

Planning Application - 20/01122/F “Material Change of Use of land to use as a residential caravan site for 12no gypsy/traveller families, each with two caravans, including improvement of access, laying of hardstanding and installation of package sewage treatment plant”

I am writing to object to this application.

As the result of an appeal, the applicant has permission to develop 6 pitches on this site and I believe that these should be developed before permission is granted for a further 6. If the 6 pitches are developed to the standard required by the appeal decision document, and if the site is well run and maintained, then it is less likely that an application for an additional 6 pitches would attract strong opposition. Given the applicant’s assurances at the appeal that there would be no problem funding the development of 6 pitches to the required standard, with all amenities provided, there is no reason to think that it essential to approve further pitches to make the development economically viable.

The main reason that the appeal was allowed was the fact that there were no new pitches available within Cherwell to satisfy whatever future demand there may be.

As a result of this appeal and the outcomes of other applications, there is now approval in place for 13 new pitches within Cherwell. In CDC’s 2019 Annual monitoring report (published December 2019, after 10 of these pitches were approved but before the final 3 had been) the calculation of 5-year land supply from 1 April 2020 for gypsy and traveller pitches based on the 2017 GTAA showed a shortfall of 3 pitches. Since a further 3 pitches have been approved, on this calculation there is no shortfall over the next 5 years, so there is no pressing need to grant permission for further pitches on a site which, to quote the Planning Inspector’s report, “given its conflict with Policies ESD 13, ESD 15 and C28 concerning the character and appearance of the area, it would conflict with the Development Plan considered as a whole.”

A robust defence of the GTAA 2017 calculations was prepared by Steve Jarman of ORS for the appeal hearing, but was never used because it was considered irrelevant since as a matter of common ground Cherwell and the appellant agreed that there was no 5-year supply, even if they did not agree what that supply should be. Now that there is a supply of 13 pitches, this report is very relevant and is available on the planning portal with other appeal documents. (Appeals – Council’s Evidence, 27/02/2019, LPA - Steve Jarman Proof of Evidence)

Unfortunately, CDC has never really had a clear idea of how many pitches are actually needed, and its calculations have always been based on flawed data, which is why applicants have been so successful at appeal. One major source of error was introduced in 2011/2012. In 2011, the number of pitches available in Cherwell was 54. An application was made for 16 additional pitches at Bloxham (which already had 20 pitches), which would bring the total up to 70. David Peckford (now Assistant Director – Planning and Development) wrote a report supporting the application. In it he said:

'Although the level of need that will be identified by the new Needs Study [the upcoming 2012 GTAA] cannot be predicted, it is likely that household growth and 'concealed need' (for example, overcrowding) will create a requirement for new pitches. The draft PPS refers to an objective of increasing the number of traveller sites, in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply.'

And

'The additional pitches would contribute to a need over the Core Strategy plan period that is likely to be higher than that identified in the 2006 GTAA. The grant of permission would assist the Council in meeting the proposed requirements of the draft PPS.'

So, basically, he was supporting the additional pitches as they would fulfil an increased need that was likely to be identified in the 2012 GTAA. Very reasonably, planning permission was granted on this basis.

Unfortunately, this is where things go awry. The 2012 GTAA was produced but instead of taking the 54 existing pitches as the baseline and calculating household growth and concealed need from that figure, it explicitly treats the recently approved 16 pitches as if they are already part of the current supply and occupied, and bases its future-need calculation on the 70 pitches (*"This analysis assumes that all pitches described in Table 4.1 are occupied which includes sites with full planning permission"*). Thus the 16 additional pitches, instead of satisfying a need that might have been identified in the 2012 GTAA had they not been approved, have erroneously increased the 'need' identified by the GTAA by 16 plus an extra amount calculated from presumed household growth and 'concealed need'. The Local Plan then incorporates the 2012 GTAA figures and all future planning decisions are based on these figures. To make matters worse, the 16 approved pitches were never built and so have always appeared as part of a mythical deficit.

Another flaw was the belief by CDC that the Station Approach Caravan Park was a gypsy/traveller site, when in fact, as became apparent when it closed, it never had been designated a G/T site and at the time of closure was occupied by people who were not gypsy/travellers. So it should never have been included as part of the supply or treated as a loss when it closed.

It is clear that unless someone does a physical count of how many gypsy/travellers there are in the district, whether living on sites or waiting to live on sites, no one, least of all CDC it seems, has any idea what the real need is. So the loophole in the planning system that allows pitches to be developed on unsuitable sites because of presumed need will continue to be exploited.

In view of the nature of this application, it should be considered by the Planning Committee and not delegated to a Planning Officer. If approved, then all the conditions imposed by the Planning Inspector should be imposed on the new approval. In addition, the package treatment plant proposed is capable of accommodating a population of 50, which doesn't seem adequate for 12 pitches.