

**PROVISION OF SITES FOR GYPSIES AND TRAVELLERS IN BRAINTREE DISTRICT**

**Agenda Item 1a**

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**Background Papers:** Regional Spatial Strategy Single Issue Review: Planning for Gypsy and Traveller Accommodation in the East of England – Draft Policy EERA February 2008

Twin Oaks Caravan Site – Access Study - Intermodal Transportation - February 2008 and related correspondence

**Financial Implications:** No direct implications associated with this report. Provision of access and development of sites will have financial implications. Funding to be determined.

**Equalities Implications:** Provision of adequate sites for gypsies and travellers is an equalities issue

**Legal Implications:** The Housing Act 2004 and Planning Circular 01/2006 has put in place a framework which means every local authority has to identify land for the sites that are needed in its area.

**Options:**

1. To agree the principle of bringing the Twin Oaks site forward as an authorised site to meet the District's needs to 2011 and to pursue discussions with the landowners on ways of achieving this
2. To reject Twin Oaks as a potential authorised site and to investigate alternative options for meeting the needs of the District to 2011 and beyond

**Risks:** The Twin Oaks site will need to be the subject of a planning Application. There will also be risks relating to finance and the delivery of the site

**EXECUTIVE SUMMARY**

The Council has a duty to assess the need for Gypsy and Traveller accommodation in the District and to develop a strategy for meeting that need. The Single Issue Review of the East of England Plan currently identifies a need for an additional 16 authorised pitches in Braintree District for the period 2006-2011 and for an annual 3% increase for the period beyond 2011.

The sites at Twin Oaks, Coggshall Road, Stisted have been in existence for some time as unauthorised sites. In 2004 an Inspector stated that he did not find the site unsuitable in principle as a gypsy encampment but considered he could not grant planning permission for highway safety reasons. A consultant's study has now identified how an access to the site can be constructed to the site which meets Highways Agency standards. The site can therefore be considered as an option for meeting the District's needs for Gypsy and Traveller accommodation for the period to 2011.

Additional sites may be needed for the period beyond 2011 and this will need to be considered when the requirements of the Review of the East of England have been finalised.

## **DECISION**

It is **RECOMMENDED** that:

1. The principle of bringing the site at Twin Oaks forward as an authorised site be agreed and that discussions be held with the landowners on the submission of a planning application and the delivery of the site
2. That options for additional sites to meet the District's needs beyond 2011 be investigated when the requirements for the District have been confirmed by the Regional Spatial Strategy review

## PROVISION OF SITES FOR GYPSIES AND TRAVELLERS IN BRAINTREE DISTRICT

1. At the meeting of the Council's District Development Committee on 30<sup>th</sup> November 2006 members considered what action to take on the unauthorised gypsy and traveller sites at Twin Oaks, Coggeshall Road, Stisted. It was agreed :

i) That no formal action be taken at this stage in respect of Twin Oaks 1 or 2, except for the service of further enforcement notices against unauthorised buildings on Twin Oaks 1.

ii) That the Council considers ways of making the existing Twin Oaks sites more acceptable to overcome the detailed highway safety concerns set out in the appeal Inspector's decision letter. If this proves to be unfeasible, possible enforcement action on the Twin Oaks should be reconsidered.

iii) That the Council should identify a range of alternative permanent and transit sites throughout the District in accordance with the local development framework and related processes depending on the overall level of provision to be determined through the Regional Spatial Strategy process.

2. The enforcement notices referred to in point i) have been served. This report deals with points ii) and iii).

3. As far as the level of provision to be made in the District is concerned this is being established through the single issue review of the Regional Spatial Strategy (the East of England Plan). This has been subject to consultation and a draft was submitted to the Secretary of State by EERA in February 2008 and will be the subject of examination by an independent panel later this year. This provides for Braintree District to provide an additional 16 pitches (a pitch can accommodate 2 caravans) for the period 2006 to 2011 and for an additional 3% per annum for the period beyond 2011 (a further 17 pitches for the period 2011 to 2025).

4. The options for making new provision are:

i) Making additional provision on existing authorised sites

ii) To authorise existing unauthorised sites

iii) To identify new sites

5. The existing local authority authorised sites in the District are at Yeldham Road, Ridgewell and at Sandiacres, Cressing. Both have 12 pitches. There is no room for expansion at the Ridgewell site. The Sandiacres site has recently been purchased by Essex County Council. There is scope for providing an additional 2 pitches here. This will still leave a balance of 14 pitches to be found before 2011 with a continuing requirement for the period beyond 2011. Converting the Twin Oaks sites into an authorised site will be one way of meeting this provision.

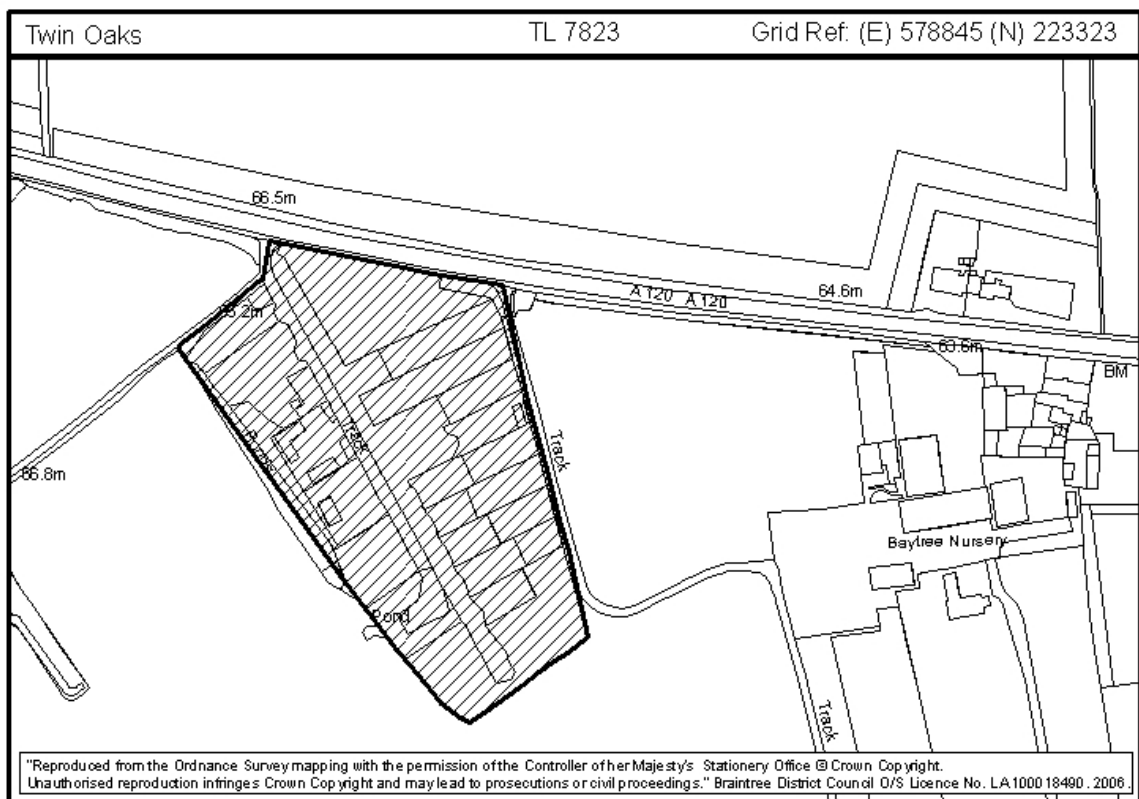
6. There are also some private authorised sites in the District the largest of which is at Halfacre, Cressing, which is a site for 12 caravans.

7. There are two gypsy/travellers' sites at Coggeshall Road, Stisted which are generally referred to as Twin Oaks No. 1 and Twin Oaks No. 2. They have separate and distinct

planning histories which is attached at Appendix 1. The sites are shown on the attached plan. The plots at Twin Oaks are in a number of different ownerships.

8. In 2004 an appeal Inspector concluded that he did not find the Twin Oaks site unsuitable in principle as a gypsy encampment but considered he could not grant planning permission for highway safety reasons. The site's access is on to the A120 which is a trunk road for which the Highways Agency has responsibility. Following the decision of the District Development Committee in November 2006 discussions were held with the Highways Agency to explore whether in principle they would be prepared to sanction an access on to the trunk road if it could be designed and constructed to their standards. Subsequently the Council appointed Intermodal Transportation to investigate the provision of an access and this work has now been completed. Their report has concluded that a right turn lane could be provided on land within the existing highway and in the ownership of Twin Oaks to a standard that is acceptable to the Highways Agency. The main obstacle to the grant of planning permission identified by the Inspector can therefore be overcome and it is open to the Council to consider ways of authorising the site. The site has been the subject of two recent meetings with Stisted, Bradwell and Cressing Parish Councils and local members. At these meetings concern was expressed about highways safety, crime and anti-social behaviour and the overall size of the site. It is considered that discussions should now be held with the landowners of the site on the submission of a planning application and the delivery of the site including funding. This will need to include a limitation on the number of pitches to be provided on the site. Delivery will depend on the co-operation of a number of different landowners.

9. There will be a need to consider ways of meeting the needs beyond 2011 once the provision in the single issue review of the Regional Spatial Strategy has been confirmed following the public examination later this year.



**Appendix 1**

1. Twin Oaks No. 1 was established by the Clarke family in 1992/1993. It has been the subject of both enforcement and planning appeals in 1995/1996. It has also been the subject of proceedings in the Magistrates Court and the European Court of Human Rights. The proceedings in Europe terminated in 2001 but at that time it was not possible to take further enforcement action as proceedings were pending in the High Court on the basis on which injunctions might be granted. These particular proceedings lasted several years and concluded in the House of Lords with the House of Lords giving guidance on the circumstances in which an injunction might be appropriate.
2. This particular site has always been occupied by the extended Clarke family and one difficulty in taking enforcement action has been the lack of availability of alternative authorised sites within the District. There are six plots on this site, five of which are occupied on a “permanent” basis. Whilst the exact number of people living on the site is not known, it is known that there are children living on the site and that they are attending one of the local schools.
3. With regard to Twin Oaks no. 2, this was not established until 2002. It was in practice established overnight and whilst injunction proceedings were initially instigated they were subsequently discontinued. However Enforcement Notices were served and appeals were duly lodged. The Inspector upheld the Enforcement Notices on the 22<sup>nd</sup> January 2004 but extended the period of compliance to 12 months. It should be noted that the Inspector did not find this site unsuitable in principle as a gypsy encampment but considered that he could not grant planning permission for highway reasons. Further, when extending the time for compliance to 12 months the Inspector specifically noted that this would give an adequate period for an alternative site or sites capable of providing appropriate accommodation to be made available.
4. It has nevertheless to be noted that whilst at the time of the Inquiry the site was generally fully occupied, there has been little occupation over the last 12 months or so. There are a total of 15 plots on Twin Oaks No. 2 all in separate ownership. Periodic occupation has been noted not necessarily by the owners of the plots. It is suspected that the site is used by gypsies travelling through the area.