

**From:** piddington parishclerk  
**Sent:** 24 August 2020 12:30  
**To:** Planning  
**Subject:** 20/01747/F

Good morning

I attach an objection to the above planning application on behalf of Piddington parish council.. There are currently 2 applications for sites in Piddington. i would be grateful if these applications could please be considered at the same planning committee.

Anne davies

Piddington Parish Clerk

**20/01747/F - OS Parcel 9635 North East of HM Bullingdon Prison,  
Widnell Lane, Piddington**

**Change of use of land to a 6no gypsy / traveller site to include 6no mobiles,  
6no tourers and associated operational development including hardstanding  
and fencing**

**Piddington Parish Council objects to this application for the  
following reasons:**

- **Permission already exists for 6 pitches on the same parcel of land; an application for a further 6 pitches (20/01122/F) on this site is yet to be determined, making 18 pitches in all with this application. The population of the site would be in the region of 108people. This would dominate the nearest settled community of Piddington which currently has a population of only 370.**
- **It would represent unsustainable development and would place undue pressure on the local infrastructure.**
- **The assessment of need is out of date, unsound and disputed and CDC has a more-than-adequate supply for the next five years.**

- **CDC has failed to identify suitable sites in its Local Plan and so exposes rural communities to speculative applications like this application.**

## **Background and site history**

This is the fourth application in less than four years for Gypsy/ Traveller pitches on this parcel of land. 17/00145/F (16 pitches) and 17/01962/F (6 pitches) were both refused; the refusal of 17/01962/F was subsequently overturned at appeal allowing 6 pitches solely due to the perceived need. A further application 20/01122/F to build 12 pitches rather than 6 on the appeal site is currently under consideration. If both the current applications were to be approved, a total of 18 double pitches, ie potentially 36 units of accommodation, would be constructed about 1 km from a village of fewer than 150 households.

It is unclear from the names on the various applications whether this most recent applicant is in fact the same person, but on the assumption that he is, he should be required to demonstrate good faith by building, maintaining and managing the 6 pitches for which he has permission, to the high standard he has said he intends, before CDC should contemplate giving permission for further unnecessary pitches.

The only reasons given for the Inspector's decision to overturn the refusal for 6 pitches were that there was no current supply to meet some unspecified need and that CDC had failed to identify suitable sites in its Local Plan.

CDC has had a poor record in recent years of losing appeals on similar grounds against refusals for Gypsy/ Traveller sites. Apart from the huge waste of public money and human resources that could be better occupied, the real losers from this are the rural communities that are exposed to unsuitable, unsustainable and unnecessary development that would never be allowed if the system was working as it should.

## **Piddington Parish Council considers that this development would dominate Piddington, the nearest settled community**

The Government Planning Policy for Traveller Sites (PPTS 2015) requires that consideration is given to the scale of sites with respect to the nearest settled community. Policy B par 10, sub paragraph d)

*"Relate the number of pitches or plots to the circumstances of the specific size and location of the site and the surrounding population's size and density."*

Further, in section Policy C, relating to sites in rural or semi-rural areas and the countryside in par 14 says:

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

Policy H par 25 also states:

*"Local planning authorities should very strictly limit traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community ....."*

Recent officer reports to committee concerning this parcel of land have tended to interpret dominance as visual intrusiveness. While not indifferent to the appearance of the site, Piddington Parish Council's main issue is its potential effect on the community. Piddington is a rural village with its own culture and a strong community ethos. Should these two new applications be granted, this would increase the overall size of the development from 6 pitches to 18 pitches (2 caravans per pitch, 1 mobile and 1 static, so overall 36 caravans on site). If we assume an average of 6 residents/pitch this would result in a site population of 108 people. With a population of 370 in the whole quite extensive parish of Piddington, about 330 in the village itself, this equates to a population increase of nearly 30%, ie 23% of the resulting total population would be from the Gypsy/ Traveller community.

The 2011 census recorded 58,000 Gypsy/ Travellers in England and Wales or 0.1% of the total population. Increasing the Gypsy/ Traveller population of Piddington to 23% of the total population as compared with the national average of 0.1% would, in the opinion of the Parish Council, be contrary to PPTS 2015 Policies B (10) (d), C (14) and H (25) and constitute dominance of the settled community.

## **Piddington Parish Council maintains that the proposed development is unsustainable and would place undue pressure on the local infrastructure**

Policy H paragraph 25 of the PPTS 2015 states:

*“Local planning authorities should ..... avoid placing an undue pressure on the local infrastructure.”*

In terms of sustainability, the site for this new application, which is part of the same parcel of land as previous and current other Gypsy/ Traveller site planning applications 17/00145/F, 17/01962/F and 20/01122/F, the site was, and still remains, entirely unsustainable as laid down by the DCLG PPTS 2015, The National Planning Policy Framework and Cherwell District Council’s own Policy.

There are many aspects to this, including, but not limited to, greenfield development, flood risk, environmental and ecological impact, isolation, unsafe roads for pedestrians, lack of public transport and facilities.

Whilst Piddington is a Category C village, its only amenities being a church and a village hall, Arncott is the nearest Category A village, but in previous officer reports concerning this site it has been deemed one of the least sustainable Category A villages with only a small shop and lacking a school or health provision. There are no schools or doctors within 3km of the site and only 1 small shop at about 3km distant. The nearest primary school is 4km away in Ambrosden and is already full. The nearest GP surgeries in Brill and Bicester are closed to new patients - a known issue with the rapid development of Bicester and although there is a small surgery in Ambrosden it is open only 2 hours a week and is scheduled for closure in 2021.

Whilst the Planning Inspector’s report for 17/01962/F acknowledged the site was wholly unsustainable, he approved 6 pitches because of an (unverified) need. Any increase on this number of pitches under this application, or application 20/01122/F, would amplify the overall unsuitability, for example more flash flood run off, more school places and school transport required, no access to GP services. At the appeal the Inspector was assured by the appellant that 6 pitches was all that was required.

There is a wider sustainability consideration in that the Gypsy/ Traveller site at Oakview just outside Arncott parish, but in Buckinghamshire, also looks to Arncott as its nearest Category A village. The National Planning Policy Framework and the PPTS 2015 both require Local Planning Authorities to work collaboratively with neighbouring Authorities to ensure that sustainability issues are addressed.

It is difficult to understand how one Category A village, deemed by CDC as 'not the most sustainable of the Category A villages' owing to its very limited facilities can be expected to support 3 Gypsy/ Traveller sites, 19 pitches at Oaksvie Park, 6 pitches under 17/01962/F, potentially increased to 12 pitches under 20/01122/F, and a further 6 pitches under this application. All of these pitches are within 3km of each other. This is irrefutably not sustainable, nor in keeping with any policy requirement, and would most certainly place an undue pressure on the local infrastructure.

### **Piddington Parish Council disputes CDC's assessment of need on the following grounds:**

- **It is based on the GTAA 2013 which is seven years out of date and was carried out prior to a change in definition. It has been superseded by the GTAA 2017, which takes account of the definition change.**
- **Two entire or partial sites where either travellers did not live or which were not designated specifically for their use have been erroneously included, both in the base for calculations of growth and overcrowding and as losses when they closed.**
- **Estimates of need for pitches are inherently uncertain owing to incomplete and flawed data about the travelling community.**
- **Estimates employing alternative official data imply that a majority of existing pitches are occupied by households who do not comply with the PPTS 2015 definition**

The GTAA 2013 utilised the definition then in force of a gypsy/ traveller for whom the local authority needs to plan. This definition changed in 2015 with the publication of the government document, Planning policy for traveller sites, (PPTS 2015), that clarified that, of those who had ceased to travel, only those who had ceased temporarily were to be included.

PPTS 2015 Annex 1:Glossary:

*"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, but excluding members of an organised group of travelling showpeople ....."*

The GTAA 2013 could not have worked to this definition, since it preceded it, but in fact it did not purport to work to the earlier definition either, as no attempt was made to identify whether the occupants of sites complied even with that definition, or apparently whether pitches were occupied at all.

The GTAA 2017 did work to the new definition, and did try to address the status of existing residents and vacant plots, difficult though those things are, because access tends to be denied to the private sites and residents are unwilling to be interviewed.

As one would expect, the GTAA 2017 showed a lower overall future need than the GTAA 2013, because those who have permanently ceased to travel need no longer be provided for on designated sites.

Successive Annual Monitoring Reports (AMR) have extrapolated the GTAA 2013 estimates, and more recently those in the GTAA 2017, taking into account planning permissions for new pitches and closures of sites in the intervening period.

Tables 21 and 22 below are extracted from CDC's AMR 2019.

Table 21 shows the net result of calculations based on the figures in the Local Plan Policy BSC 6, which itself was based on the GTAA 2013.

Table 22 is the corresponding extract based on the GTAA 2017.

**Table 21 – Calculation of 5 Year Land Supply for Gypsy and Traveller Pitches (Policy BSC 6)**

		Five Year Period 2019 - 24 (current period)	Five Year Period 2020 - 25 (from 1 April 2020)
<b>k</b>	Shortfall (g- i)	20	21

**Table 22 – Calculation of 5 Year Land Supply for Gypsy and Traveller Pitches (GTAA, June 2017)**

		Five Year Period 2019 - 24 (current period)	Five Year Period 2020 - 25 (from 1 April 2020)
<b>k</b>	Shortfall (g- i)	2	3

The ridiculous discrepancy between two estimates purporting to represent the same thing is indicative of the unreliability of making these assessments of need, and suggests more than anything that anyone seeking to use them should be aware of how uncertain they are and extremely cautious about setting any such figures in stone as the basis for policy or decision making.

Moreover, there are issues concerning two sites that have been included in the baseline for the calculations.

**Station Approach, Banbury** was not a Gypsy/ Traveller site. No restrictive condition regarding occupancy was placed it at the time the original planning application was approved and when it closed, only non-travellers were living there.

When Planning Application 17/01233/OUT for development of the site was considered by Committee the officer wrote:

*"8.12 Discussions with the County Council Gypsy and Travellers Officer have confirmed that none of the previous caravan pitch occupiers are Gypsies and Travellers, and that it may be some time since such occupiers have used the facility. Furthermore that permission granted in the 1970s was not specifically for or limited to such occupiers. In these circumstances your officers consider that a refusal based on the loss of this facility could not be sustained at appeal."*

When an application 12/01368/F for a site at Mollington was considered at appeal APP/C3105/A/13/2196896 the Inspector remarked:

*"27. ....However, the Council accepted that the Station Caravan Park in Banbury is not wholly restricted to occupancy by gypsies and travellers ...."*

and in a similar case at Caulcott 13/01802/F, APP/C3105/A/14/2227894

*"22. .... In regard to supply, the appellant excluded 10 pitches at "Station Approach" which are not subject to an occupancy condition whereas the Council included these ...."*

It appears that CDC has known for some years that Station Approach was never a designated gypsy/traveller site, but persisted in including it as part of its supply, and when it closed, in counting it as a loss. Of course gypsies or travellers may have lived there from time to time, just as they can live in any sort of accommodation including, nationally, three quarters in conventional houses. That does not mean that every bricks-and-mortar house in the district counts as part of CDC's supply of Gypsy/ Traveller pitches, or as a lost pitch if it is demolished.

**The Smith's site at Bloxham** originally consisted of 20 pitches. In 2011 an application was made to expand the site by a further 16 pitches and permission was granted, with conditions.

The officer's report supporting the application included the statements:

*"5.11 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

*"5.13 ..... 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. ...."*

It appears that the officer's support for the additional pitches was because they would fulfil an increased future need that was likely to be identified in the GTAA in 2012 and, very reasonably, planning permission was granted on this basis.

When the GTAA was produced in 2013 it explicitly treated the recently approved 16 pitches as if they were already part of the then current supply and occupied, and includes them in the base for its future-need calculation:

*6.18 "..... This analysis assumes that all pitches described in Table 4.1 are occupied which includes sites with full planning permission ....."*

When the whole site closed in 2016/17, planning permission had not been taken up and the 16 pitches had never been occupied or even constructed.

The inclusion of 10 pitches at Banbury (not specifically traveller pitches) and 16 pitches at Bloxham (non-existent) in a baseline of 70 pitches rather than 44 for calculating household growth and overcrowding, which are functions of people, not of plots of land, artificially inflated estimated need in the GTAA 2013. A similar argument applies to the GTAA 2017, but in this instance the error was only the inclusion of the 10 pitches at Banbury, as the permission for the 16 additional pitches at the Bloxham site had expired in 2014/15.

The Local Plan then incorporated the indefensible GTAA 2013 figures and all subsequent planning decisions have been based on these figures and the AMRs.

To make matters worse, when they are shown as losses of pitches from 2012 onwards in the subsequent Annual Monitoring Reports, the result is a gross exaggeration in the deficiency in supply, based on the GTAA 2013, of 26 pitches. Table 19 is extracted from the AMR 2019 and shows the two contentious sites and the effect when they are considered as losses.



**Table 19 – Existing Supply of Gypsy and Traveller Pitches at 31 March 2019 (Policy BSC 6)**

Site	Net Loss / Gain								Net Running Totals
	Supply at 31 March 2012	12/13	13/14	14/15	15/16	16/17	17/18	18/19	
Bicester Trailer Park, Chesterton	8	0	0	0	0	0	0	0	8
Corner Meadow, Fanborough Road, Mollington	4	0	5	0	0	6	0	0	15
Horwood Site, Ardley Road, Ardley	1	0	0	0	0	0	0	0	1
Land adjoining A34 by Hampton Gay and Poyle	8	0	0	0	0	0	3	0	11
Land South West of Woodstock Road, Yarnton	3	0	0	0	0	0	0	0	3
Lower Heyford Road, Caulcott	0	0	0	0	5	0	0	0	5
OS Parcel 3431 Adjoining And North East Of Blackthorn Road Launton	0	2	0	0	0	0	0	0	2
Smiths Caravan Park, Milton	36	0	0	-16	0	-20	0	0	0
Station Caravan Park, Banbury	10	0	0	0	0	0	-10	0	0
Summer Place, Blackthorn Road, Launton	0	0	0	0	0	0	2	0	2
The Stable Block, Farnborough Road, Mollington	0	0	0	0	0	5	0	0	5
<b>Totals</b>	<b>70</b>	<b>2</b>	<b>5</b>	<b>-16</b>	<b>5</b>	<b>-9</b>	<b>-5</b>	<b>0</b>	<b>52</b>

Unfortunately, at the appeal for the 6 pitches at the Widnell Lane site, the issue of need was agreed between CDC and the appellant as part of the Statement of Common Ground, so was not rigorously explored. 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, as Cherwell and the appellant agreed that there was no 5-year supply, whether or not they agreed what that supply should be. 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 CDC had not identified suitable sites as part of its Local Plan process

In the year since the appeal, 13 pitches have received permission. CDC's AMR 2019, published after 10 of these pitches were approved but before the remaining 3, showed a shortfall of 3 pitches in the five-year supply from 1 April 2020, based on the 2017 GTAA. A further 3 pitches have now been approved, so on this calculation there is no shortfall over the next 5 years, so there is no pressing need to grant permission for further pitches in a location where, to quote the Planning Inspector's report:

*"41. .... 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."*

An alternative view of the need for Gypsy/ Traveller pitches in the District can be obtained by considering data from the 2011 Census.

Table KS201UK shows the resident population of Cherwell District to be 142,000 of whom 105 self-identified as Gypsy/ Traveller/ Irish Traveller. This group is notoriously difficult to enumerate at the Census so this is certainly an underestimate.

The Office for National Statistics' Statistical Release, 21 January 2014: "2011 Census analysis: What does the 2011 Census tell us about the characteristics of Gypsy or Irish Travellers in England and Wales?" says:

*"5.1 .... The 2011 Census found that the majority (76%) of Gypsies and Irish Travellers in England and Wales lived in conventional bricks-and-mortar accommodation (house, bungalow, flat etc).....24% of Gypsies and Travellers in England and Wales lived in a caravan or other mobile or temporary structure."*

If Cherwell is typical in this respect, then 25 self-identifying Gypsy/ Traveller/ Irish Travellers would have been found living in that sort of accommodation in the district at the time of the Census. If we allow for underestimation by doubling this, and allow, say, 3 residents to a pitch, itself also probably an under estimate, this accounts for 17 pitches. CDC's present supply is 52 and there are a further 13 current permissions for pitches.

Steve Jarman of ORS, who produced the GTAA 2017, wrote in his evidence for the appeal:

*"28. At the time of the Oxfordshire GTAA, based on data from 1,800 interviews completed by ORS since changes to PPTS in 2015, it was suggested that 10% of unknown need should be considered and addressed through a criteria-based Local Plan Policy.*

*29. Since the Oxfordshire GTAA was issued, ORS have completed approximately 3,500 interviews and this percentage has risen to approximately 25%. This still shows that the majority of households that are interviewed across the country are settled and do not meet the planning definition of a Traveller."*

When ORS carried out the GTAA 2017, of the 12 households they were able to interview, 6 were found to comply with the PPTS definition and 6 did not. Applying the latter percentage (25%) to the unknown part of Cherwell's 2019 existing supply implies that, of the 40 such pitches, only 10 would be occupied by households who actually complied with the PPTS 2015 definition, rising to 13 when the additional 13 pitches are occupied, plus, in each case, the 6 known to comply, which gives 16 rising to 19. This aligns quite well with the 17 derived from the Census data.

One can only conclude that a large proportion of CDC's supply of pitches that are supposedly restricted to Gypsies or Travellers, as defined in the PPTS 2015, is actually occupied by people who are neither or is vacant.

Of course these are both only rough estimates, but they are unlikely to be wrong by a factor of 4. The existing 52 pitches plus the 13 with planning permission should easily satisfy whatever legitimate need there is now and for many years to come.

Sadly, CDC has never had a well-founded idea of how many pitches are actually needed, and its estimates have always been based on flawed or incomplete data. That, allied to their reluctance to take account of how uncertain such estimates will always be, is why applicants have repeatedly succeeded at appeal. The loophole in the planning system, that allows pitches to be developed on unsuitable sites, to the detriment of rural communities, because of estimates of need that cannot be justified, will continue to be exploited.

### **Summary of objections**

- **Permission exists for 6 pitches on the same parcel of land; an application for a further 6 there is yet to be determined, making 18 double pitches in all, with this application. This would dominate the nearest settled community of Piddington, which has fewer than 150 households.**
- **It would represent unsustainable development and would place undue pressure on health, educational and general infrastructure such as shopping and roads.**
- **There is adequate gypsy/traveller provision in Cherwell and therefore no need for additional provision in the next 5 years.**
- **CDC has failed to identify suitable sites in its Local Plan and so exposes rural communities to speculative applications of this sort and no further applications should be considered until the revised Local Plan addresses this issue.**