

# Tunbridge Wells Gypsy, Traveller, and Travelling Showpeople Accommodation Needs Assessment 2024-2039

## Final Report

June 2024 (V2)

*RRR Consultancy Ltd*





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# Executive Summary

## Introduction

- ES1. In March 2024, Tunbridge Wells Borough Council commissioned RRR Consultancy Ltd to undertake a Gypsy, Traveller and Travelling Showpeople Assessment (GTAA) for the period 2024-2039. The findings of this study should be used to assist policy development and planning decision-making and supersede any previous GTAAs (including any accommodation needs calculated prior to this assessment) for the local planning authority.
- ES2. The requirement to assess the accommodation needs of Gypsies and Travellers, and Travelling Showpeople is established through national guidance contained in 'Planning Policy for Traveller Sites' (Department of Communities and Local Government (DLUHC), December 2023).
- ES3. To achieve the study aims, the research drew on a number of data sources including:
- Review of secondary information: a review of national and local planning policies and recently undertaken GTAAs, and analysis of secondary data. This included analysis of the most recently published (January 2024) Department for Levelling Up, Housing and Communities (DLUHC) Traveller Caravan Count to determine trends in the population of Gypsies and Travellers.
  - Consultation with key stakeholders providing qualitative data regarding the accommodation needs of the different community groups.
  - Consultation with Gypsies and Travellers, covering a range of issues related to accommodation and service needs.
- ES4. The above provided an extensive range of quantitative and qualitative data enabling a robust and reliable assessment of accommodation needs.

## Policy context

- ES5. On 19 December 2023, the government announced changes to Planning Policy for Traveller Sites (PPTS), which had previously been updated in August 2015. In the 2023 update, the government has reverted to the definition of Gypsies and Travellers used in the PPTS as adopted in 2012. This change is in response to a Court of Appeal judgment in the case of *Smith v SSLUHC & Others* (October 2022). The government intends to review this area of policy and case law further in 2024. Like the 2015 update, the 2023 version will be read in conjunction with the National Planning Policy Framework.
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- ES6. Whilst the 2023 PPTS determines the need to assess the accommodation needs of households who have ceased to travel temporarily or permanently due to their family's or dependants' educational or health needs or old age have ceased to travel, it does not explicitly state how the new definition should be interpreted in relation to other factors such as whether families travel for economic or work purposes.
- ES7. Given differences in defining Gypsies and Travellers, this GTAA provides two accommodation needs figures: first, one based on the ethnic identity definition; second, based on the PPTS 2023 definition. The two accommodation needs definitions are discussed in more detail in Chapter 2.
- ES8. In March 2016, the Department of Communities and Local Government (DCLG) published its *Review of housing needs for caravans and houseboats: draft guidance* to local housing authorities on the periodical review of housing needs for caravans and houseboats. It states that, when considering the need for caravans and houseboats, local authorities must include the needs of a variety of residents in differing circumstances including, for example, caravan and houseboat dwelling households and households residing in bricks and mortar dwelling households.
- ES9. According to the NPPF (2023) and related planning practice guidance, a sound local plan seeks, as a minimum, to meet the area's objectively assessed needs, and address the needs of groups with specific housing requirements. NPPF (2023) (paras. 63 and 77) refers to the need to both assess and then address the accommodation needs of those who are ethnically recognised Gypsies and Travellers (as in line with the Equalities Act 2010), both of whom are covered by the definition of the PPTS 2023, and those outside of the definition.

## Population Trends

- ES10. The 2021 Census indicates that there were 333 Gypsies and Travellers residing in Tunbridge Wells Borough representing around 0.29% of the usual resident population. This is higher than the average for England & Wales of 0.11%. Almost nine tenths (86%) of Gypsy and Traveller households in Tunbridge Wells borough who completed the 2021 Census reside in bricks and mortar accommodation, with the remaining proportion (14%) residing in a caravan or other mobile homes. This is below the south east and England averages where just over a fifth (21%) of Gypsy and Traveller households who completed the 2021 Census reside in a caravan or other mobile home.
- ES11. The DLUHC January 2024 Count shows 116 caravans recorded in the Tunbridge Wells borough area. The 116 caravans recorded in Tunbridge Wells consisted of 95
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caravans residing on authorised private sites, 13 on a local authority owned and managed site, and 8 on unauthorised sites on land owned by Gypsies and Travellers. Tunbridge Wells recorded 116 caravans per 100,000 population compared to 175 caravans per 100,000 population in relation to Kent and 46 caravans per 100,000 in relation to England.

- ES12. The number of caravans on authorised pitches in Tunbridge Wells over the period July 2021 to January 2024 varied fairly widely, with a maximum of 81 caravans recorded in July 2022 compared to a minimum of 56 caravans recorded in January 2020 (a difference of 25 caravans). The number of authorised caravans recorded in Tunbridge Wells varied from 67 in January 2023 to 108 in January 2024, averaging 79 caravans over the period.
- ES13. According to Tunbridge Wells Borough Council data, there was a total of 31 unauthorised encampments recorded over the period 2018/19 to 2023/24. The number of unauthorised encampments recorded in each financial year varied with a maximum of 6 occurring in Q4 2020 (January to March 2021).
- ES14. There are 79 authorised, permanent pitches in the borough consisting of 70 privately owned pitches and 9 local authority owned and managed pitches. 21 of these pitches are 'potential' pitches i.e. pitches with planning permission but yet to be developed or redeveloped. There are also 5 unauthorised developments.

### **Stakeholder consultation**

- ES15. Consultation with stakeholders revealed key insights into the accommodation needs of Gypsies, Travellers, and Travelling Showpeople. These consultations aimed to gather both general perspectives and local-specific issues within the study area, recognising that Gypsy and Traveller issues often extend beyond geographical boundaries. Stakeholders discussed themes such as the need for additional provisions and facilities, travelling patterns, land availability, and access to services.
- ES16. The primary accommodation issues for Gypsy and Traveller communities include overcrowding, lack of allocated land, and substantial need in certain local authority areas. Viability affects the deliverability of sites, indicating a need for more public sites. Environmental constraints and local opposition further hinder new site development, while affordable, suitable land remains scarce. Overcrowding often results from concealed or doubled-up households, and the demand is driven by family expansions, new household formations, and in-migration of Gypsy and Traveller households from areas like London. The overall shortage of nationwide pitches and transit sites exacerbates the problem, as families living in bricks and mortar housing seek more suitable accommodation.
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ES17. Barriers to new accommodation provision are significant and multifaceted. There is a need to ensure new sites do not overwhelm nearby settled communities, as required by the Planning Policy for Traveller Sites (PPTS). Environmental constraints such as flood risks, Green Belt restrictions, Ancient Woodland, and Areas of Outstanding Natural Beauty (AONB), now National Landscape complicate site development. Additionally, land ownership issues, high capital and infrastructure costs, and difficulties in securing planning permission present major challenges. Public objections and the need for very special circumstances to develop in Green Belt areas add to these barriers.

### Accommodation need

ES18. Table ES1 summarises the permanent accommodation needed for Gypsy and Traveller pitches over a 15-year period. It is important to note that the figures shown in Table ES1 include all needs as of 2024, including any which may have been identified by previous GTAA's but remained unfulfilled by the time of this assessment. The table shows that 29 new permanent Gypsy and Traveller pitches (based on the ethnic identity definition), and 20 new permanent pitches (based on PPTS 2023) are needed over the 15-year period.

**Table ES.1: Gypsy and Traveller permanent accommodation needs**

Period	Ethnic definition	PPTS 2023 definition
2024-29	12	4
2029-34	8	8
2034-39	9	8
Total	29	20

Source: GTAA 2024

ES19. In relation to transit provision, this assessment recommends that the local authority adopts a negotiated stopping policy. This involves caravans being sited on suitable specific pieces of ground for an agreed and limited period, with the provision of limited services such as water, waste disposal and toilets. The advantages of this approach are set out in detail in Chapter 6.

### Conclusions and recommendations

ES20. There is an overall accommodation need in the study area for the local plan period for 29 additional Gypsy and Traveller pitches (ethnic definition), and 20 Gypsy and Traveller pitches (PPTS 2023 definition). It is recommended that the local authority adopts a policy to address negotiated stopping places for transient and / or visiting Gypsy and Traveller encampments.

ES21. This GTAA recommends adopting the 'ethnic' definition accommodation needs figures i.e. meeting the accommodation needs of all households who ethnically identify as Gypsies and Travellers. This will not only demonstrate knowledge of the overall accommodation need of all Gypsies and Travellers, but also how the accommodation needs in relation to households not meeting the PPTS definition are being addressed.

ES22. Alternatively, the local authority may adopt the 'PPTS 2023 definition accommodation needs figures with the difference between the PPTS 2023 figures and 'ethnic' definition being an additional need that the council(s) may choose to meet. This means that the local authority would first meet the need of 20 (4 within the first 5 years) as the obligation but accept the need of a further 9 (8 within the first 5 years) as potential need if further applications are brought forward through windfalls.

ES23. It is also recommended that the local planning authorities consider the accommodation needs that might materialise over the plan period from households (Gypsies, Travellers and Travelling Showpeople) not considered by this assessment. This could include households residing on unauthorised developments, unauthorised encampments, new households due to in-migration, and those residing in bricks and mortar accommodation. This accommodation need should be considered separate from the need identified below and could be met through windfall applications.

ES24. In addition to the above in order to meet the specific accommodation need of the different community groups, the report recommends the following:

- In relation to the Gypsy and Traveller community, it is recommended that the local authority works closely with families to determine how their accommodation need can best be met.
- Also, for the local authority to provide pre-planning application advice to households who have identified land to help determine if it is suitable to address accommodation need.
- It is recommended that the local authority reviews the planning status of unauthorised developments and consider granting permanent status where they are considered acceptable on other material planning grounds.

ES25. As well as quantifying accommodation need, the study also makes recommendations on other key issues including:

- To identify a range of specific sites in sustainable locations of up to 15 pitches/plots in size to be developed only for Gypsy and Traveller and Travelling Showpeople homes.
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- To consider how the accommodation needs can be met by expanding existing provision and/or providing new sites and yards, but primarily to meet the need for those on the existing site or related to the current occupants / owners.
- To consider alternative options for developing new sites and yards such as developing them on a cooperative basis e.g. community land trust, shared ownership, or small sites owned by a local authority but rented to families for their own use.
- To consider alternative site funding mechanisms such as: site acquisition funds; loans for private site provision through Community Development Financial Institutions; and joint ventures with members of the Gypsy and Traveller, and Showpeople communities.
- Prior to action being taken against sites or yards being used without planning permission, the local authorities, in partnership with landowners, occupants and relevant agencies (e.g. Showmen's Guild and National Federation of Gypsy Liaison Groups), to review its current, historic and potential planning status, and review the most effective way forward.
- To consider safeguarding Gypsy and Traveller sites with permanent planning permission for their current use unless it can be demonstrated that they are no longer needed to meet identified need.
- Implement a corporate policy providing negotiated stopping arrangements at agreed-upon locations to address unauthorised encampments for set periods of time.
- To liaise with owners of the sites to determine how they could expand the number of pitches to meet the family's accommodation needs.
- The population size and demographics of the Gypsy, Traveller, Travelling and Showpeople communities can change rapidly. As such, their accommodation needs should be reviewed every 5 to 7 years.

*Management:*

- Housing organisations need to consider the type of housing allocated to Gypsies and Travellers residing in bricks and mortar in order to minimise the cultural implications and feelings of isolation.
  - Develop a holistic vision for their work on Gypsies, Travellers, and Showpeople and embed it in Community and Homelessness Strategies, Local Plans and planning and reporting obligations under the Equality Act 2010.
  - Provide training and workshop sessions with local authority and service provider employees (and elected members) to help them to further understand issues relating to the Gypsy and Traveller, and Showpeople communities.
  - In liaison with relevant enforcement agencies such as the police to develop a common approach to dealing with unauthorised encampments.
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- Encourage local housing authorities to include Gypsy and Traveller categories on ethnic monitoring forms to improve data on population numbers, particularly in housing.
  - Better sharing of information between agencies in relation to Gypsy, Traveller, and Showpeople communities.
  - The population size and demographics of the Gypsy, Traveller, and Travelling Showpeople communities can change. As such, their accommodation needs should be reviewed every 5 to 7 years.
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# 1. Introduction

## Study context

- 1.1 In March 2024 Tunbridge Wells Borough Council commissioned RRR Consultancy Ltd to undertake a Gypsy, Traveller and Travelling Showpeople Assessment (GTAA) for the period up to 2039. This 2024 GTAA updates the previously published 2018 GTAA. The findings of this study should be used to assist policy development and planning decision-making and supersede the previous GTAA dated January 2018 (Local Plan Examination Core Document [3.78](#)) (including any accommodation needs) for the local planning authority.
- 1.2 The requirement to assess the accommodation needs of Gypsies and Travellers, and Showpeople is established through national guidance contained in '[Planning Policy for Traveller Sites](#)' (PPTS) (Department of Communities and Local Government (DLUHC), December 2023). As discussed further in Chapter 2, PPTS 2023 (see paras. 2.3-2.7) reverts back to the definition of Gypsies and Travellers used in the PPTS as adopted in 2012. This change was in response to a Court of Appeal judgment in the case of *Smith v SSLUHC & Others* (October 2022).
- 1.3 It is also important to note that Tunbridge Wells Borough Council's Local Plan is at the Examination stage. On 7 February 2024, the Planning Inspector wrote to the council stating that the surveys used to support the 2018 GTAA date back to 2017. As such, the Planning Inspector advised that the council updates its evidence regarding the accommodation needs of Gypsies and Travellers<sup>1</sup>. The letter from the Planning Inspector and the change in definition contained in PPTS 2023 are reasons why the local authority commissioned an update to the GTAA 2018.

## Methodological context

- 1.4 To achieve the study aims, the research drew on a number of data sources including:
  - Review of secondary information: a review of national and local planning policies and recently undertaken GTAAs, and analysis of secondary data. This included analysis of the most recently published (July 2023) Department for Levelling Up, Housing and Communities (DLUHC) Traveller Caravan Count to determine trends in the population of Gypsies and Travellers both in the borough and neighbouring and nearby local authorities.

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<sup>1</sup> Letter from the Planning Inspector: Matthew Birkinshaw BA(Hons) Msc MRTPI to Tunbridge Borough Council regarding the Examination of the Tunbridge Wells Local Plan dated 7 February 2024, Ref. ID-015.

- Consultation with key stakeholders providing qualitative data regarding the accommodation needs of the different community groups.
- Consultation with Gypsies and Travellers, covering a range of issues related to accommodation and service needs.

1.5 The above provided an extensive range of quantitative and qualitative data enabling a robust and reliable assessment of accommodation needs.

## **Geographical context**

1.6 The estimated 2021 population of Tunbridge Wells Borough is 115,300 people (ONS 2021). The Borough covers an area of 326 square kilometres. The Borough borders the authorities of Sevenoaks, Tonbridge & Malling, Maidstone and Ashford in Kent; and Rother and Wealden in East Sussex.

1.7 Royal Tunbridge Wells, located in the western part of the borough, is the principal town and administrative centre. Together with Southborough, it forms the 'main urban area' of the borough. It provides a large proportion of the social, cultural, and economic opportunities available in the borough. In addition to being the principal retail, leisure, and cultural centre of the borough, the town provides a wide variety of services, including primary and secondary schools, sports and community facilities, and mainline train stations. Historical and architectural features of the town, such as the Pantiles, also provide a high-quality environment that attracts a significant amount of tourism to the borough. There are also a number of parks and commons that are integral to the character of the town. The redevelopment of the museum and library underline the aspiration for the town to become the cultural centre of the High Weald.

1.8 Southborough lies to the north of Royal Tunbridge Wells, with its own, albeit smaller, centre. In addition to providing its own independent shopping facilities, Southborough also has a number of local and community services, such as primary schools and specialist education facilities, and a good range of recreational facilities, including a new community hub. The urban area of Southborough is located adjacent to the Green Belt and the High Weald National Landscape.<sup>2</sup>

1.9 Paddock Wood, in the northern part of the borough, benefits from good transport links, including a mainline train station and wide range of facilities, including a secondary school and sports centre. There is a large employment area to the north of

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<sup>2</sup> As of November 22, 2023, all Areas of Outstanding Natural Beauty (AONBs) in England and Wales have been renamed as "National Landscapes." This change reflects the ambition to elevate their status to match that of National Parks and to highlight their importance in conservation and environmental protection efforts. The formal designation remains under the National Parks and Access to the Countryside Act 1949, but the branding and public recognition have been updated to "National Landscapes".

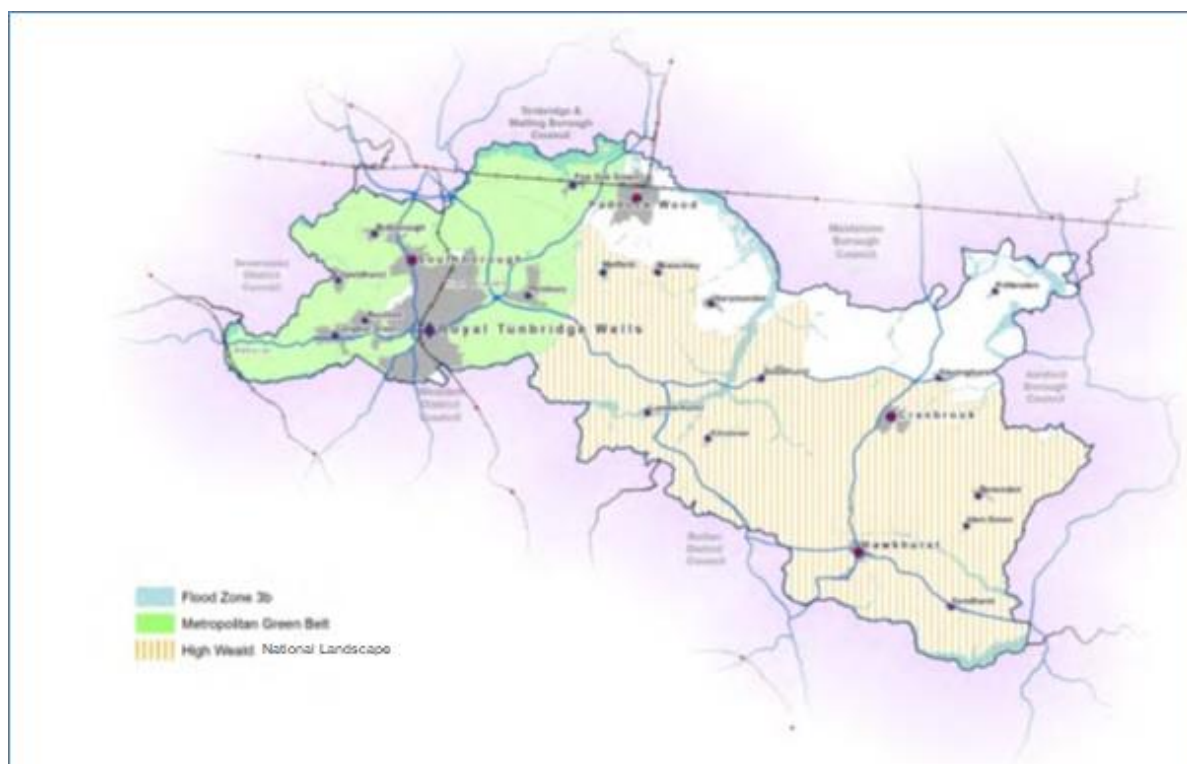
the railway line, which supports the town, the rural hinterland, and beyond. In addition to a supermarket, existing retailing is mainly devoted to the provision of local services. The western edge of the town abuts the Green Belt and, additionally, areas of the town and its surrounds fall within areas of flood risk.

- 1.10 Cranbrook is an attractive, vibrant rural town located within the High Weald National Landscape in the eastern part of the borough. The local architecture and features, such as the Cranbrook Windmill and nearby Sissinghurst Castle Garden, give it a distinctive character. Cranbrook also benefits from a good range of independent shops, a supermarket, secondary school, a sports centre, and other local services and facilities.
- 1.11 Hawkhurst is located within the High Weald National Landscape in the south eastern part of the borough and features local architecture, such as The Colonnade along its main shopping street, which is distinctive to the area. It functions as a rural service centre, supporting a wide rural hinterland and benefits from a primary school, small independent cinema, and two supermarkets, as well as a range of local services and facilities.

### Map of the study area

- 1.12 A map of the study area is shown below.

**Figure 1: Study area (with main transport routes)**



Source: Based on Tunbridge Wells Submission Local Plan 2020-2038 (October 2021) p.20

## **Summary**

- 1.13 The purpose of this assessment is to quantify the accommodation needs of Gypsies, Travellers, and Travelling Showpeople in the Borough of Tunbridge Wells from 2024 to 2039. This is in terms of permanent pitches, sites, and transit sites and/or negotiated stopping arrangements for Gypsies and Travellers. This report will form part of the evidence base for the Local Plan, which is currently at examination, having been submitted in November 2021, and will also inform a proposed early Local Plan review.
- 1.14 To achieve the study aims, this report focuses on assessing the accommodation needs of Gypsies, Travellers, and Travelling Showpeople. The research provides a range of quantitative and qualitative data, enabling a robust and reliable assessment of accommodation needs.

## 2. Policy context

### Introduction

- 2.1 To assess the current policy context, existing documents have been examined to determine what reference is made to Gypsy, Traveller, Travelling Showpeople, and residential caravan dweller issues.
- 2.2 The intention is to summarise key national and local policies and examine the findings of GTAAAs recently undertaken by neighbouring authorities. Furthermore, understanding the current position will be important in the development of future strategies intended to meet accommodation need and housing related support needed among Gypsies and Travellers and Travelling Showpeople.

### National Policies

#### 'Planning Policy for Traveller Sites' (PPTS) (December 2023)

- 2.3 On 19 December 2023, the government announced changes to Planning Policy for Traveller Sites (PPTS), which had previously been updated in August 2015. The key difference between the PPTS published in August 2015 and the December 2023 version primarily involves changes made in response to a recent legal judgment and ongoing policy reviews.
- 2.4 In the 2023 update, the government has reverted to the definition of Gypsies and Travellers used in the PPTS as adopted in 2012. This change is in response to a Court of Appeal judgment in the case of *Smith v SSLUHC & Others* (October 2022). The government intends to review this area of policy and case law further in 2024. Like the 2015 update, the 2023 version will be read in conjunction with the National Planning Policy Framework.
- 2.5 The key difference between PPTS 2015 and 2023 (see para. 2.8) is that the former removed the word 'permanently' from the planning definition of Gypsies and Travellers. This meant that local planning authorities were not obliged to consider the accommodation needs of Gypsy and Traveller households who had permanently ceased to travel. The amended definition is set out at para 2.9 below.
- 2.6 However, the Court of Appeal judgment in *Smith v SSLUHC & Others* (October 2022) determined that PPTS was discriminatory by excluding households that had permanently ceased to travel from being recognised (for planning purposes) as Gypsies and Travellers.

2.7 The guidance emphasises the need for local authorities to use evidence to plan positively and manage development. The PPTS requires local authorities to work with neighbouring local authorities to determine transit and permanent pitch and plot targets. It states that in assembling the evidence base necessary to support their planning approach, local authorities should:

- effectively engage with traveller communities
- co-operate with traveller groups to prepare and maintain an up-to-date understanding of the likely permanent and transit/emergency accommodation needs of their areas
- and use a robust evidence base to establish accommodation needs to inform the preparation of local plans and make planning decisions

### *National Planning Policy Framework (December 2023)*

2.8 According to NPPF (2023) and related planning practice guidance a sound local plan seeks, as a minimum, to meet the area's objectively assessed needs, and address "the needs of groups with specific housing requirements. The NPPF (2023) (paras. 63 and 77) refers to the need to both assess and then address the accommodation needs of those who are ethnically recognised Gypsies and Travellers (as in line with the Human Rights Act 1998 and the Equalities Act 2010), both who are covered by the definition of the PPTS 2015 and those outside of the definition. Whilst distinguishing between those who travel and do not, it emphasises the need to both assess and address the accommodation of all who are ethnically Gypsies and Travellers. The Human Rights Act 1998 and Equality Act 2010 protect Gypsies and Travellers' cultural and ethnic way of life, including living in a caravan.

### **Definition Context**

2.9 The Department for Levelling Up Housing and Communities (DLUHC's) December 2023 definition of Gypsies and Travellers<sup>3</sup>, is set out below:

1. *For the purposes of this planning policy "gypsies and travellers" means:*

*Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.*

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<sup>3</sup> See: <https://www.gov.uk/government/publications/planning-policy-for-traveller-sites/planning-policy-for-traveller-sites>.



*In determining whether persons are “gypsies and travellers” for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:*

- a) whether they previously led a nomadic habit of life*
- b) the reasons for ceasing their nomadic habit of life*
- c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.*

2.10 Unlike Gypsies and Travellers, Travelling Showpeople are not considered to be an ethnic minority by the Equality Act 2010 (and previously the Race Relations Act 1976). Although some Gypsies and Travellers may earn a living as ‘travelling showpeople’, Travelling Showpeople as a group do not consider themselves to belong to an ethnic minority<sup>4</sup>.

2.11 The DLUHC definition of Travelling Showpeople is:

*Members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). This includes such persons who on the grounds of their own or their family’s or dependants’ more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily, but excludes Gypsies and Travellers as defined above.<sup>5</sup>*

2.12 For the purposes of this planning policy, “Travellers” means “Gypsies and Travellers” and “Travelling Showpeople” as defined above from PPTS annex 1. Also, for the purposes of Gypsy and Traveller Accommodation Assessments (GTAA’s), Travelling Showpeople are included under the definition of ‘Gypsies and Travellers’ in accordance with The Housing (Assessment of Accommodation Needs) (Meaning of Gypsies and Travellers) (England) Regulations 2006, and the Review of housing needs for caravans and houseboats: draft guidance to local housing authorities on the periodical review of housing needs (March 2016). It recommends that Travelling Showpeople’s own accommodation needs and requirements should be separately identified in the GTAA<sup>6</sup>. This GTAA adheres to the definition of Gypsies, Travellers and Travelling Showpeople as defined by the DCLG ‘Planning Policy for Traveller Sites’ (December 2023) (see above).

2.13 It is important to note that Gypsies and Travellers and Travelling Showpeople have separate accommodation need requirements. Different terminology is used to distinguish between Gypsy and Traveller accommodation and Travelling

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<sup>4</sup> DCLG, *Consultation on revised planning guidance in relation to Travelling Showpeople*, January 2007, p. 8

<sup>5</sup> DCLG, *Planning Policy for Traveller Sites*, August 2015.

<sup>6</sup> DCLG, *Planning Policy for Traveller Sites*, August 2015 and DCLG, *Draft Guidance to local housing authorities on the periodical review of housing needs (Caravans and Houseboats)* March 2016.

Showpeople. Gypsies and Travellers occupy pitches on sites, while Travelling Showpeople occupy plots on yards. As well as space for residing quarters, Travelling Showpeople also require additional space in order to store and maintain large equipment.

- 2.14 Whilst it is clear that the 2023 PPTS determines the need to assess the accommodation needs of households who have ceased to travel temporarily or permanently due to their family's or dependants' educational or health needs or old age have ceased to travel, it does not explicitly state how the new definition should be interpreted in relation to other factors such as whether families travel for economic or work purposes.
- 2.15 One interpretation is that 'a nomadic habit of life' means travelling for an economic purpose. Previous case law e.g. *R v Shropshire CC ex p Bungay* (1990) and *Hearne v National Assembly for Wales* (1999) has been used to support this point. There is nothing within the PPTS 2015 which indicates that Gypsy or Traveller status (for planning purposes) is solely derived from whether there is any employment-related travelling.
- 2.16 More recent Planning Inspectors' reports have reached differing conclusions regarding whether the Gypsy and Traveller status (for planning purposes) should be based on patterns of employment-related nomadism. For example, a 2016 planning appeal decision regarding a site at Throcking, Hertfordshire, concluded the appellant was not a Gypsy and Traveller for planning purposes as there was insufficient evidence "that he is currently a person of a nomadic habit of life"<sup>7</sup> for employment purposes (i.e. he did not meet the August 2015 PPTS definition).
- 2.17 In contrast, some other Planning Inspectors' reports have appeared to give less weight to the travelling status of Gypsies and Travellers. For example, an appeal decision regarding a site in Blythburgh, Suffolk, states that whilst the appellant had permanently ceased to travel, he is nonetheless an ethnic Romany gypsy with protected characteristics under the Equality Act 2010<sup>8</sup>.
- 2.18 Similarly, a local authority rejected a planning application as it determined that the household did not meet the PPTS 2023 definition. However, despite evidence that the family had reduced the extent to which they travel due to educational requirements, the Planning Inspector allowed the s78 appeal on the basis that they should be regarded as Gypsies for planning purposes<sup>9</sup>. Also, in deciding whether to

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<sup>7</sup> Appeal Ref: APP/J1915/W/16/3145267 Elmfield Stables, Thirty Acre Farm, Broadfield, Throcking, Hertfordshire SG9 9RD, 6 December 2016.

<sup>8</sup> Appeal Ref: APP/J3530/A/14/2225118, Pine Lodge, Hazels Lane, Hinton, Blythburgh, Suffolk IP17 3RF 1 March 2016.

<sup>9</sup> Appeal Ref: APP/U2235/W/18/3198435 Ten Acre Farm, Love Lane, Headcorn TN27 9HL 9 May 2019.

allow a S78 appeal for a site in West Kingsdown, Kent, the Planning Inspector acknowledged that the local authority included within its future calculations the accommodation needs (in terms of pitches) of 'cultural' Gypsies and Travellers<sup>10</sup>.

- 2.19 Much case law precedes the December 2023 definition. The commonly cited *R v South Hams DC ex parte Gibb et al* judicial decision was undertaken in response to the now partly repealed Caravan Sites Act 1968. Also, it is increasingly recognised that defining Gypsies and Travellers in terms of employment status may contravene human rights legislation. For example, in 2003 the Welsh Assembly's Equality of Opportunity Committee noted the:

'...apparent obsession with finding ways to prove that an individual is not a 'Gypsy' for the purposes of the planning system. This approach is extremely unhelpful...and there can be no doubt that actual mobility at any given time is a poor indicator as to whether someone should be considered a Gypsy or a Traveller'<sup>11</sup>.

- 2.20 In September 2019 the Equality and Human Rights Commission published research into the impact of the PPTS 2023 definition on assessing accommodation needs<sup>12</sup>. The research examined a sample of 20 GTAAs undertaken since the August 2015 revised definition. The report found that accommodation needs were 73% lower in post-2015 GTAAs than in pre-2015 GTAAs undertaken by the same local planning authorities.

- 2.21 Importantly, on 31 October 2022, the Court of Appeal determined that PPTS 2015 was discriminatory in relation to excluding households who had permanently ceased to travel from being recognised (for planning purposes) as Gypsies and Travellers. The case relates to Lisa Smith who resides on a site occupied by Ms Smith, her husband, their children and grandchildren. Two of Ms Smith's adult sons are severely disabled and cannot travel for work. The judgment determined that PPTS 2015 characterises nomadic Gypsies and Travellers as different from Gypsies and Travellers who, as a result of age or disability, are no longer able to travel. This creates sub-classes of ethnicity which 'seems to sit uneasily with the stated aim of PPTS 2015 to facilitate the "traditional" way of life" of Gypsies and Travellers, and not simply the "nomadic" way of life'. The judgement concluded that the objective of

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<sup>10</sup> Appeal Ref: APP/G2245/W/17/3170535 Land north-west of Eagles Farm, Crowhurst Lane, West Kingsdown, Kent

TN15 6JE 27 November 2018.

<sup>11</sup> Welsh Assembly 2003 cited in Johnson, Murdoch and Willers, *The Law Relating to Gypsies and Travellers*, no date).

<sup>12</sup> Equality and Human Rights Commission, *Gypsy and Traveller sites: the revised planning definition's impact on assessing accommodation needs*, Research Report 128, September 2019 located at:

[https://www.equalityhumanrights.com/sites/default/files/190909\\_gypsy\\_and\\_traveller\\_sites\\_-\\_impact\\_of\\_the\\_revised\\_definition\\_-\\_final.pdf](https://www.equalityhumanrights.com/sites/default/files/190909_gypsy_and_traveller_sites_-_impact_of_the_revised_definition_-_final.pdf)

PPTS 2015 in excluding households from being defined as Gypsies and Travellers was not 'fairness'.

- 2.22 Given the above, our approach is to use a methodology which provides, first, an accommodation need figure based on ethnic identity and, second, a figure based on the PPTS (August 2015). Different GTAA's reach differing conclusions on which approach / definition to adopt, and it is for local authorities to decide individually which approach to take for planning purposes. It is recommended that this be kept under review in light of evolving appeal decisions and case law. This GTAA recommends adopting the 'ethnic' definition of accommodation needs figures, i.e. meeting the accommodation needs of all households who ethnically identify as Gypsies and Travellers. This will not only demonstrate knowledge of the overall accommodation need of all Gypsies and Travellers, but also how the accommodation needs in relation to households not meeting the PPTS definition are being addressed. An alternative is the adoption of the PPTS figure and for the difference between the PPTS and ethnic based need to be covered by a criteria-based policy. It is recommended that the work interpretation of need should simply be used as a form of reference and comparison with other authorities who use this approach.

*DCLG Review of housing needs for caravans and houseboats: draft guidance (March 2016)*<sup>13</sup>

- 2.23 The 2016 DCLG draft guidance to local housing authorities on the periodical review of housing needs for caravans and houseboats states that when considering the need for caravans and houseboats local authorities should include the needs of a variety of residents in differing circumstances, for example:

- Caravan and houseboat dwelling households:
  - who have no authorised site anywhere on which to reside
  - whose existing site accommodation is overcrowded<sup>14</sup> or unsuitable, but who are unable to obtain larger or more suitable accommodation
  - who contain suppressed households who are unable to set up separate family units and
  - who are unable to access a place on an authorised site, or obtain or afford land to develop on.
  
- Bricks and mortar dwelling households:

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<sup>13</sup> See <https://www.gov.uk/government/publications/review-of-housing-needs-for-caravans-and-houseboats-draft-guidance>

<sup>14</sup> Overcrowding e.g. where family numbers have grown to the extent that there is now insufficient space for the family within its caravan accommodation and insufficient space on the pitch or site for a further caravan (DCLG 2007 p.25)

- Whose existing accommodation is overcrowded or unsuitable ('unsuitable' in this context can include unsuitability by virtue of a person's cultural preference not to live in bricks-and-mortar accommodation).
- 2.24 Importantly, with respect to this report, the draft guidance states that assessments should include, but are not limited to, Romany Gypsies, Irish and Scottish Travellers, New Age Travellers, and Travelling Showpeople.
- 2.25 The guidance recognises that the needs of those residing in caravans and houseboats may differ from the rest of the population because of:
- their nomadic or semi-nomadic pattern of life
  - their preference for caravan and houseboat-dwelling
  - movement between bricks-and-mortar housing and caravans or houseboats
  - their presence on unauthorised encampments or developments.
- 2.26 Also, it suggests that as mobility between areas may have implications for carrying out an assessment local authorities should consider:
- co-operating across boundaries both in carrying out assessments and delivering solutions
  - the timing of the accommodation needs assessment
  - different data sources.
- 2.27 Finally, the DCLG draft guidance (2016) states that in relation to Travelling Showpeople, the need for storage and maintenance of equipment as well as accommodation should be considered, and the transient nature of many Travelling Showpeople should be considered.

### *Housing and Planning Act 2016*

- 2.28 The Housing and Planning Act 2016, which gained Royal Assent on 12 May 2016, omits sections 225 and 226 of the Housing Act 2004, which previously identified 'gypsies and travellers' as requiring specific assessment for their accommodation needs when carrying out reviews of housing needs. Instead, the Act amends section 8 of the Housing Act 1985 governing the assessment of accommodation needs to include all people residing in or resorting to the study area in caravans or houseboats. However, for planning purposes, the DCLG 'Planning Policy for Traveller Sites' (December 2023) still requires local authorities to identify the accommodation needs of Gypsies, Travellers and Travelling Showpeople who accord with the definition in Annex 1 of the PPTS.

2.29 The Housing and Planning Act 2016 requires Local Housing Authorities (LHAs) to consider the needs of people residing on places on inland waterways where houseboats can be moored. The term ‘houseboat’ is not defined by DCLG guidance. As such, the GTAA adopts the National Bargee Travellers Association’s (NBTA) definition who define a boat dweller as:

“Someone who lives aboard a vessel (which may or may not be capable of navigation), that the vessel is used as the main or only residence and where that vessel is either (i) moored in one location for more than 28 days in a year (but may occasionally or periodically leave its mooring); or (ii) has no permanent mooring and navigates in accordance with the statutes appropriate to the navigation such as inter alia s.17(3)(c)(ii) of the British Waterways Act 1995 or s.79 of the Thames Conservancy Act 1932”.

## Local Planning Policies

### *Tunbridge Wells Submission Local Plan 2020-2038*

2.30 The Tunbridge Wells Submission Local Plan 2020-2038 (submitted November 2021) outlines the Council’s policy regarding Gypsies, Travellers, and Travelling Showpeople. According to Policy H9 (‘Gypsies and Travellers’) potential areas for additional pitches will be permitted subject to providing the highlighted site-specific mitigations and meeting all the criteria below, as applicable:

1. The density of pitch provision within the application site is maximised, having regard to the minimum separation distances between mobile homes/caravans, etc, as required by any relevant legislation or guidance;
2. The proposal would not cause harm to character or appearance of the landscape, and must be well-screened by existing or additional native vegetation and physically contained by landscaping. This screening should be maintained permanently, and while additional planting could supplement existing landscaping, it should not be used as the only way the impact of new development is mitigated. High fences will not be acceptable for the purposes of screening;
3. Any accommodation provided on the site must be consistent with a nomadic lifestyle;
4. The scale of the proposed development, when considered together with existing Gypsy and Traveller pitches on the site and within the parish, must not be of an unduly large scale relative to the nearest settled community;
5. Foul drainage to a public sewer should be provided where possible. Where it is not, evidence will need to be provided showing that suitable alternative facilities can be provided;

6. Parking provision must be made in accordance with the parking standards as set out in Policy TP 3: Parking Standards;
7. There is adequate provision for storage and maintenance of equipment, where required.

2.31 Policy H9 further states that proposals that would result in a reduction of the number of pitches within the borough will be refused unless a suitable replacement is found, or the need no longer exists. In exceptional circumstances, other proposals for Gypsy and Traveller pitches will be permitted where all of the above criteria are met.<sup>15</sup>

### **Duty to cooperate and cross-border issues**

2.32 The duty to cooperate was created in the Localism Act 2011. It places a legal duty on local planning authorities, county councils in England, and public bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local Plan preparation relating to strategic cross boundary matters. Also, the need for councils to cooperate reflects the characteristic that Gypsy and Traveller travelling patterns transcend local authority borders<sup>16</sup>.

2.33 Local authorities are required to work together to prepare and maintain an up-to-date understanding of the likely permanent and transit accommodation needs for their areas. They should also consider the production of joint development plans to provide more flexibility in identifying sites, particularly if a local planning authority has specific development constraints across its area.

2.34 As part of this assessment, consultation in relation to Gypsies, Travellers and Travelling Showpeople and boat dwellers, was undertaken with adjoining planning and housing authorities. The findings from the consultation are discussed in Chapter 4.

2.35 Given the transient nature of Gypsies and Travellers, it is important for the GTAA to consider the accommodation needs of neighbouring authorities. The following section summarises the results of GTAA's recently undertaken by the study area local authority and neighbouring or nearby local authorities.

#### *Tunbridge Wells Gypsy and Traveller Accommodation Assessment (GTAA) 2018*

2.36 The 2018 Tunbridge Wells GTAA assessed the accommodation needs of Gypsies, Travellers, and Travelling Showpeople for the period 2017-2037 (this 2024 GTAA is an update of the 2018 GTAA). It determined a need for 32 additional pitches over the

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<sup>15</sup> Tunbridge Wells Submission Local Plan 2020-2038 (submitted October 2021) pp.419-420.

<sup>16</sup> It should be noted that the government's white paper 'Planning for the Future' (August 2020) indicates that it intends to abolish the duty to cooperate.

period 2017-2037 (based on the accommodation needs of families who had not permanently ceased to travel) and 24 pitches (based only on households who travel in a caravan for work purposes). The GTAA did not find any need for Travelling Showpeople yards or plots. In relation to transit provision, the 2018 GTAA recommended that the local authority has a corporate policy in place to address negotiated stopping places for small-scale transient encampments and that it continues to work with local authorities across the county to provide new transit provisions.

*Ashford Gypsy, Traveller and Travelling Showpeople Accommodation Assessment, 2018*

2.37 The GTAA has identified a cultural need for 82 pitches and a PPTS need for 54 pitches. The GTAA 2018 did not evidence any need for Travelling Showperson plots in the Borough. The GTAA recommend that the Council considers the development of a transit site to address the short-term accommodation needs of households travelling through the Borough. Based on existing evidence of unauthorised encampment activity, a transit site of 3 to 5 pitches would address the majority of transit need. Ashford Borough Council is currently updating its GTAA.

*Canterbury Gypsy, Traveller and Travelling Showpeople Accommodation Assessment, 2024*

2.38 The GTAA identifies an overall cultural need for 54 additional Gypsy and Traveller pitches across Canterbury District over the period 2023/24 to 2040/41. Of this need, 34 are needed in the first five years and 20 over the period to 2040/41. The GTAA does not identify any need for Travelling Showperson provision in Canterbury District. It recommends that the council develop a criteria-based policy to consider any applications coming forward over the plan period. In relation to transit provision, the GTAA recommends that the council should consider how land can be provided for short-term use and continues discussions with local planning authorities across Kent to determine the level of need and how this could be provided for.

*Dartford Gypsy, Traveller and Travelling Showpeople Accommodation Assessment, 2019*

2.39 The GTAA determines a need for 70 additional pitches over the period 2019-2035 for households that meet the planning definition, up to 2 additional pitches for households whose planning status is unknown, and 11 for households that did not meet the PPTS 2015 definition. The GTAA determined a need for 1 Travelling Showpeople plot over the period 2019-2035 for a household that met the PPTS 2015 definition. The GTAA states that there is no need to provide any new transit pitches in the local authority area, although levels of unauthorised encampments should be monitored. Due to low historic numbers of unauthorised encampments, the GTAA does not recommend that there is a need for any transit provision in Dartford at this time. However, it suggests that there is a need for a more strategic approach to transit provision across Kent.



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*East Sussex Gypsy, Traveller and Travelling Showpeople Accommodation Needs Assessment 2022*

2.40 The GTAA, undertaken by RRR Consultancy, assesses accommodation needs in the East Sussex local planning authorities of Eastbourne Borough Council, Hastings Borough Council, Lewes District Council, Rother District Council and Wealden District Council, and the South Downs National Park Authority (SDNPA). Over the period 2021-2040, the GTAA identifies a need for 112 additional pitches for Gypsies and Travellers who meet the 'ethnic' definition, 59 for Gypsies and Travellers who meet the PPTS 2015 definition, 45 pitches for Gypsy and Travelers households who meet the 'work' definition. The GTAA also identifies the need for 3 additional Travelling Showpeople plots over the same period. Regarding transit provision, the GTAA recommends, in addition to the existing transit site located in the Lewes local authority area (which serves all authorities), the adoption of a negotiated stopping policy. This policy involves siting caravans on suitable, designated pieces of land for an agreed and limited period. If required and feasible, the provision of limited services such as water, skips, and portable toilets should also be included.

*Folkstone and Hythe Gypsy, Traveller and Travelling Showpeople Accommodation Assessment 2018*

2.41 The GTAA 2018 found evidence of Gypsy and Traveller pitch needs (cultural and PPTS) over the five-year period 2017/18 to 2021/22 for 3 pitches. For the remainder of the Local Plan Period (2022/23 to 2036/37), the GTAA identified a need for 2 pitches. The total need over the plan period 2017/18 to 2036/37 is for five pitches. The 2018 GTAA also evidenced a need for 2 additional Showpersons plots, but it anticipated that these could be accommodated on the existing yard. In relation to transport provision, the GTAA recommends that the council consider the provision of transit pitches either for the District specifically or as part of a wider Kent response. A transit site of 5 pitches could accommodate up to 10 caravans, and this would provide sufficient short-term accommodation. The GTAA recommends that, whilst there is some evidence of a number of unauthorised encampments in Medway in recent years, there is currently no need to provide any new transit pitches at this time.

*Gravesham Gypsy, Traveller and Travelling Showpeople Accommodation Assessment, 2018*

2.42 The GTAA determines a need for 31 additional pitches over the period 2017-2037 for households that meet the planning definition, up to 9 additional pitches for households whose planning status is unknown, and 10 for households that did not meet the PPTS definition. The GTAA determines no need for additional Travelling Showpeople plots over the period 2017-2037. The GTAA states that there is no need to provide any new transit pitches in the local authority area, although levels of unauthorised encampments should be monitored.

*Maidstone Gypsy and Traveller Accommodation Assessment (GTAA) Interim Report, 2023*

- 2.43 The GTAA determines a need for 323 additional pitches over the period 2019 to 2039/40 for households that meet the planning definition, up to 245 additional pitches for households whose planning status is unknown, and up to 36 for households that did not meet the PPTS definition. The GTAA determines no need for 5 Travelling Showpeople plots over the same period for households that meet the planning definition and up to 2 plots for households that do not meet the PPTS definition. The GTAA states that there is no need to provide any new transit pitches in the local authority area, although levels of unauthorised encampments should be monitored.
- 2.44 It should be noted that the historically higher population of Gypsies and Travellers in Maidstone (and to a lesser extent Swale) compared to neighbouring areas is largely due to historical agricultural practices. Maidstone's economy traditionally relied heavily on fruit and hop picking, which attracted Gypsy and Traveller communities who provided essential seasonal labour. Over time, many of these communities established more permanent settlements in the area due to the consistent availability of work and the development of familial and social ties. This long-standing presence has resulted in a higher concentration of Gypsy and Traveller populations in Maidstone and Swale today.

*Medway Gypsy, Traveller and Travelling Showpeople Accommodation Assessment, 2018*

- 2.45 The Medway GTAA determines a need for 34 additional pitches over the period 2017-2035 for households that meet the planning definition, up to 15 additional pitches for households whose planning status is unknown, and 8 for households that did not meet the PPTS definition. The GTAA also determines a need for 3 additional Travelling Showpeople plots over the period 2017-2035 for households that meet the planning definition, up to 2 additional plots for households whose planning status is unknown, and none for households that did not meet the PPTS definition.

*Sevenoaks Gypsy, Traveller and Travelling Showpeople Accommodation Assessment, 2022*

- 2.46 According to the GTAA, there is an overall cultural need for 43 additional Gypsy and Traveller pitches across the district over the period 2022/23 to 2039/40. Of this need, 34 are from households who meet the PPTS nomadic habit of life definition, and 9 are from households who do not meet the PPTS definition as they no longer lead a nomadic habit of life. This takes into account the needs arising from existing households, households on unauthorised sites, newly forming households, in-migrant households and also the current vacancies on existing public sites. There is currently no Travelling Showperson's provision in Sevenoaks District. In relation to transit provision, the GTAA recommends that the Council should consider a blend of different approaches may be appropriate, with an emphasis on negotiated stopping arrangements rather than a dedicated transit site.

*Swale Gypsy, Traveller and Travelling Showpeople Accommodation Assessment, 2023*

2.47 The GTAA identifies a need for 114 additional Gypsy and Traveller pitches across Swale Borough over the period 2022/23 to 2037/38. The GTAA recommends that the council work with the Travelling Showperson community living in Swale to identify a new site for a Travelling Showperson yard to accommodate existing need (4 plots), with potential for future expansion (3 plots) and space to accommodate households transiting through the borough which would be managed by the permanent yard residents. In relation to transit provision, the GTAA recommends that the council identify areas of land to accommodate Travellers passing through the borough for different sizes of encampment, with land for up to 5 caravans, between 5 and up to 10 caravans and 10 or more caravans should need arise.

*Thanet Gypsy, Traveller and Travelling Showpeople Accommodation Assessment, 2018*

2.48 The GTAA 2017/18 identified a Gypsy and Traveller pitch need over the period 2018/18 to 2021/22 equating to 5 pitches under the cultural definition, or 1 pitch under the PPTS 2015 definition of Gypsy/Traveller. For the remainder of the Local Plan Period (up to 2030/31), the GTAA identified a cultural need for 2 pitches and a PPTS need for 2 pitches. This takes account of a longer-term projection of need based on demographic modelling. The need over the total Plan Period is 7 (cultural) and 3 (PPTS). The GTAA did not evidence any need for Travelling Showperson plot provision within the District during the next five years or the remainder of the Local Plan Period. The GTAA recommends the development of a transit site or temporary stopping place consisting of 5 pitches sufficient to accommodate up to 10 caravans.

*Tonbridge and Malling Gypsy, Traveller and Travelling Showpeople Accommodation Assessment, 2022*

2.49 The GTAA found an overall cultural need for 41 additional Gypsy and Traveller pitches across the borough over the period 2021/22 to 2039/40. Of this need, 25 pitches arise from households who meet the PPTS nomadic habit of life definition, and 16 are from households who do not meet the PPTS definition as they no longer lead a nomadic habit of life. This takes into account the needs arising from existing households, households on unauthorised sites, newly forming households, in-migrant households and also current vacancies on existing public sites. The 2022 GTAA recommends adoption of the previous GTTA's need for 3 additional plots up to 2040. In relation to transit provision, the GTAA recommends that the Council should consider a blend of different approaches may be appropriate, with an emphasis on negotiated stopping arrangements rather than a dedicated transit site.

## Summary

- 2.50 DLUHC 'Planning Policy for Traveller Sites' (December 2023) emphasises the need for local authorities to use evidence to plan positively and manage development. The Housing and Planning Act 2016 amends section 8 of the Housing Act 1985 governing the assessment of accommodation needs to include all people residing in the study area in caravans or houseboats. However, for planning purposes, as noted above, the DLUHC Planning Policy for Traveller Sites (December 2023) still requires local authorities to identify the accommodation needs of Gypsies, Travellers and Travelling Showpeople who accord with the definition in Annex 1 of the PPTS.
- 2.51 The GTAA is based on a methodology which provides, first, an accommodation need figure based on ethnic identity; and, second, a figure based on the PPTS (December 2023). Local planning policies regarding the provision of new Gypsy, Traveller and Showpeople pitches and plots are outlined in Policy H9 of the Tunbridge Wells Submission Local Plan 2020-2038 (October 2021), which outlines the criteria used to determine suitable locations for new sites and yards. It should be noted that the Submission Local Plan remains at examination stage and Policy H9 could be modified in due course.
- 2.52 Given the cross-boundary characteristic of Gypsy and Traveller accommodation issues, it is important to consider the findings of GTAAs produced by neighbouring local authorities. GTAAs recently undertaken by neighbouring local authorities indicate that there remains some Gypsy and Traveller accommodation need throughout the county, but none to date have suggested a need arising in their area should be met within the study area.

## 3. Trends in population levels

### Introduction

- 3.1 This section examines population levels in the GTAA study area and population trends. The primary source of information for Gypsies and Travellers (including Travelling Showpeople) in England is the DLUHC Traveller Caravan Count. This was introduced in 1979 and places a duty on local authorities in England to undertake a twice-yearly count for DLUHC on the number of Gypsy and Traveller caravans in their area. The count was intended to estimate the size of the Gypsy and Traveller population for whom provision was to be made and to monitor progress in meeting accommodation need.
- 3.2 Although the duty to provide sites was removed in 1994, the need for local authorities to conduct the count has remained. There are, however, several weaknesses with the reliability of the data. For example, across the country counting practices vary between local authorities, and the practice of carrying out the count on a single day ignores the fluctuating number and distribution of unauthorised encampments. Also, some authorities include Travelling Showpeople in the same figures as Gypsies and Travellers, whilst others distinguish between the different groups and do not include Travelling Showpeople.
- 3.3 Significantly, the count is only of caravans (tourer and static caravans) and so Gypsies and Travellers residing in bricks and mortar accommodation are excluded. It should also be noted that pitches / households often contain more than one caravan, typically two or three.
- 3.4 Despite concerns about accuracy, the count is a useful indicator because it provides the only national source of information about numbers and distribution of Gypsy and Traveller caravans. As such, it is useful for identifying trends in the Gypsy and Traveller population, if not determining absolute numbers.
- 3.5 The DLUHC Count includes data concerning Gypsies and Travellers sites<sup>17</sup>. It distinguishes between caravans on socially rented authorised, private authorised, and unauthorised pitches. Unauthorised sites and pitches are broken down by whether they are tolerated or not tolerated. The analysis in this chapter includes data from July 2021 to January 2024.

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<sup>17</sup>. Data regarding Travelling Showpeople is published separately by the DLUHC as 'experimental statistics'.

## Population

- 3.6 The total Gypsy and Traveller population residing in the UK is unknown, although the government estimates there to be between 100,000 and 300,000 Gypsy and Traveller people<sup>18</sup>. There are uncertainties partly because of the number of different definitions that exist but mainly because of an almost total lack of information about the numbers of Gypsies and Travellers now residing in bricks and mortar accommodation. Estimates produced for the DLUHC suggest that at least 50% of the overall Gypsy and Traveller population are now residing in permanent housing.
- 3.7 Local authorities in England provide a count of Gypsy and Traveller caravans in January and July each year for DLUHC. Due to Covid-19 restrictions, the Count did not take place in July 2020 or January 2021. The January 2024 Count (the most recent figures available) indicate a total of 26,632 caravans in England. Applying an assumed three person per caravan<sup>20</sup> multiplier would give a population of 79,896 persons.
- 3.8 Again, applying an assumed multiplier of three persons per caravan and doubling this to allow for the numbers of Gypsies and Travellers in housing<sup>21</sup>, gives a total population of 159,792 persons for England. However, given the limitations of the data, this figure can only be very approximate and may be a significant underestimate.
- 3.9 The 2021 national census included the category of 'Gypsy or Irish Traveller' in the question regarding ethnic identity. Table 3.1 below shows the total population and Gypsy and Traveller population as derived from the 2021 Census. It shows that in March 2021, there were 333 Gypsies and Travellers residing in the borough, representing around 0.29% of the usual resident population.<sup>22</sup> This is higher than the average for the southeast at 0.18% and England at 0.11%.

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<sup>18</sup> House of Commons 'Tackling inequalities faced by Gypsy, Roma and Traveller communities' April 2019 located at: [www.parliament.uk](http://www.parliament.uk)

<sup>19</sup> The House of Lords 'Inequalities Faced by Gypsy, Roma and Traveller Communities' (25 February 2020) provides useful links regarding inequalities faced by the GRT community.

<sup>20</sup> Niner, Pat (2003), Local Authority Gypsy/Traveller Sites in England, ODPM.

<sup>21</sup> Ibid.

<sup>22</sup> See ONS 2021 Census Table KS201EW Ethnic Group located at: <http://www.ons.gov.uk/>

**Table 3.1 Gypsy and Traveller Population (2021)**

	Population (no.)	G&T Pop (no.)	G&T Pop (%)
Tunbridge Wells Borough	115,314	333	0.29%
South East	9,278,064	16,747	0.18%
England	59,597,578	67,757	0.11%

Source: Census 2021 cited by NOMIS 2024

- 3.10 It is also possible to determine the Gypsy and Traveller population within the study area by tenure. Derived from 2021 Census data, Table 3.2 shows the housing type of 95 Gypsy and Traveller households residing in Tunbridge Wells borough. Almost nine tenths (86%) of Gypsy and Traveller households in Tunbridge Wells borough who completed the 2021 Census reside in bricks and mortar accommodation, with the remaining proportion (14%) residing in a caravan or other mobile homes. This is below the south east and England averages where just over a fifth (21%) of Gypsy and Traveller households who completed the 2021 Census reside in a caravan or other mobile home.

**Table 3.2 Gypsy and Traveller households by accommodation type<sup>23</sup>**

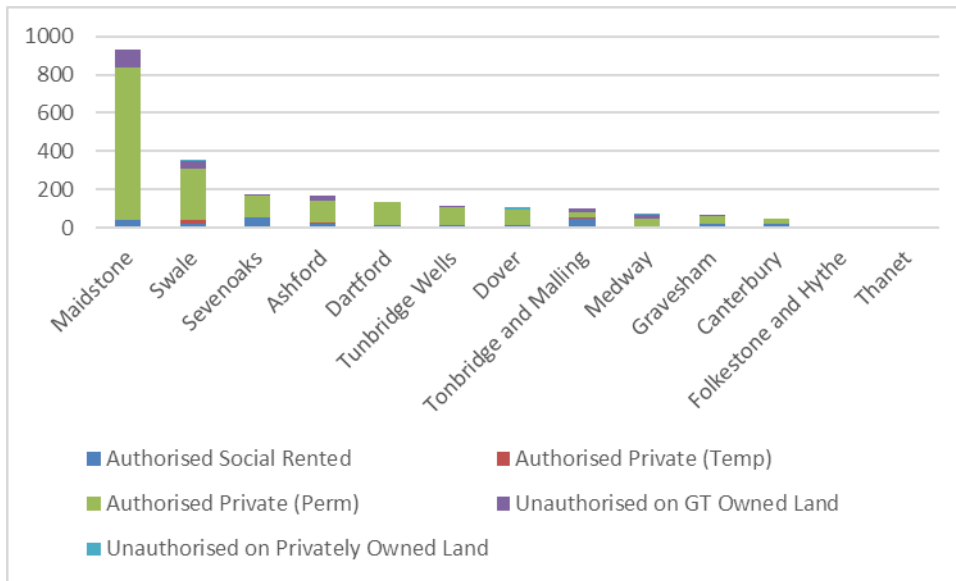
	A caravan or other mobile home		Bricks and mortar accommodation		Total	
	No.	%	No	%	No	%
Tunbridge Wells	13	14%	82	86%	95	100%
South East	1,115	21%	4,230	79%	5,345	100%
England	4,896	21%	18,790	79%	23,686	100%

Source: Census 2021 cited by NOMIS 2024

- 3.11 Figure 3.1 below shows that a total of 2,272 caravans were recorded in Kent local authorities by the January 2024 Caravan Count. There is some variation in the number of caravans in each local authority area – compared with an average of 175 caravans, 930 caravans were recorded in Maidstone, 116 in Tunbridge Wells, and none in Thanet. The 2,272 caravans recorded in January 2024 included 1,657 on private pitches, 284 on social rented pitches, and 276 on unauthorised pitches. The 116 caravans recorded in Tunbridge Wells consisted of 95 caravans residing on authorised private sites, 13 on a local authority owned and managed site, and 8 on unauthorised sites on land owned by Gypsies and Travellers.

<sup>23</sup> Please see Appendix 2 for a more detailed version of Table 3.2.

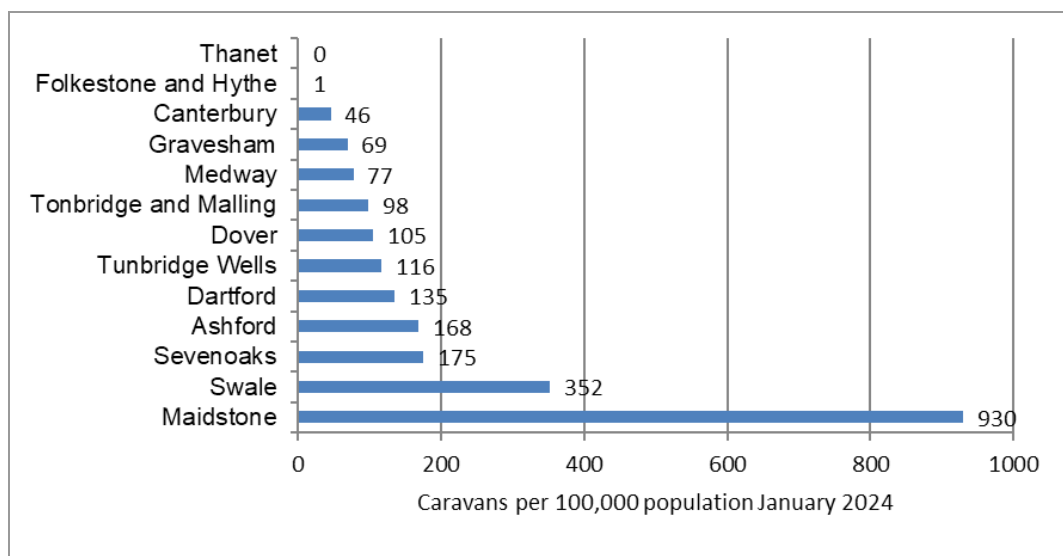
**Figure 3.1 Caravans in Kent local authorities January 2024**



Source: January 2024 DLUHC Traveller Caravan Count

3.12 Figure 3.2 below shows that when the population is taken into account the density of caravans varies. Maidstone recorded 930 caravans per 100,000 population. In contrast, Tunbridge Wells 116 caravans per 100,000 population, and Thanet 0 per 100,000 population. This compares to 119 caravans per 100,000 population in relation to Kent and 46 in relation to England.

**Figure 3.2 Pro rata comparison of caravans per 100,000 population January 2024**



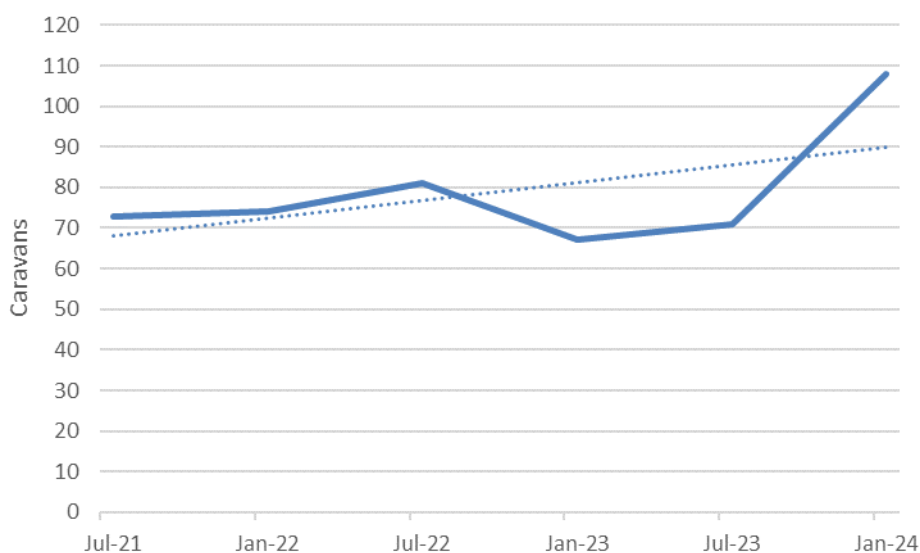
Source: January 2024 DLUHC Traveller Caravan Count

3.13 Figure 3.3 shows the total number of caravans on authorised pitches in Tunbridge Wells borough over the period July 2021 to January 2024. The number of caravans



recorded during the period varied fairly widely, with a maximum of 108 caravans recorded in January 2024 compared to a minimum of 67 caravans recorded in January 2023 (a difference of 41 caravans). The dotted trend line shows that, on average, the number of authorised caravans recorded in Tunbridge Wells increased over the period July 2021 to January 2024.

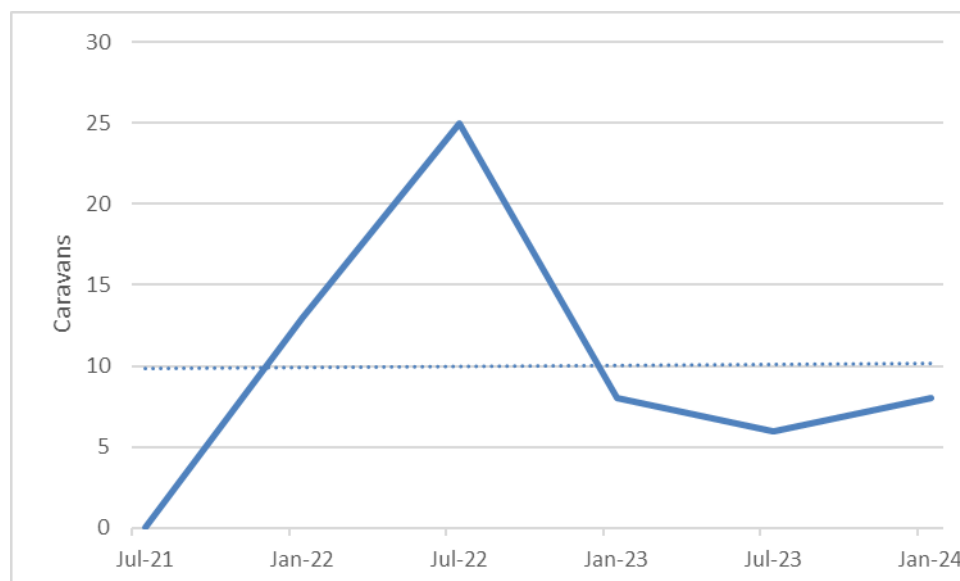
**Figure 3.3 Authorised caravans Jul 2021-Jan 2024 in Tunbridge Wells**



Source: January 2024 DLUHC Traveller Caravan Count

### Data on unauthorised sites

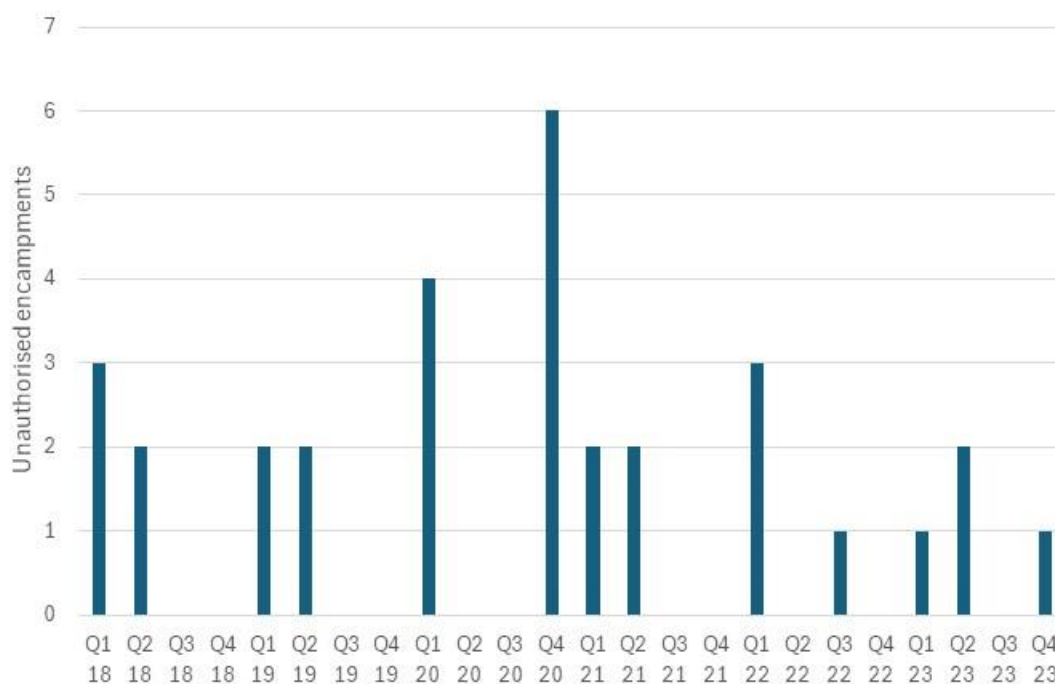
3.14 The DLUHC Count also records data on unauthorised sites (i.e. caravans residing temporarily on 'pitches' without planning permission). Figure 3.4 shows the number of caravans recorded by between July 2021 to January 2024 in Tunbridge Wells. The number of caravans on unauthorised sites recorded ranged from a maximum of 25 in July 2022 to a minimum of zero caravans in July 2021. The dotted trend line shows that, on average, the number of caravans on unauthorised sites recorded in Tunbridge Wells remained constant over the period July 2021 to January 2024.

**Figure 3.4 Unauthorised caravans July 2021-January 2024 in Tunbridge Wells**

Source: January 2024 DLUHC Traveller Caravan Count

### Local authority data on unauthorised sites

- 3.15 Tunbridge Wells Borough Council record more detailed data regarding unauthorised encampments. Figure 3.5 shows the number of caravans recorded between 2018/19 and 2022/23 in the Tunbridge Wells local authority area. There was a total of 31 unauthorised encampments recorded during the 5-year period.
- 3.16 The dotted trend line shows a gradual decrease in the number of unauthorised encampments over the period 2018/19 and 2022/23 (although Covid-19 restrictions may have impacted on the number of unauthorised encampments recorded during 2020 and 2021). The number of unauthorised encampments recorded in each financial year varied with a maximum of 6 occurring in Q4 2020 (January to March 2021). However, there were 11 quarters during which no unauthorised encampments took place in the borough. This is likely to reflect that Gypsy and Traveller households are more likely to travel during spring and summer months, and less likely to travel during autumn and winter months. Unauthorised encampments occurred in various locations throughout the borough, although they were more likely to occur in open spaces such as car parks and playing fields. On average, each unauthorised encampment consisted of 6 vehicles and lasted for 3 days.

**Figure 3.5 Unauthorised encampments in Tunbridge Wells borough 2018/19 to 2023/24**

Source: Tunbridge Wells Borough Council

3.17 Tunbridge Wells Borough Council record actions against unauthorised encampments. As can be seen in Table 3.3 shows, almost two fifths (39%) of actions against unauthorised encampment consisted of S61 notices<sup>24</sup>, followed by S77 notices<sup>25</sup> (23%). In just under a quarter (23%) of unauthorised encampments, the occupants decided to move of their own accord. Smaller proportions of unauthorised encampments led to a S78 notice<sup>26</sup> (6%), the use of a bailiff (6%), and community protection order<sup>27</sup>.

<sup>24</sup> Section 61 (S61) of the Criminal Justice and Public Order Act 1994 allows the police to direct trespassers to leave land if they have caused damage, used threatening behaviour, or if there are six or more vehicles on the land.

<sup>25</sup> Section 77 (S77) of the Criminal Justice and Public Order Act 1994 enables local authorities to direct individuals to remove their vehicles and belongings from land they are occupying without consent.

<sup>26</sup> Section 78 (S78) of the Criminal Justice and Public Order Act 1994 allows local authorities to apply to the magistrates' court for an order to remove trespassers if they fail to comply with a direction under S77.

<sup>27</sup> Community Protection Warning. It is part of the powers granted under the Anti-social Behaviour, Crime and Policing Act 2014. A CPW is issued by local authorities or the police to address anti-social behaviour. It serves as a formal warning before a Community Protection Notice (CPN) is issued, requiring individuals to stop specific behaviours that negatively affect the community. If the warning is not heeded, further enforcement actions can be taken.

**Table 3.3 Actions against unauthorised encampments**

Action	No.	%
S61	12	39%
S77	7	23%
Left of own accord	7	23%
S78	2	6%
Bailiff	2	6%
CPW	1	3%
Total	31	100%

Source: GTANA 2024

### Residential pitches within the borough

- 3.18 There are 79 authorised, permanent pitches in the borough consisting of 70 privately owned pitches and 9 local authority owned and managed pitches. 21 of these pitches are 'potential' pitches i.e. pitches with planning permission but yet to be developed or redeveloped. There are also 5 unauthorised developments.

### Travelling Showpeople

- 3.19 The cultural practice of Travelling Showpeople is to live on a plot in a yard in static caravans or mobile homes, along with smaller caravans used for travelling or inhabited by other family members (for example, adolescent children). Their equipment (including rides, kiosks and stalls) is usually on the same plot. There are no Travelling Showpeople plots within the borough.

### Summary

- 3.20 The 2021 Census indicates that there were 333 Gypsies and Travellers residing in Tunbridge Wells, representing around 0.29% of the usual resident population. This is higher than the average for the southeast at 0.18% and England at 0.11%. Almost nine tenths (86%) of Gypsy and Traveller households in Tunbridge Wells borough who completed the 2021 Census reside in bricks and mortar accommodation, with the remaining proportion (14%) residing in a caravan or other mobile homes. This is below the south east and England averages, where just over a fifth (21%) of Gypsy and Traveller households who completed the 2021 Census reside in a caravan or other mobile home.
- 3.21 The DLUHC January 2024 Count shows there were 2,272 caravans recorded in Kent. There is some variation in the number of caravans in each local authority – compared with an average of 175 caravans, 930 caravans were recorded in Maidstone, 116 in Tunbridge Wells, and none in Thanet. The 2,272 caravans

recorded in January 2024 included 1,657 on private pitches, 284 on social rented pitches, and 276 on unauthorised pitches. The 116 caravans recorded in Tunbridge Wells consisted of 95 caravans residing on authorised private sites, 13 on a local authority owned and managed site, and 8 on unauthorised sites on land owned by Gypsies and Travellers. Tunbridge Wells recorded 116 caravans per 100,000 population compared to 175 caravans per 100,000 population in relation to Kent and 46 caravans per 100,000 in relation to England.

- 3.22 The number of caravans on authorised pitches in Tunbridge Wells over the period July 2021 to January 2024 varied fairly widely, with a maximum of 81 caravans recorded in July 2022 compared to a minimum of 56 caravans recorded in January 2020 (a difference of 25 caravans). The number of authorised caravans recorded in Tunbridge Wells varied from 67 in January 2023 to 108 in January 2024, averaging 79 caravans over the period.
- 3.23 According to Tunbridge Wells Borough Council data, there was a total of 31 unauthorised encampments recorded over the period 2018/19 to 2023/24. The number of unauthorised encampments recorded in each financial year varied with a maximum of 6 occurring in Q4 2020 (January to March 2021).
- 3.24 There are 79 authorised, permanent pitches in the borough consisting of 70 privately owned pitches and 9 local authority owned and managed pitches. 21 of these pitches are 'potential' pitches i.e. pitches with planning permission but yet to be developed or redeveloped. There are also 5 unauthorised developments. There are no Travelling Showpeople plots within the borough.

## 4. Stakeholder consultation

### Introduction

- 4.1 Consultations with a range of stakeholders were conducted to provide qualitative information about the accommodation needs of Gypsies, Travellers, Travelling Showpeople, and boat dwellers. The aim of the consultation was to obtain both an overall perspective on issues facing these groups, and an understanding of local issues that are specific to the study area. In recognition that Gypsy and Traveller issues transcend geographical boundaries and the duty to cooperate in addressing the needs of Gypsies and Travellers, consultation was undertaken with officers from neighbouring authorities, as well as from within the study area.
- 4.2 Themes included: the need for additional provisions and facilities; travelling patterns; the availability of land; accessing services; and work taking place to meet the needs of Gypsies and Travellers. This chapter highlights the main points that were raised. Please note that the below reflects the views of stakeholders and not necessarily the views of the report authors. Also, that the comments may relate to areas outside of the study area.

### Accommodation needs

- 4.3 According to stakeholders, the primary accommodation issues for Gypsy and Traveller communities include overcrowding, lack of allocated land, and substantial need in some local authority areas. Viability affects site deliverability, indicating a need for more public sites. Some areas are highly constrained by Green Belt designation. There is a lack of transit provision within the county and a shortage of permanent pitches. Environmental constraints and local opposition to new provision can hinder new site development. Affordable, suitable land is scarce, complicating efforts to find appropriate sites.
- 4.4 The main driver for new accommodation needs for Gypsy and Traveller communities are multifaceted. Overcrowding often results from concealed or doubled-up households, where multiple families live on the same pitch, necessitating additional space. Family expansions and new household formations contribute significantly to the demand, as do teenagers who will soon need their own pitches.
- 4.5 Additionally, there is a notable impact from in-migration, with Gypsy and Traveller households moving from London and other areas seeking accommodation. A shortage of suitable and affordable land for new sites, combined with local opposition to their development, further complicates the issue. The overall lack of nationwide pitches and transit sites exacerbates the problem.

- 4.6 Families currently living in bricks and mortar housing often seek to move to more suitable or affordable accommodation on pitches. This situation is compounded by existing unauthorised pitches, highlighting the urgent need for a structured approach to meet the accommodation demands of these communities.

### **Barriers to new accommodation provision**

- 4.7 The main barriers to delivering new sites or extending existing ones for Gypsy and Traveller communities involve several factors. Firstly, there is a need to ensure that these new sites do not overwhelm nearby settled communities, as required by the Planning Policy for Traveller Sites (PPTS). Environmental constraints are significant, with many existing sites facing issues such as flood risk, Green Belt restrictions, Ancient Woodland, and Areas of Outstanding Natural Beauty (AONB), now National Landscape. Even when the Local Planning Authority allocates land for Gypsy and Traveller sites through a Development Plan Document (DPD), its development largely depends on the landowner, often for private use by family or friends.
- 4.8 Other barriers include land ownership issues, high capital and infrastructure costs, and difficulties in securing planning permission. Sites should not be near Public Rights of Way, and any proposed diversions must go through a legal process with public consultation, which does not guarantee approval. The high percentage of Green Belt in districts like Sevenoaks means new sites must demonstrate a Very Special Circumstances case. Additionally, there is a lack of funding and prioritisation for these communities.
- 4.9 Identifying and securing suitable public and private sites that meet policy requirements and community needs is challenging. Landowners seek maximum development value, and public sites often face low uptake due to restrictions on work and material storage and potential issues from mixing different Gypsy and Traveller ethnicities. Limited available land is also a problem, exacerbated by environmental constraints and public objections.
- 4.10 Stakeholders highlight the difficulty of finding suitable, affordable land not reserved for conventional housing. Significant areas are protected by national and international designations, such as the High Weald National Landscape, South Downs National Park, Ashdown Forest Special Area of Conservation (SAC), Pevensy Levels SAC, and Ramsar Site and Lewes Downs SAC, further limiting site development opportunities.

### **Locations of new provision**

- 4.11 Stakeholders suggested that new Gypsy and Traveller site provision in the Tunbridge Wells local authority area should be located in sustainable locations with good public transport links to access essential services and facilities. In line with national

guidance, development in the Green Belt should be avoided unless there are exceptional circumstances. According to a stakeholder from a neighbouring authority, their emerging Local Plan emphasises a sustainability-led approach, prioritising suitable additional pitches on existing sites, converting temporary permissions to permanent, and considering new sites close to existing settlements, services, and facilities.

- 4.12 New sites should avoid areas within National Landscapes and those prone to flooding, due to the particular vulnerability of caravans. Specific site decisions should be guided by the outcomes of the new Gypsy and Traveller Accommodation Assessment (GTAA). It is crucial that new sites are located close to the families whose needs they are meant to address and meet the criteria set out in the Planning Policy for Traveller Sites (PPTS). Areas in proximity to administrative boundaries could also be considered for discussion. However, for more detailed and informed decisions, it is important to refer to the latest GTAA findings.

### **Transit provision and travelling patterns**

- 4.13 The travelling patterns of Gypsies and Travellers, and Travelling Showpeople in the area covered by the respondents vary, reflecting a range of lifestyles and needs within these communities. For stakeholders, the main travelling patterns of Gypsies, Travellers, and Travelling Showpeople in the local area vary considerably. In some districts, there are no specific patterns identified, while the Kent A20/M20 corridor is a known traditional route associated with seasonal hop and fruit picking.
- 4.14 In East Sussex, there is an increase in transit during summer, particularly along the A259 and A22 corridors, leading to a rise in unauthorised encampments between May and September. However, East Sussex is not a well-known stopping place for work, resulting in fewer transiting households. Some households cannot stay at traditional stopping places and therefore tend to remain on permanent sites.
- 4.15 In recent years, the number of unauthorised encampments in Kent and nearby local authority areas have shown varying trends. In Maidstone, the number of short-term unauthorised encampments has decreased due to changes in enforcement approaches and the use of Community Protection Notices. These encampments are typically brief, lasting around 24 hours, and often involve the same family units passing through. Conversely, Kent County Council land has seen an increase in unauthorised encampments, partly due to the cost-of-living crisis and insufficient support. Main reasons for these encampments include visiting family, a shortage of temporary stopping places, and a lack of available permanent pitches. Gypsies and Travellers may also avoid managed transit sites due to cost concerns, reluctance to mix with different Traveller ethnic groups, and site management policies.



- 4.16 Due to historically low numbers of short-term encampments and the use of Community Protection Notices, there is no immediate need for formal transit provision in Maidstone. However, the situation will be monitored annually. The 2017 GTAA for Tunbridge Wells did not identify a need for a transit site, but this is reassessed in this new GTAA. There is an opinion from a stakeholder in a neighbouring authority that at least one transit site is needed in East Kent and one in West Kent to benefit all local authorities and the police. Alternatively transit provision may be provided by neighbouring East Sussex local authorities. The 2018 Ashford GTAA identified a need for a transit site with 3-5 pitches, recommending that this be addressed at the sub-regional or county level. The 2022 GTAA for Sevenoaks indicates a need for transit provision but lacks specific data on the amount or location needed. It recommends using negotiated stopping policies.

### **Relationship between the Gypsy, Traveller and Travelling Showpeople and settled communities**

- 4.17 The relationship between Gypsies, Travellers, Travelling Showpeople, and the settled communities is mixed and varies by area. Maidstone has a significant resident Traveller community, with some wards having the highest proportions of Gypsy or Irish Traveller populations in England. This high concentration can lead to perceptions of dominance by the Traveller communities. While some Gypsies and Travellers integrate well and feel accepted, there is often a lack of understanding and some tension. Planning applications for new sites frequently face opposition from the settled community, driven by fears of potential impacts. This opposition makes it challenging to find suitable sites, although local communities may support applications if they are familiar with the Traveller families involved.
- 4.18 To encourage better relations between Gypsies, Travellers, and the settled communities, it is essential to foster greater understanding and awareness of different cultures. This can be achieved through education and awareness sessions, cultural events, and positive media representation. Involving local community members, local authority staff, elected officials, and agencies such as the police in these activities can help bridge cultural gaps. Gypsy and Traveller liaison officers play a crucial role in building trust. It is important for young people to learn about Gypsy and Traveller cultures to foster mutual respect from an early age. Collaboration among agencies to build genuine trust, rather than token gestures, is also vital.

### **Access to services**

- 4.19 The main barriers for Gypsy, Traveller, and Travelling Showpeople communities in accessing services are multifaceted. One significant issue is the lack of a settled,

registered address, making it challenging to register for services such as healthcare and education. Cultural factors, such as a preference for privacy, distrust of public services, and reluctance to access school provisions, further exacerbate these difficulties. Language and literacy barriers also play a role. Overcoming these challenges requires targeted engagement and information dissemination about available services, addressing distrust through consistent community outreach, and offering culturally sensitive support.

- 4.20 The nomadic lifestyle of many in these communities makes consistent access to services problematic. For example, without a permanent address, it becomes difficult to register for a General Practitioner or enroll children in schools, leading to gaps in healthcare and education. Moreover, some Gypsy and Traveller families prefer to avoid external intervention and scrutiny, valuing their privacy and self-reliance, which can further isolate them from necessary services. Family networks are crucial in these communities, but reliance on them can also limit interaction with broader societal support systems.
- 4.21 Distrust of public services is another significant barrier. Historical and ongoing discrimination can lead to a reluctance to engage with authorities or utilise available services. This distrust can be compounded by negative past experiences, making individuals wary of seeking help. Mental health issues, which have been noted among some community members, may also go unaddressed due to this distrust and the stigma associated with mental health in many cultures.
- 4.22 Language and literacy barriers are common, especially among older community members, who may not be fluent in English or literate in any language. This makes it difficult to access written information about services or complete necessary paperwork. Providing services in a culturally sensitive manner, with materials available in various languages and formats, could help mitigate this issue.
- 4.23 To improve access to services, a multi-faceted approach is needed. This includes increasing awareness and understanding of Gypsy and Traveller cultures among service providers to foster a more inclusive environment. Community engagement initiatives, such as outreach programs and cultural liaison officers, can build trust and encourage the use of services. Educational sessions and cultural events that bring together different community groups can also help bridge understanding and reduce prejudice.
- 4.24 Furthermore, integrating service provision with the community's lifestyle is essential. For instance, mobile health clinics and flexible schooling options could cater to their nomadic lifestyle. Ensuring that service provision is not dependent solely on a permanent address, but rather on outreach and mobile solutions, can make a significant difference.

- 4.25 Overcoming these barriers requires a concerted effort to understand and respect the unique needs and lifestyle of Gypsy, Traveller, and Travelling Showpeople communities. Building trust through consistent engagement, providing culturally sensitive support, and developing flexible service delivery models are key to improving their access to essential services.

### **Communication and cooperation**

- 4.26 Stakeholders were asked in what ways do local authority departments and service providers communicate and coordinate well to meet the needs (e.g. accommodation, health, education etc.) of the Gypsy, Traveller, and Travelling Showpeople communities. Communication and cooperation are strong among local authorities and agencies dealing with Gypsy and Traveller issues in Kent. The Kent Planning Policy Forum includes a Gypsy and Traveller sub-group that facilitates discussions and planning. In East Sussex, a cross-county Gypsy and Traveller Group effectively communicates and coordinates with relevant agencies, ensuring comprehensive support for these communities. This collaborative approach ensures that the needs of the Gypsy, Traveller, and Travelling Showpeople communities are met through well-coordinated efforts across various local authority departments and service providers
- 4.27 A stakeholder from Maidstone Borough Council stated that they manage the needs of the Gypsy, Traveller, and Travelling Showpeople communities through dedicated resources and collaborative efforts. The council employs a Traveller Site Liaison Officer to build relationships and ensure smooth operations. Kent-wide, strategic planning officers meet regularly, with a specific sub-group focusing on Gypsy and Traveller accommodation issues. The Kent-wide Gypsy, Roma, Traveller Community of Practice group, led by Kent County Council Public Health, brings together specialists from planning, health, and education to collaborate and share best practices.
- 4.28 In Sevenoaks District, infrastructure provision is considered through the emerging Local Plan, which includes plans to allocate Gypsy and Traveller sites. Kent County Council has a dedicated team for permanent site residents, including a Community Liaison Officer who fosters positive relationships with residents and coordinates with various services, such as Public Health, NHS, and animal licensing. Although the primary role is not to support travelling families or unauthorised encampments, the team provides signposting, guidance, and assistance.

### **Summary**

- 4.29 Consultation with stakeholders revealed key insights into the accommodation needs of Gypsies, Travellers, and Travelling Showpeople. These consultations aimed to

gather both general perspectives and local-specific issues within the study area, recognising that Gypsy and Traveller issues often extend beyond geographical boundaries. Stakeholders discussed themes such as the need for additional provisions and facilities, travelling patterns, land availability, and access to services.

- 4.30 The primary accommodation issues for Gypsy and Traveller communities include overcrowding, lack of allocated land, and substantial need in certain local authority areas. Viability affects the deliverability of sites, indicating a need for more public sites. Environmental constraints and local opposition further hinder new site development, while affordable, suitable land remains scarce. Overcrowding often results from concealed or doubled-up households, and the demand is driven by family expansions, new household formations, and in-migration of Gypsy and Traveller households from areas like London. The overall shortage of nationwide pitches and transit sites exacerbates the problem, as families living in bricks and mortar housing seek more suitable accommodation.
- 4.31 Barriers to new accommodation provision are significant and multifaceted. There is a need to ensure new sites do not overwhelm nearby settled communities, as required by the Planning Policy for Traveller Sites (PPTS). Environmental constraints such as flood risks, Green Belt restrictions, Ancient Woodland, and Areas of Outstanding Natural Beauty (AONB), now National Landscape complicate site development. Additionally, land ownership issues, high capital and infrastructure costs, and difficulties in securing planning permission present major challenges. Public objections and the need for very special circumstances to develop in Green Belt areas add to these barriers.
- 4.32 The relationship between Gypsies, Travellers, Travelling Showpeople, and the settled communities is mixed. Where there is a significant Traveller population, there can be perceptions of dominance by Traveller communities. While some integrate well and feel accepted, there is often a lack of understanding and tension. To improve relations, it is essential to foster greater understanding and awareness of different cultures through education, awareness sessions, and cultural events. Positive media representation and the involvement of local community members, authority staff, elected officials, and agencies such as the police can bridge cultural gaps. Gypsy and Traveller liaison officers play a crucial role in building trust, and collaboration among agencies is vital for fostering genuine relationships and reducing prejudice.

## 5. Gypsies and Travellers consultation

### Introduction

- 5.1 This section of the assessment focuses on the consultation with Gypsies and Travellers. It involved questions covering a range of issues related to accommodation and service needs, based on a standard questionnaire. Whilst covering all questions, the method and order of questions varied in order to maximise response rates. Methods ranged from an informal style to a more formal approach which involved asking questions in a specific order.

### Methodology

- 5.2 The consultation included questions regarding issues such as family composition (per pitch), accommodation and facilities, the condition, ownership, management and suitability of current sites and pitches (including facilities and services), occupancy of existing pitches (including the number of, and reasons for, vacant and / or undeveloped pitches, and future plans for pitches), travelling patterns, and accommodation needs.
- 5.3 The response rate for the consultation with households was 85%. However, through a combination of direct consultation (face-to-face and telephone) and information provided by reliable sources, such as neighbours and relatives, sufficient data representing all 63 known occupied pitches (authorised and unauthorised developments) was gathered.
- 5.4 The data was used to calculate the level of supply, occupancy and need and which of the two needs categories those with need met. Also, general comments in terms of the key issues were also gathered and recorded, in order to gain and present further insight and evidence the need calculations (summarised below).
- 5.5 The number and location of pitches were determined using local authority data. Households were consulted on key issues regarding accommodation needs. The combination of local authority data, site visits, and consultation with households helped to clarify the status of pitches (i.e. which pitches are occupied by Gypsies and Travellers, vacant pitches, pitches with planning permission which are planned to be developed or redeveloped, overcrowded pitches, pitches occupied by household members with a need for separate accommodation, and hidden households, amongst other needs issues). Locations where planning permission has lapsed, refused or withdrawn, or where enforcement action has previously taken place, were also visited to confirm occupancy and use.

5.6 Although attempts were made to access Gypsies and Traveller households residing in bricks and mortar accommodation, it was not possible to consult with them. However, an alternative method of determining the accommodation needs of households residing in bricks and mortar accommodation has been applied (see step 15 below). The methods used in attempting to contact households residing in bricks and mortar accommodation included:

- Asking households residing on sites if they were aware of any relatives or friends residing in bricks and mortar accommodation;
- Contacting key stakeholders to request help to access Gypsies and Travellers living in bricks and mortar; and
- Seeking information about the location of households residing in bricks and mortar accommodation through the stakeholder consultation

## Existing Supply

5.7 There are 79 authorised, permanent pitches in the borough consisting of 70 privately owned pitches and 9 pitches on a local authority owned and managed site. 21 of these pitches are 'potential' pitches, i.e. pitches with planning permission but yet to be developed or re developed. There are also 5 unauthorised developments.

5.8 Table 5.1 shows the occupied pitches, vacant pitches (current pitches with planning permission but not occupied at the time of the consultation), and potential pitches (pitches with planning permission expected to be developed or redeveloped and occupied within the first five-year period).

**Table 5.1 Occupied, vacant and potential Gypsy and Traveller pitches (authorised supply)**

Occupied	Vacant	Potential	Total
58	0	21	79

Source: Study area local authorities 2024

5.9 Table 5.2 below lists the number of authorised pitches per authority including vacant and potential pitches.

**Table 5.2 Permanent Gypsy and Traveller authorised pitches per status**

Private	LA	Total
70	9	79

Source: GTAA 2024

5.10 Table 5.3 lists the number of pitches per authority with temporary planning permission and those with no planning permission and recorded as unauthorised developments (including unauthorised pitches tolerated by the respective planning

authority and those with pending applications or appeals). As can be seen in the needs calculations below (Table 5.4), these pitches contribute to the additional accommodation needs in the area due to their need for permanent planning permission and the occupants' accommodation needs.

**Table 5.3 Gypsy and Traveller pitches without permanent permission per local authority**

Temporary	Unauthorised developments	Total
0	5	5

Source: GTAA 2024

### Permanent accommodation need

- 5.11 Additional accommodation need mainly derive from: households residing on unauthorised pitches requiring permanent permission; households residing on overcrowded authorised pitches; and new family formations expected to arise from within existing family units. Accommodation need for pitches also derives from households residing in bricks and mortar accommodation. Households residing on sites and stakeholders commented on how it is important to determine this component of accommodation need.

### Requirement for permanent residential pitches 2024-2029

- 5.12 The need for residential pitches in the study area is assessed according to a 15-step process, based on the model suggested in DCLG (2007) guidance and supplemented by data derived from the survey. The results of this are shown in Table 5.4 below, while the subsequent section contains explanations of the sourcing and calculation of figures for each step. The following table (Table 5.4) relates to the study area as a whole.
- 5.13 As discussed in Chapter 2, there are differing interpretations of the PPTS (December 2023) definition. As such, the needs assessment provides two accommodation needs figures: first, based on ethnic identity ('Ethnic' column); and second, based on PPTS 2023 ('PPTS' column).

**Table 5.4 Estimate of the need for permanent residential site pitches 2024-29**

	Ethnic	PPTS
1) Current occupied permanent residential site pitches	58	58
<i>Additional residential supply</i>		
2) Number of unused residential pitches available	0	0
3) Number of existing pitches expected to become vacant through mortality	2	2
4) Net number of households on sites expected to leave the area in next 5 years	2	2
5) Number of households on sites expected to move into housing in next 5 years	0	0
6) Residential pitches planned to be built or to be brought back into use	21	21
Total Additional Supply	25	25
<i>Additional residential need</i>		
7) Seeking permanent permission from temporary sites	0	0
8) Households (on pitches) seeking residential pitches in the area,	0	0
9) Households on transit pitches requiring residential pitches in the area	0	0
10) Households on unauthorised encampments requiring residential pitches	0	0
11) Households on unauthorised developments requiring residential pitches	5	5
12) Households currently overcrowded (or hidden household members)	8	8
13) Net new households expected to arrive from elsewhere	2	2
14) Household formations expected to arise from within existing households	14	14
15) Households in bricks and mortar with need for a pitch	8	0
Total Need	37	29
<i>Balance of Need and Supply</i>		
Total Additional Pitch Requirement	12	4

Source: GTAA 2024

### Requirement for permanent residential pitches 2024-2029: steps of the calculation

5.14 Information from local authorities and the census plus evidence from the survey was used to inform the calculations including:

- The number of Gypsies and Travellers housed in bricks and mortar
- The number of existing Gypsy and Traveller pitches
- The number of families residing on unauthorised encampments requiring accommodation (and surveyed during the survey period)
- The number of unauthorised developments (during the survey period)
- The number of temporary pitches
- The number of vacant pitches
- The number of planned or potential new pitches
- The number of transit pitches

5.15 The remainder of this chapter describes both the process and results of the Gypsy and Traveller accommodation needs calculations.



## Supply of pitches

Supply steps (steps 1 to 6) are the same irrespective of which definition of accommodation need used.

### **Step 1: Current occupied permanent site pitches**

- 5.16 Based on information provided by the councils and corroborated by site visits and household surveys, there are currently 58 occupied authorised Gypsy and Traveller pitches in the study area.

### **Step 2: Number of unused residential pitches available**

- 5.17 This relates to those pitches that have planning permission, are developed but not currently in use. There are currently 0 vacant pitches within the study area.

### **Step 3: Number of existing pitches expected to become vacant**

- 5.18 This is calculated using mortality rates as applied in conventional Housing Needs Assessments. However, the figures for mortality have been increased in accordance with studies of Gypsy and Traveller communities suggesting a life expectancy approximately 10 years lower than that of the general population.<sup>28</sup> This results in the supply of 2 pitches.

### **Step 4: Number of households in site accommodation expressing a desire to leave the study area and resulting in the creation of a vacant pitch**

- 5.19 Two households surveyed as part of this GTAA stated that they would like to leave the study area. Also, there is no data regarding households who would like to migrate from outside the study area into it. As such, it is usual to determine both in- and out-migration as 2.

### **Step 5: Number of households on permanent pitch site accommodation expressing a desire to reside in housing and resulting in the creation of a vacant pitch**

- 5.20 This is determined by survey data. It was assumed that all those currently residing on sites planning to move into housing in the next five years (step 5) or preferring to move into housing from an overcrowded pitch (step 11), would be able to do so. This resulted in a supply of 0.

### **Step 6: Residential pitches planned to be built or brought back into use**

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<sup>28</sup> E.g. L. Crout, *Traveller health care project: Facilitating access to the NHS*, Walsall Health Authority, 1987.

- 5.21 This is determined by local authority data and from an assessment of sites during visits. Such pitches are referred to as 'potential'. This means that the pitches have been granted planning permission but have not yet been developed. Potential pitches include those which have been partly developed or which were previously occupied but are currently not occupied and in need of redevelopment. There are 21 pitches in the study area that are expected to be built or brought back into use during the period.

### **Need for pitches**

- 5.22 As discussed in Chapter 2, this needs assessment provides two accommodation needs figures: first, based on ethnic identity ('Ethnic' column); and second, based on PPTS 2023 ('PPTS' column).

### ***Step 7: Seeking permanent permission from temporary sites***

- 5.23 This is determined by local authority data. It is assumed that families residing on pitches whose planning permission expires within the period will still require accommodation within the study area. There are currently no pitches with temporary planning permission located in the study area. This generates a total need in the study area of 0 pitches ('ethnic'), and 0 pitches ('PPTS').

### ***Step 8: Households on pitches seeking residential pitches in the study area and not leading to making a pitch vacant and available for others to occupy***

- 5.24 This is determined by survey data. These households reported that they 'needed or were likely' to move to a different home in the next five years, and wanted to stay on an authorised site, or that they were currently seeking accommodation.
- 5.25 This category of accommodation need overlaps with those moving due to overcrowding, counted in step 12, and so any households which both are overcrowded and seeking accommodation are deducted from this total. This generates a total need in the study area of 0 pitches ('ethnic'), and 0 pitches ('PPTS').

### ***Step 9: Households on transit pitches seeking residential pitches in the study area***

- 5.26 This is determined by survey data. These households reported that they required permanent pitches within the study area in the next five years. This generates a total need in the study area of 0 pitches ('ethnic'), and 0 pitches ('PPTS').

### ***Step 10: Households on unauthorised encampments seeking residential pitches in the study area***

- 5.27 Guidance (DCLG 2007) indicates that it should be considered whether alternative accommodation is required for households residing on unauthorised encampments.

Using survey data, it has been calculated how many families on unauthorised encampments want residential pitches in the study area. Please note that only Gypsies and Travellers requiring permanent accommodation within the study area have been included in this calculation – transiting Gypsies and Travellers are included in separate calculations. There were 0 households surveyed on unauthorised encampments within the study area during the survey period.

**Step 11: Households on unauthorised developments seeking residential pitches in the area**

- 5.28 This was determined by consultation data. The guidance also indicates that the accommodation needs of households living on unauthorised developments for which planning permission is not expected must be considered. Regularising families living on their land without planning permission would reduce the overall level of need by the number of pitches given planning permission. This generates a total need in the study area of 5 pitches ('ethnic'), and 5 pitches ('PPTS').

**Step 12: Households on overcrowded pitches seeking residential pitches in the area and not leading to making a pitch vacant and available for others to occupy**

- 5.29 This was determined by the consultation. Households which also contain a newly formed households that has not yet left are excluded. This is because it is assumed that once the extra family unit leaves (included in the need figures in step 14) their accommodation will no longer be overcrowded. The calculations suggest that the need for additional pitches in the study area to resolve overcrowding over the period are as follows: 8 pitches ('ethnic definition'), and 8 pitches ('PPTS' definition).

**Step 13: New households expected to arrive from elsewhere**

- 5.30 In the absence of any data derivable from primary or secondary sources (beyond anecdotal evidence) on the moving intentions of those outside the study area moving into the area, as in the case of those moving out of the area, it is assumed that the inflow of Gypsies and Travellers into the area will be equivalent to the outflow. Together, these amount to a net inflow of 2 units in the study area.

**Step 14: New household formations expected to arise from within existing family units on sites**

- 5.31 The number of individuals needing to leave pitches to create new households within the period was estimated from consultation and excludes those included in steps 8, 12 and 13. This will result in the formation of 14 new households requiring residential pitches over the period ('ethnic definition'), and 14 pitches ('PPTS' definition).

**Step 15: Households in bricks and mortar with need for a pitch**

- 5.32 The need for a pitch from households in bricks and mortar relates to the estimated proportion on households living in bricks and mortar, who need to move and have a cultural preference for a pitch. This is estimated to be 10% of the number of households as identified by the latest census (2021) living in bricks and mortar. There are 82 households living in bricks and mortar in Tunbridge Wells.
- 5.33 As the travelling status of households residing in bricks and mortar accommodation is not known, the accommodation needs arising from these households are only included in the 'ethnic' needs figures. This results in a need of 8 additional pitches (10% of 82) in relation to the 'ethnic' definition and 0 pitches in relation to the PPTS definition.

**Balance of Need and Supply**

- 5.34 From the above the Total Additional Pitch Requirement is calculated by deducting the supply from the need.

**Table 5.5: Summary of Gypsy and Traveller pitch needs 2024-29**

	Ethnic	PPTS
Supply	25	25
Need	37	29
Difference	12	4

Source: GTAA 2024

**Requirement for permanent residential pitches 2029-2039**

- 5.35 Considering future accommodation need it is assumed that those families with need stemming from households living in bricks and mortar and in need of a pitch, overcrowding, unauthorised developments and encampments will move onto sites within a 5-year period. As such, only natural population increase (same as step 15 above), mortality, and movement into and out of the study area need to be considered. The base figures regarding the number of pitches on sites at the end of the first 5-year period are shown in Table 5.5 below. Please note that the 2024 base figures include both authorised occupied and vacant pitches, whilst the 2029 base figures assume that any potential pitches have already been developed.
- 5.36 2029 pitch base figures are determined by a number of factors including:
- the number of occupied pitches in 2024 (as determined by the household survey)

- the number of vacant pitches in 2024 (as determined by the household survey)
- the number of potential pitches (as determined by local authority data)
- accommodation need for the period 2024-2029 (as determined by the GTAA)

5.37 It is assumed that by 2029 vacant pitches will be occupied, potential pitches will have been developed and occupied, and any additional need has been met by new supply.

5.38 In relation to this accommodation assessment, analysis of the current population indicates an annual household growth rate of 2.29% per annum (compound) equating to a 5-year rate of 12%. This is based on an analysis of various factors derived from the surveys including current population numbers, the average number of children per household, and marriage rates. A mortality rate of 2.825% applied over the 5-year period leads to a net population growth rate of 9.175%. It is assumed that the population growth rate is likely to continue during the 5-year periods between 2029-2039.

5.39 Table 5.6 shows the accommodation needs for the study area for the periods 2029 to 2039.

### Study Area

**Table 5.6: Summary of accommodation needs 2029-39 (pitches)**

Period	Ethnic definition	PPTS 2023 definition
2029-34	8	8
2034-39	9	8
Total	17	16

Source: GTAA 2024

### Requirements for transit pitches / negotiated stopping arrangements

5.40 This assessment recommends that the study area local authority adopts a negotiated stopping policy (see Chapter 6 for more details, and Appendix 1 for an example negotiated stopping place protocol). This involves households residing in caravans being able to stop at a suitable location for an agreed and limited period of time, and if necessary, with the provision of services such as waste disposal and toilets. Whilst it is important that all local authorities adopt the negotiated stopping place policy, it could be implemented on an individual local authority, across the study area, or on a countywide basis.

5.41 The term 'negotiated stopping' is used to describe an agreed short-term provision for transient Gypsies and Travellers. Caravans on negotiated stopping places are

allowed to stay for an agreed amount of time. This could be on private or public land, provided the encampment does not cause any danger, problems, or nuisance to its occupants or the local community. The arrangement is between the local authority, police, and the transient households (and the landowner if situated on privately owned land).

- 5.42 The location of a negotiated stopping place could be where the transient household is located at the time they are identified. If not appropriate, the household could be moved to an alternative location that is more suitable. It is important for local authorities to respond to the temporary accommodation needs of transiting households within the local authority area rather than simply directing them to neighbouring authorities.
- 5.43 The characteristics of negotiated stopping places means that there is no inherent cost of purchasing land or the requirement for the local authority to gain planning permission. It is simply an agreement for transiting households to use appropriate land for an agreed period of time and provision of e.g. wheelie bins or skips, and if possible, porta loos and porta showers.
- 5.44 Also, local authorities should consider allowing visiting family or friends who reside on permanent sites in the local authority area to temporarily reside on the site for an agreed amount of time. This will allow households to temporarily accommodate family and friends without fearing that their licence will be at risk due to having too many caravans on site.
- 5.45 In conjunction with this, it is also recommended that the local authorities could also consider the development of transit pitches. However, whilst transit sites can address transit need, they require the purchasing of land, planning consent, the development of a site that is suitable to accommodate at least two large encampments at any given time, and management of the site.

## Summary

- 5.46 This chapter has provided both quantitative and qualitative data regarding key characteristics of respondent households residing on Gypsy and Traveller sites. It has determined accommodation needs resulting from the calculations in the tables above for the study area.

**Table 5.7: Gypsy and Traveller permanent accommodation need (summary)**

Period	Ethnic definition	PPTS 2023 definition
2024-29	12	4
2029-34	8	8
2034-39	9	8

Source: GTAA 2024

Total	29	20
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## 6. Conclusion and Recommendations

### Introduction

- 6.1 This final chapter draws conclusions from the evidence. It then makes a series of recommendations relating to meeting the identified need for new provision, facilities, and recording and monitoring processes.
- 6.2 The chapter begins by presenting an overview of the policy changes, followed by review of the needs and facilitating the additional accommodation needs. As previously discussed, this report focuses on the assessment of accommodation needs for Gypsies and Travellers and Travelling Showpeople.
- 6.3 However, as there are no known Travelling Showpeople in the area nor any who have registered an interest in moving into the area, there is no need for Travelling Showpeople plots.
- 6.4 The accommodation needs calculations undertaken as part of this GTAA were based on analysis of both secondary data and primary consultation with Gypsies and Travellers, and key stakeholders and site owners and managers.

### Permanent accommodation needs

- 6.1 There is a general consensus that smaller sites are preferred by Gypsy and Traveller communities due to better management and maintenance of provision and security. Ongoing monitoring of provision and vacant provisions should be undertaken by the local authorities alongside discussions with different community groups to ensure that any additional need that may arise is identified.
- 6.2 As previously discussed in this document, a key part of the brief for this study was to ascertain if there were any locational preferences identified for the future provision of Gypsy and Traveller sites. This was considered important to help build an understanding of where any future provision should be located and assist the potential identification of land and sites/yards required. Although the detailed surveys undertaken with Gypsy and Traveller households asked about the preferred location of any new provision, respondents did not state any preference. They were more likely to state that they would prefer to remain close to family members already residing in the study area.
- 6.3 Table 6.1 summarises the permanent accommodation needs over the period of 2024 to 2039, whilst Table 6.2, for comparative purposes, shows the permanent accommodation need over the period of 2017 to 2037 as derived from the previous 2018 GTAA. It should be noted that there are some methodological differences



between the 2018 and 2024 GTAA that may impact accommodation needs. First, the 2024 accommodation needs are determined over a 15-year period, whilst the 2018 GTAA determined needs over a 20-year period. Second, the 2018 and 2024 GTAA adopt different definitions of 'Gypsies and Travellers'. The 2018 GTAA uses two definitions: one based on PPTS 2015, i.e. it assessed the accommodation needs of Gypsies and Travellers who had not permanently ceased to travel, and second, based on the accommodation needs of Gypsy and Traveller households who only travelled for work.

- 6.4 As discussed in paras. 2.3-2.7, and in response to the Court of Appeal judgment in *Smith v SSLUHC & Others* (October 2022), in December 2023, the DLUHC amended PPTS so that it reverted to the 2012 PPTS definition. As such, the 2024 GTAA uses two definitions of 'Gypsies and Travellers': first, one based on an 'ethnic' definition i.e. it assesses the accommodation needs of all Gypsies and Travellers whether they have ceased to travel or not; and second, based on PPTS 2023 i.e. assesses the accommodation needs of Gypsies and Travellers including those who have permanently or temporarily ceased to travel due to their own or their family's or dependants' educational or health needs or old age.
- 6.5 Despite these differences, the accommodation needs arising from the 2018 and 2024 GTAA are broadly similar. The 2018 GTAA determines a need for 35 additional permanent pitches over the period 2017-2037 (PPTS 2015); and 24 additional permanent pitches over the period (PPTS 2015 – travel to work). In comparison, the 2024 GTAA determines a need for 29 additional permanent pitches over the period 2024-2039 ('ethnic' definition); and 20 additional permanent pitches over the period (PPTS 2023 definition).
- 6.6 Importantly, the average accommodation need does not differ substantially between the 2018 and 2024 GTAA: the 2024 recorded an average need of 1.9 pitches over a 15-year period ('ethnic' definition) and 1.3 pitches ('PPTS' 2023 definition); whilst the 2018 recorded an average of 2.1 pitches over the 20-year period ('PPTS 2015' definition), and 1.6 pitches (PPTS 2015 'travel for work' definition).

**Table 6.1: Gypsy and Traveller permanent accommodation needs 2024-2039**

Period	Ethnic definition	Average	PPTS 2023 definition	Average
2024-29	12	2.4	4	0.8
2029-34	8	1.6	8	1.6
2034-39	9	1.8	8	1.6
Total	29	1.9	20	1.3

Source: GTAA 2024

**Table 6.2: Gypsy and Traveller Permanent Accommodation Needs 2017-2037**

Period	PPTS 2015	Average	PPTS 2015 'travel for work'	Average
2017-22	15	3.0	9	1.8
2022-27	5	1.0	5	1.0
2027-32	6	1.2	5	1.0
2032-37	6	1.2	5	1.0
Total	35	2.1	24	1.6

Source: GTAA 2018

**Transit provision**

- 6.7 It is recommended that the local authorities set up a negotiated stopping places policy.<sup>29</sup> This is land temporarily used as authorised short-term (less than 28 days) stopping places. They may not require planning permission if they are in use for fewer than 28 days in a year. The requirements for emergency stopping places reflect the fact that the site will only be used for a proportion of the year and that individual households will normally only stay at the agreed location for a few days. Amenities such as portaloos and showers (or access to alternative nearby facilities) and skips or wheelie bins should ideally be made available for the duration of the agreed period.
- 6.8 According to research undertaken on behalf of the Greater London Authority (GLA) (2019), negotiated stopping is a balanced and humane approach to managing roadside camps. It is based on a mutual agreement between the local authority and Gypsy and Traveller families on matters such as waste disposal and basic temporary facilities. This can sometimes involve directing Gypsy and Traveller households away from contentious public spaces to more appropriate council land. The approach is proven to achieve significant savings in public spending and decreased social costs for Gypsy and Traveller communities.
- 6.9 The GLA (2019) report cites a number of good practice examples including Hackney. The local authority has worked closely with the Gypsy and Traveller community and involved them in dialogue and negotiation. This has resulted in a consistent practice over many years of allowing stopping time and making provision of basic facilities. There have been many locations in the borough that were common stopping places, some used for short periods of time for families passing through or visiting relatives, others used for months and even a couple of years. The practice was also formalised to an extent through leniency agreements which specified arrangements between the local authority and the Traveller families – this is also incorporated in the council's unauthorised encampment protocol.

<sup>29</sup> Please see: <https://www.negotiatedstopping.co.uk/>

- 6.10 The term 'negotiated stopping' is used to describe agreed short-term provision for transient Gypsies and Travellers. It was first developed by Leeds Gypsy and Traveller Exchange (GATE) and involves local authority officers making an agreement with Gypsies and Travellers on unauthorised encampments. The agreement allows Travellers to stay either on the land they are camped on or move to more suitable land (please see Appendix 1 for an example negotiated stopping place protocol).
- 6.11 Caravans on negotiated stopping places are allowed to stay for an agreed amount of time. This could be on private or public land providing the encampment does not cause any danger, problems or nuisance to its occupants or local community. The arrangement is between the local authority, police, the transient households (and landowner if situated on privately owned land).
- 6.12 The length of the agreement can also vary from 2 weeks to several months but tend to be around 28 days. The agreement is a local one and will vary but may include Travellers agreeing to leave sites clean and not make too much noise with the local authority providing waste disposal and toilets, sometimes showers and water too. However, as Leeds GATE state, negotiated stopping is a locally agreed solution so may differ in different locations. For Negotiated Stopping to work it has to involve local authorities negotiating with roadside Travellers. It will involve talking to and consulting roadside Travellers and working out solutions.
- 6.13 The location of a negotiated stopping place could be where the transient household is located at the time they are identified. If not appropriate, the household could be moved on to an appropriate alternative location. It is important for local authorities to respond to the temporary accommodation needs of transiting households within the local authority area rather than simply directing them to neighbouring authorities. Also, local authorities should consider allowing households visiting family or friends who reside on permanent sites in the local authority area to temporarily reside on the site for an agreed amount of time.
- 6.14 Agreements could be made with households residing on sites and allowing visiting family and friends to stay for agreed periods of time. This would lead to fewer unauthorised encampments which adversely impact on the local community and allow households with stopover requirement to stay for an agreed period of time.
- 6.15 In conjunction with this, it is also recommended that the local authorities could also consider the development of transit pitches. However, whilst transit sites can address transit need, they require the purchasing of land, planning consent, the development of a site that is suitable to accommodate at least two large encampments at any given time, and management of the site.

## Summary

- 6.16 The results from this assessment supersede any previous GTAA (including any accommodation need calculated prior to this assessment) for the Tunbridge Wells local planning authority. This assessment identifies an overall accommodation need over a 15-year period for 29 additional pitches (ethnic definition) and 20 pitches (PPTS 2023 definition).
- 6.17 It is recommended that the local planning authority determine which accommodation needs figures in relation to Gypsies and Travellers they choose to prioritise in their Local Plans.
- 6.18 As stated in Chapter 2, the Smith (2022) Court of Appeal case concluded that PPTS 2015 was discriminatory in relation to excluding households who had permanently ceased to travel from being recognised (for planning purposes) as Gypsies and Travellers. As such, this GTAA strongly recommends adopting the 'ethnic' definition accommodation needs figures i.e. meeting the accommodation needs of all households who ethnically identify as Gypsies and Travellers. This will not only demonstrate knowledge of the overall accommodation need of all Gypsies and Travellers, but also how the accommodation needs in relation to households not meeting the PPTS definition are being addressed.
- 6.19 Alternatively, the local authorities may adopt the 'PPTS 2023' definition accommodation needs figures with the difference between the PPTS 2023 figures and Ethnic' definition being an additional need that the council(s) may choose to meet. This means that the local authorities would first meet the need of 20 (4 within the first 5 years) as the obligation but accept the need of a further 9 (8 within the first 5 years) as potential need if further applications are brought forward through windfalls.
- 6.20 It is also recommended that the local planning authorities consider the accommodation needs that might materialise over the plan period from households (Gypsies, Travellers, and Travelling Showpeople) not considered by this assessment. This could include households residing on unauthorised developments, unauthorised encampments, due to in-migration, and those residing in bricks and mortar accommodation. This accommodation need should be considered separate to the need identified below and could be met through windfall applications.
- 6.21 In addition to the above in order to meet the specific accommodation need of the different community groups, the report recommends the following:

- In relation to Gypsies and Travellers and Travelling Showpeople it is recommended that the local authorities work closely with the families to determine how their accommodation need can best be met.
- Also, for the local authorities to provide pre-planning application advice to households who have identified land to help determine if it is suitable to address accommodation need.
- It is recommended that the local authority reviews the planning status of unauthorised developments and consider granting permanent status where they are considered acceptable on other material planning grounds.

6.22 As well as quantifying accommodation need, the study also makes recommendations on other key issues including:

*Planning policy:*

- To identify a range of specific sites in sustainable locations of up to 15 pitches/plots in size to be developed only for Gypsy and Traveller and Travelling Showpeople homes.
- To consider how the accommodation needs can be met by expanding existing provision and/or providing new sites and yards, but primarily to meet the need for those on the existing site or related to the current occupants / owners.
- To consider alternative options for developing new sites and yards, such as developing them on a cooperative basis e.g. community land trust, shared ownership, or small sites owned by a local authority but rented to families for their own use.
- To consider alternative site funding mechanisms such as: site acquisition funds; loans for private site provision through Community Development Financial Institutions; and joint ventures with members of the Gypsy and Traveller, and Showpeople communities.
- Prior to action being taken against sites or yards being used without planning permission, the local authorities, in partnership with landowners, occupants and relevant agencies (e.g. Showmen's Guild and National Federation of Gypsy Liaison Groups), to review its current, historic and potential planning status, and review the most effective way forward.
- To consider safeguarding Gypsy and Traveller sites with permanent planning permission for their current use unless it can be demonstrated that they are no longer needed to meet identified need.
- Implement a corporate policy providing negotiated stopping arrangements at agreed-upon locations to address unauthorised encampments for set periods of time.
- To liaise with owners of the sites to determine how they could expand the number of pitches to meet the family's accommodation needs.

- The population size and demographics of the Gypsy, Traveller, Travelling and Showpeople communities can change rapidly. As such, their accommodation needs should be reviewed every 5 to 7 years.

*Management:*

- Housing organisations need to consider the type of housing allocated to Gypsies and Travellers residing in bricks and mortar in order to minimise the cultural implications and feelings of isolation.
- Develop a holistic vision for their work on Gypsies, Travellers, and Showpeople and embed it in Community and Homelessness Strategies, Local Plans and planning and reporting obligations under the Equality Act 2010.
- Provide training and workshop sessions with local authority and service provider employees (and elected members) to help them to further understand issues relating to the Gypsy and Traveller, and Showpeople communities.
- In liaison with relevant enforcement agencies such as the police to develop a common approach to dealing with unauthorised encampments.
- Encourage local housing authorities to include Gypsy and Traveller categories on ethnic monitoring forms to improve data on population numbers, particularly in housing.
- Better sharing of information between agencies in relation to Gypsy, Traveller, and Showpeople communities.
- The population size and demographics of the Gypsy, Traveller, and Travelling Showpeople communities can change. As such, their accommodation needs should be reviewed every 5 to 7 years.

## Appendix 1: Example negotiated stopping place protocol

This agreement is between [Local Authority] and [named head of family]

This agreement relates to the time limited toleration of your encampment on [Local Authority] owned land adjacent to xxxx. The land is shown on the appending map.

The Council is currently willing to tolerate your encampment on the site for a short period of time until xxxx. The Council recognises its legal obligations to carry out needs assessment prior to initiating legal action to recover possession of land.

[Local Authority] reserves the right to terminate this agreement, and to seek to recover possession of the land through court proceedings, at an earlier date if the terms set out below in this agreement are breached.

I ....., and my family agree to adhere to the following terms:

1. You will be asked to park your caravan and vehicles in a designated place on the site. This is to prevent further caravans joining the encampment. Your family must stay within the boundaries of the site.
2. You will be issued with a toilet. This is for the sole use of your family, you will have to ensure this is kept in a reasonable condition. This will be emptied weekly.
3. You will be issued with a bin for all your domestic waste. You are responsible for keeping the area around your caravan clean and tidy. The bin is for the sole use of your family, you will have to ensure this is kept in a reasonable condition. This will be emptied weekly.
4. All dogs must be kept under control and tied up. Dogs must be tied up on a lead or in a kennel during the night or when you leave the site for any period of time. The dog wardens will visit this site if loose dogs are reported.
5. No fires larger than a small cooking fire are to be lit, absolutely no burning of commercial or domestic waste is allowed.
6. The nearest Household Waste for larger items is at ..... Trade waste can be disposed at .....
7. Environmental enforcement officers will monitor the site and take action against any activity likely to cause environmental harm, inconvenience or distress to surrounding occupants such as fly-tipping, excessive noise or use of quad bikes.
8. Give consideration to other people within the local vicinity in terms of noise nuisance and the parking of vehicles.
9. Not to engage in any anti-social behaviour, disorder or fly tipping on or near this site. Horses will not be tolerated on the site and the presence of horses may be regarded as 'anti social behaviour' for the purposes of this agreement. Any traps owned by families are not to be used in or around the immediate area.

10. This agreement has been negotiated between [Local Authority] and Gypsy/Traveller people in the [local] area. You are encouraged to cooperate with the Local Authority to make the agreement work by discussing any incidents, concerns or suggestions that may affect the agreement with local authority officers when they visit weekly. You can also telephone the council [phone number], [police liaison officer] or speak to staff at [Third party advocacy where available] if you want them to raise issues on your behalf.

I understand the above points which have been explained to me, and I agree.

Signed.....date.....

Signed.....date.....(local authority



## Appendix 2: Gypsy and Traveller households by accommodation type

	A caravan or other mobile home		Detached or semi-detached house or bungalow		Flat or tenement		Terraced		Other		Total	
	No.	%	No	%	No	%	No	%	No	%	No	%
Tunbridge Wells	13	14%	41	43%	23	24%	14	15%	4	4%	95	100%
South East	1,115	21%	2,110	39%	1,009	19%	888	17%	223	4%	5,345	100%
England	4,896	21%	9,305	39%	4,229	18%	4,090	17%	1,166	5%	23,686	100%

Source: Census 2021 cited by NOMIS 2024

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# Glossary

## **Amenity block**

A small permanent building on a pitch with bath/shower, WC, sink and (in some larger ones) space to eat and relax. Also known as an amenity shed or amenity block.

## **Authorised site**

A site with planning permission for use as a Gypsy and Traveller site. It can be privately owned (often by a Gypsy or Traveller), leased or socially rented (owned by a council or registered provider).

## **Average**

The term 'average' when used in this report is taken to be a mean value unless otherwise stated.

## **Bargee Travellers and boat dwellers**

As defined by the National Bargee Travellers Association (NBTA):

“Someone who lives aboard a vessel (which may or may not be capable of navigation), that the vessel is used as the main or only residence and where that vessel is either (i) moored in one location for more than 28 days in a year (but may occasionally or periodically leave its mooring); or (ii) has no permanent mooring and navigates in accordance with the statutes appropriate to the navigation such as inter alia s.17(3)(c)(ii) of the British Waterways Act 1995 or s.79 of the Thames Conservancy Act 1932”.

The NBTA also distinguish between 'Bargee Travellers' and 'boat dwellers'. 'Bargee Travellers' are people whose main or only home is a boat without year-round access to a permanent mooring. 'Boat dwellers' are considered by the NBTA to be people whose main or only home is a boat and who have year-round access to a permanent mooring, whether or not that mooring has planning consent for residential use.

## **Bedroom standard**

The bedroom standard is based on that which was used by the General Household Survey to determine the number of bedrooms required by families. For this study, a modified version of the bedroom standard was applied to Gypsies and Travellers residing on sites to take into account that caravans or mobile homes may contain both bedroom and residing spaces used for sleeping. The number of spaces for each accommodation unit is divided by two to provide an equivalent number of bedrooms. Accommodation needs were then determined by comparing the number (and age) of family members with the number of bedroom spaces available.

**Bricks and mortar accommodation**

Permanent housing of the settled community, as distinguished from sites.

**Caravan**

Defined by Section 29 (1) of the Caravan Sites and Control of Development Act 1960:

"... any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted."

**Concealed household**

A household or family unit that currently lives within another household or family unit but has a preference to live independently and is unable to access appropriate accommodation (on sites or in housing).

**Doubling up**

More than one family unit sharing a single pitch.

**Emergency stopping places**

Emergency stopping places are pieces of land in temporary use as authorised short-term (less than 28 days) stopping places for all travelling communities. They may not require planning permission if they are in use for fewer than 28 days in a year. The requirements for emergency stopping places reflect the fact that the site will only be used for a proportion of the year and that individual households will normally only stay on the site for a few days.

**Family Owner Occupied Gypsy Site**

Family sites are seen as the ideal by many Gypsies and Travellers in England. They are also often seen as unattainable. There are two major obstacles: money/affordability and getting the necessary planning permission and site licence. While the former is clearly a real barrier to many less well-off Gypsies and Travellers, getting planning permission for use of land as a Gypsy caravan site (and a 'site' in this context could be a single caravan) is currently a major constraint on realising aspirations among those who could afford to buy and develop a family site.

**Family unit**

The definition of 'family unit' is used flexibly. The survey assumes that a pitch is occupied by a single household or family unit although it acknowledges that this may also include e.g. extended family members or hidden households.

**Gypsy**

Member of one of the main groups of Gypsies and Travellers in Britain. In this report it is used to describe English (Romany) Gypsies, Scottish Travellers and Welsh Travellers. English Gypsies were recognised as an ethnic group in 1988.

## **Gypsy and Traveller**

The DLUHC's December 2023 definition of Gypsies and Travellers<sup>30</sup>, is set out below:

*For the purposes of this planning policy “gypsies and travellers” means:*

*Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.*

*In determining whether persons are “gypsies and travellers” for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:*

- a) whether they previously led a nomadic habit of life*
- b) the reasons for ceasing their nomadic habit of life*
- c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.*

## **Hidden Household**

A household not officially registered as occupying a site/yard or pitch/plot who may or may not require separate accommodation.

## **Household**

The definition of 'household' is used flexibly. The survey assumes that a pitch is occupied by a single household or family unit although it acknowledges that this may also include e.g. extended family members or hidden households.

## **Irish Traveller**

Member of one of the main groups of Gypsies and Travellers in Britain. Distinct from Gypsies but sharing a nomadic tradition, Irish Travellers were recognised as an ethnic group in England in 2000.

## **Local Authority Sites**

The majority of local authority sites are designed for permanent residential use.

## **Local Development Documents (LDD)**

These include Development Plan Documents (which form part of the statutory development plan) and Supplementary Planning Documents (which do not form part of the statutory

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<sup>30</sup> See: <https://www.gov.uk/government/publications/planning-policy-for-traveller-sites/planning-policy-for-traveller-sites>.

development plan). LDDs collectively deliver the spatial planning strategy for the local planning authority's area.

**Negotiated Stopping**

The term 'negotiated stopping' is used to describe agreed short-term provision for Gypsy and Traveller caravans. It does not describe permanent 'built' transit sites but negotiated arrangements which allow caravans to be sited on suitable specific pieces of ground for an agreed and limited period of time, with the provision of limited services such as water, waste disposal and toilets. The arrangement is between the local authority and the (temporary) residents.

**Net need**

The difference between need and the expected supply of available pitches (e.g. from the re-letting of existing socially rented pitches or from new sites being built).

**New Traveller** (formerly 'New Age Traveller')

Member of the settled community who has chosen a nomadic or semi-nomadic lifestyle. The first wave of New Travellers began in the 1970s and were associated with youth culture and 'new age' ideals. They now comprise a diverse range of people who seek an alternative lifestyle for differing reasons including personal or political convictions. Economic activities include making hand-made goods that are sold at fairs.

**Newly forming families**

Families residing as part of another family unit of which they are neither the head nor the partner of the head and who need to live in their own separate accommodation, and/or are intending to move to separate accommodation, rather than continuing to live with their 'host' family unit.

**Overcrowding**

An overcrowded dwelling is one which is below the bedroom standard. (See 'Bedroom Standard' above).

**Permanent residential site**

A site intended for long-stay use by residents. It has no maximum length of stay but often constraints on travelling away from the site.

**Pitch**

Area on a site developed for a family unit to live. On socially rented sites, the area let to a tenant for stationing caravans and other vehicles.

**Primary data**

Information that is collected from a bespoke data collection exercise (e.g., surveys, focus groups or interviews) and analysed to produce a new set of findings.

**Private rented pitches**

Pitches on sites which are rented on a commercial basis to other Gypsies and Travellers. The actual pitches tend to be less clearly defined than on socially rented sites.

**Psychological aversion**

Whilst not a medical condition this is a term that is accepted as part of accommodation assessments in encapsulating a range of factors that demonstrate an aversion to residing in bricks and mortar accommodation (see DCLG October 2007). The factors concerned can include: feelings of depression, stress, sensory deprivation, feeling trapped, feeling cut off from social contact, a sense of dislocation with the past, feelings of claustrophobia. Proven psychological aversion to residing in bricks and mortar accommodation is one factor used to determine accommodation need.

**Secondary data**

Existing information that someone else has collected. Data from administrative systems and some research projects are made available for others to summarise and analyse for their own purposes (e.g. Traveller Caravan Count).

**Settled community**

Used to refer to non-Gypsies and Travellers who live in housing.

**Site**

An area of land laid out and/or used for Gypsy and Traveller caravans for residential occupation, which can be authorised (have planning permission) or unauthorised. Sites can be self-owned by a Gypsy and Traveller resident or rented from a private or social landlord. Sites vary in type and size and can range from one-caravan private family sites on Gypsies' and Travellers' own land, through to large local authority sites. Authorised private sites (those with planning permission) can be small, family-run, or larger, privately-owned rented sites.

**Socially rented site**

A Gypsy and Traveller site owned by a council or private Registered Provider. Similar to social rented houses, rents are subsidised and offered at below private market levels.

**Tolerated**

An unauthorised development or encampment may be tolerated by the local authority meaning that no enforcement action is currently, or likely to be, being taken.

**Transit site/pitch**

This is the authorised encampment option for Gypsies and Travellers travelling in their caravans and in need of temporary accommodation while away from 'home'. Transit sites are sometimes used on a more long-term basis by families unable to find suitable permanent accommodation



### **Travelling Showpeople**

People who organise circuses and fairgrounds and who live on yards when not travelling between locations. Most Travelling Showpeople are members of the Showmen's Guild of Great Britain.

### **Travelling Showpeople Plot**

Area on a yard for Travelling Showpeople to live. As well as dwelling units, Travelling Showpeople often keep their commercial equipment on a plot.

### **Travelling Showpeople Yard**

An area of land laid out and/or used for Travelling Showpeople for residential occupation, which can be authorised (have planning permission) or unauthorised. Yards can be self-owned by a Travelling Showpeople resident or rented from a private or social landlord. Some yards are leased or rented from the Showmen's Guild. They can vary in type and size although they need to consider the need for residents to store and maintain fairground equipment.

### **Unauthorised development**

Unauthorised developments include situations where the land is owned by the occupier, or the occupier has the consent of the owner (e.g. is tolerated /no trespass has occurred), but where relevant planning permission has not been granted.

### **Unauthorised encampment**

Unauthorised encampments include situations where the land is not owned by the occupier, the land is being occupied without the owner's consent, and as such a trespass has occurred. An encampment can include one or more vehicles, caravans or trailers.

### **Unauthorised site**

Land occupied by Gypsies and Travellers without the appropriate planning or other permissions. The term includes both unauthorised development and unauthorised encampment.