broad Location, consideration of which is allowed for in Policy HOU6 a)i. The Council’s experience also demonstrates a trend for such applications to

ultimately be granted permission (unless found to have issues related to validity), including all 6 applications that went to appeal.

- 2.14 In relation to how potential sites were identified, the above factors combined to suggest strongly that the most appropriate approach was that the need for public pitches could be met at HGC; and that the need for private pitches could be met at existing sites.
- 2.15 In summary and taking all of the above into account, the approach set out in Policy HOU6 a) to '*Consider proposals for new accommodation with regard to the potential and suitability of ...i. New sites as part of Broad Locations for development; ...Reconfiguring or extending existing sites; and iii. Sites with temporary permissions*' was significantly influenced by all of the above matters; ie:
- National policy and guidance;
 - The findings and recommendations of the various Gypsy and Traveller Needs Assessments, including early indications from the latest Assessment;
 - The results of the multiple Calls for Sites between 2016 and 2021 that have included calling for potential Gypsy and Traveller sites, including the 2024 Call for Sites which was solely for traveller sites;
 - Early work on Hemel Garden Communities (HGC); and
 - Experience of planning applications including at appeal.
- 2.16 The process the Council followed in seeking to meet the identified needs, and how potential sites were identified, is addressed above.

How were potential sites identified and was this process robust?

- 2.17 The process the Council followed in seeking to meet the identified needs, and how potential sites were identified, is addressed above. In relation to whether this process was robust; it is considered that the process of having regard to the above listed matters was comprehensive and robust.
- 2.18 Furthermore, although completed after the Regulation 19 consultation, the 'Proforma Assessment of Existing Traveller Sites and Sites Put Forward in the Call for Sites 2024', which formed an appendix to a Stage 1 Hearing Statement (available via Matter 1 - Issue 6.3 - Appendix 1 and Matter 1 - Issue 6 respectively), provides evidence to demonstrate that the Council's process was robust.
- 2.19 As set out in the Matter 1 – Issue 6 Paper:

3.10 In order to assess the potential for existing private sites to deliver additional pitches through the regularisation, intensification, reconfiguration or expansion of existing sites a proforma assessment of the existing sites has been undertaken, and the 2 new sites put forward in the 2024 Call for Sites have also been assessed.

3.11 The Appendix to this Paper includes the proforma assessment of the 15 existing sites that were identified in the 2024 GTAA (assessing the adjacent 'Woodview

Lodge' and 'Land Rear of Hoofprints' sites together as they effectively form a single site), plus the 2 new sites put forward in Call for Sites submissions. Also included are summaries of the 9 received Call for Sites submissions.

...

3.20 The proforma assessment identifies a maximum of 122 potential additional traveller pitches could be provided at private sites through the regularisation, intensification, reconfiguration or expansion of existing sites; of which 90 are on sites put forward in the 2024 Call for Sites, and 32 are not. Policy HOU6 identifies an additional 40 pitches at two` new public sites, and these have been progressing through preapplication discussions with the landowner in a Planning Performance Agreement since summer 2024. The Council has therefore identified 162 potential pitch capacity to meet the need to 2041 of 95 pitches. Therefore, it is considered that the need for additional traveller pitches to 2041 can realistically be met. The assessment identifies a considerable excess of potential capacity for additional traveller pitches to 2041, but it is acknowledged that not all of the potential capacity will be needed or will actually come forward. Furthermore, it is noted that the assessment identifies an excess of potential capacity for additional pitches even if only those sites which were put forward in the 2024 Call for Sites, plus the two new public sites, are considered (a total of 130 pitches against a need of 95 pitches).

...

3.26 Taking the above into account, the appended proforma assessments demonstrate, with reference to constraints, site suitability, land ownership and reasonable 20 assumptions, that the need for additional traveller pitches and plots to 2041 can realistically be met.

- 2.20 Taking all of the above into account, the process the Council followed in seeking to meet the identified needs, and how potential sites were identified, is addressed above; the process which the Council followed in seeking to meet the identified needs considered the relevant matters and is considered to have been robust.

Q3 If the accommodation needs of 23 households (who were found in the GTAA not to meet the PPTS 2023 definition of gypsies and travellers) are intended to be met through 'bricks and mortar' accommodation, is that expressly accounted for in the Plan's housing requirement?

- 3.1 The accommodation needs of 23 households who were found in the GTAA not to meet the PPTS 2023 definition of gypsies and travellers (plus the locally derived figure of 21% of the 19no. 'undetermined' households; i.e. an additional 4 pitches to total 27 households⁴) are intended to be met through 'bricks and mortar' accommodation; and it is understood that this is accounted for in the Plan's housing requirement.

⁴ N.B. the GTAA includes the following at 8.21 in relation to the need to be addressed: "The likely proportion of need from undetermined households that will not meet the planning definition. It does this by taking 21% (the locally derived proportion that did not meet the planning definition)"

3.2 The GTAA sets out in the Introductory section:

1.10 In general terms, the need for those households who do not meet the 2023 PPTS planning definition will need to be addressed as part of general housing need and through separate Local Plan Policies. This approach is specifically referenced Paragraph 63 in the National Planning Policy Framework (NPPF) 2023.

3.3 The GTAA sets out in the Conclusions section:

8.11 Regarding need from households that did not meet the planning definition, in general terms, it is the Government's intention (under Paragraph 63 of the NPPF) that any need for households that do not fall within the PPTS planning definition should be met as a part of general housing need, through separate Local Plan Policies.

3.4 It is considered that the needs of households that do not meet the PPTS 2023 definition of gypsies and travellers would be met through the housing land supply identified in the Plan in the Housing Trajectory and elsewhere.

3.5 Even if it were considered to be the case that the 27 were not accounted for in the 'standard method' 885 per annum / 15,045 to be met over the 17 year Plan period, there are significantly more than 27 homes in the housing land supply in excess of the 15,045 'standard method' figure.