

PLANNING FOR TRAVELLING SHOWPEOPLE

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GLOSSARY

DPD	Development Plan Document
GTAA	Gypsy and Traveller Accommodation Assessments
LDF	Local Development Framework
LHS	Local Housing Strategy
Planning Act (2004)	Planning and Compulsory Purchase Act 2004
RHS	Regional Housing Strategy
RPB	Regional Planning Body*
RRA	Race Relations Act
RSL	Registered Social Landlord
RSS	Regional Spatial Strategy*

* References to RSS in this document also apply to the Mayor of London's Spatial Development Strategy (SDS) unless otherwise indicated, and references to RPB also apply to the Mayor of London.

Planning for travelling showpeople's sites

PREFACE

1. Showpeople are members of a community that consists of self-employed business people who travel the country, often with their families, holding fairs. Many of these families have been taking part in this lifestyle for generations. Although their work is of a mobile nature, showpeople nevertheless require secure, permanent bases for the storage of their equipment and more particularly for residential purposes. Such bases are most occupied during the winter, when many showpeople will return there with their caravans, vehicles and fairground equipment. For this reason, these sites traditionally have been referred to as "winter quarters", with individual pitches generally referred to by showpeople as plots. However, increasingly showpeople's quarters are occupied by some members of the family permanently. Older family members may stay on site for most of the year and there are plainly advantages in children living there all year to benefit from uninterrupted education.
2. Most showpeople are members of the Showmen's Guild of Great Britain and are required by the Guild to follow a strict code of practice regulating the use of their sites. Membership of the Guild provides showpeople with exemption from the site licensing requirements of the Caravan Sites and Control of Development Act 1960 when they are travelling for the purpose of their business, or where they only occupy quarters for some period between the beginning of October and the end of March in the following year. Travelling showpeople have the benefit of permitted development rights under Part 5 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 for certain development (when holding shows).
3. Some showpeople do not operate funfairs, but instead hold circuses. The development needs of this small sub-group are slightly different from those of other showpeople, as they are likely to require an enclosed space in which to rehearse and may also require space in which to exercise animals, such as horses. They are not likely to require space to maintain rides, meaning that these sites may be accommodated in rural areas more easily than other sites for travelling showpeople. Circus people are not likely to be members of the Showmen's Guild. Professional organisations for circus people are included in Annex A.
4. The nature of showpeople's sites is unusual in planning terms. The sites often combine residential, storage and maintenance uses. Typically a site comprises areas set aside for the showpeople's accommodation – usually caravans and mobile homes – and areas where vehicles and fairground equipment can be stored, repaired and occasionally tested. The area of land set aside for accommodation by one family unit and the area of land set aside for the storage and maintenance of their equipment would collectively form a plot. This means that the sites do not fit easily into existing land-use categories. The requirement for sites to be suitable both for accommodation and business uses is very important to the travelling showpeople's way of life as they find the principle of site-splitting unacceptable.

5. In recent years many showpeople have had to leave traditional sites which have been displaced by other forms of development. Some showpeople have had considerable difficulty in obtaining planning permission for alternative sites. This has led to overcrowding on some sites, and caused some showpeople to leave their home areas in attempts to find sites elsewhere.
6. The traditional pattern of showpeople's travelling is changing and the community has generally become more settled. For example, a reduction in the number of large scale traditional fairs has led to a diversification of showpeople's activities involving more localised travelling and the need for more permanent bases on which to live and maintain their equipment.
7. A more settled existence can prove beneficial to some travelling showpeople in terms of access to health and education services, and employment, and can contribute to greater integration within local communities. Nevertheless the ability to travel remains an inherent part of the way of life of travelling showpeople and the way in which they earn their living. Some communities of travelling showpeople live in extended family groups and often travel as such. This is a key feature of their traditional way of life that has an impact on planning for their accommodation needs.
8. The Government recognises that many travelling showpeople wish to find and buy their own sites to develop and manage. An increase in the number of approved private and local authority sites may alleviate the problems of overcrowding on sites reported by many travelling showpeople, and may also release plots on local authority sites for travelling showpeople in need of public provision.

INTRODUCTION

9. A new Circular is necessary because evidence shows that the advice set out in Circular 22/91 has failed to deliver adequate sites for travelling showpeople. Since the issue of Circular 22/91 there have been more applications for private showpeople sites, but this has not resulted in the necessary increase in provision. Although much of the material in this circular replicates that of *Planning for Gypsy and Traveller Caravan Sites Circular 01/06* and travelling showpeople's needs will be assessed under Gypsy and Traveller accommodation assessments (GTAAAs), it is the government's belief that the planning needs of travelling showpeople can be best met with a separate Circular, for the following reasons;
 - a) Travelling showpeople do not in general share the same culture or traditions as Gypsies and Travellers;
 - b) Sites for travelling showpeople are normally for mixed residential and business use, to enable the effective storage and repair of significant amounts of equipment.
 - c) The nature of travelling showpeople's business often means that equipment repairs and maintenance are necessary which can have a visual impact and can create noise in the immediate surrounding areas.
 - d) For clarity and ease and to ensure that all relevant guidance on planning for travelling showpeople is contained within one document.

10. This Circular should be seen in the context of the Government's key objective for planning for housing – to ensure that everyone has the opportunity of living in a decent home.
11. This Circular replaces Circular 22/91 in England and provides updated guidance on planning aspects for travelling showpeople and how local authorities and travelling showpeople can work together to achieve that aim. The policies in this Circular apply throughout England. Circular 22/91 still applies in Wales.
12. This Circular applies equally to the development of public sites by local authorities or registered social landlords (RSLs), to applications for planning permission from travelling showpeople themselves or from others wishing to develop land for use as a travelling showpeople's permanent site.
13. Regional Spatial Strategies (RSSs) strengthen planning at the regional level. Local Development Frameworks (LDFs) offer more flexibility to planners at the local level. Requirements for early community involvement will help to ensure plans better reflect community aspirations and can be implemented more effectively. Early consultation will enable communities and their local planning authorities to determine what the priorities for local development are. This will ensure that plans properly reflect the needs of all sectors of the community. Site-based decisions and allocations are made at this local level. The Housing Act 2004 requires local housing authorities to include travelling showpeople in their Gypsy and Traveller Accommodation Assessments (GTAAAs) and to take a strategic approach, including drawing up a strategy demonstrating how the accommodation needs of travelling showpeople will be met, as part of their wider housing strategies. The Development Plan Documents (DPDs) will identify the location of appropriate sites.
14. The Circular comes into effect immediately. Its main intentions are;
 - a) to increase the number of travelling showpeople's sites in suitable locations with planning permission in order to address current under-provision over the next 3 – 5 years, and to maintain an appropriate level of site provision through RSSs and LDFs;
 - b) to recognise, protect and facilitate the traditional way of life of travelling showpeople, creating sustainable, respectful and inclusive communities where travelling showpeople have fair access to suitable accommodation and services;
 - c) to underline the importance of assessing needs at regional and sub-regional level and for local authorities to develop strategies to ensure that needs are dealt with fairly and effectively;
 - d) to ensure that DPDs include fair and achievable policies and to ensure that identified need is dealt with fairly and effectively;
 - e) to identify and make provision for the resultant land and accommodation requirements;
 - f) to help to avoid travelling showpeople becoming homeless through eviction from unauthorised sites without an alternative to move to.

Definition

15. For the purposes of this Circular, “travelling showpeople” means

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 or permanently, but excludes Gypsies and Travellers as defined in ODPM Circular 1/2006.

17. For the purposes of this Circular “plot” means a pitch for travelling showpeople. A pitch can be defined as the area of land for which a site license is paid. The term “plot” has been chosen to reflect the term traditionally used by travelling showpeople and to differentiate between residential pitches for Gypsies and Travellers, and plots for travelling showpeople which may need to incorporate space or to be split to allow for the storage and maintenance of equipment.

PLANNING PROCESS

Accommodation Assessments

18. The assessment of travelling showpeople’s accommodation needs is an important part of the assessment of general accommodation needs. These needs should be assessed as part of Gypsy and Traveller Accommodation Assessments (GTAAAs). The planning process will begin by local authorities assessing travelling showpeople accommodation needs. The appropriate local office of the Showmen’s Guild of Great Britain, other trade organisations and other travelling showpeople may be able to provide local authorities with relevant information.
19. The data collected through the GTAA process will inform the preparation of Development Plan Documents (DPDs) through the process described below. One of the tests of soundness of a submission DPD at its examination will be whether it is founded on robust and credible evidence. The need identified by the GTAA will include travelling showpeople’s needs.
20. In the period immediately after the publication of the Circular, local authorities may have already carried out a GTAA without including travelling showpeople. In this case, local authorities should undertake assessments for travelling showpeople as soon as practicable. This may be done on a sub-regional basis.

Regional Spatial Strategy (RSS)

21. The information from GTAAAs on travelling showpeople’s need for sites will, as with other housing needs, be a key component in the overall assessment of need which informs the housing policies in the RSS. The RSS should identify the number of plots required (but not their location) for each local planning authority taking into account GTAAAs and a strategic view of needs across the region.
22. Regional Planning Bodies (RPBs) should maintain an up-to-date understanding of the likely strategic accommodation requirements of their areas over the lifespan of their RSSs, which should inform the preparation and review of RSSs. In allocating plot

numbers by local planning authority, RPBs should work in concert with the body developing the RHS in their region, with housing providers, with adjoining regions where appropriate and with RPBs' constituent local authorities. It is important that there is a common evidence base, prepared in partnership with the appropriate stakeholders, including the Showmen's Guild of Great Britain and housing providers, to inform the RHS, RSS, Local Development Frameworks (LDFs) and other relevant regional and local strategies.

23. The draft RSS is subject to an examination in public at which representatives of the travelling showpeople's community, and local residents including travelling showpeople may be invited to give evidence.

Development Plan Documents (DPDs)

24. The number of plots set out in the RSS must be translated into specific site allocations in one of the local planning authority's DPDs that form part of the LDF.
25. The core strategy should set out criteria for the location of travelling showpeople sites which will be used to guide the allocation of sites in the relevant DPD. These criteria can also be used in respect to planning applications on unallocated sites that may come forward.
26. These criteria based policies must be fair, reasonable, achievable and effective in delivering sites. The adequacy of any criteria will be subject to greater scrutiny under changes to the new planning system introduced by the Planning Act (2004). Planning policies that rule out or place undue constraints on the development of travelling showpeople sites should not be included in RSSs or DPDs.
27. Identifying and allocating specific plots of land is a more difficult process than using a solely criteria based approach. However it ensures some certainty for local people and travelling showpeople when planning applications are determined by local planning authorities, or appeals are considered by the Secretary of State.
28. The Planning Act (2004) requires that DPDs are in general conformity with the RSS. Criteria must not be used as an alternative to site allocations in DPDs where there is an identified need for plots. Local planning authorities will need to demonstrate that sites are suitable, and that there is a realistic likelihood that specific sites allocated in DPDs will be made available for that purpose. DPDs will need to explain how the land required will be made available for a travelling showpeople's site, and timescales for provision.
29. There are a number of ways in which local authorities can identify specific sites and make land available.
 - a. Local authorities have discretion to dispose of land for less than best consideration where it will help to secure the promotion or improvement of the economic, social or environmental well-being of the area, as set out in ODPM Circular 06/03.

- b. Authorities should also consider making full use of the registers of unused and under-used land owned by public bodies as an aid to identifying suitable locations. Vacant land or under-used local authority land may be appropriate.
 - c. Authorities should also consider whether it might be appropriate to exercise their compulsory purchase powers to acquire an appropriate site.
 - d. Co-operation between neighbouring authorities, possibly involving joint DPDs, can provide more flexibility in identifying sites. Such co-operation is particularly important where an authority has strict planning constraints across its area.
30. Where the local planning authority has not allocated enough sites for travelling showpeople's need identified by the accommodation assessment process, the Planning Inspector could recommend that a DPD is altered to include additional sites. However the Inspector can only do this where suitable sites have been identified earlier in the plan-making process and it is clear how such sites comply with the tests of soundness set out in Planning Policy Statement 12 (PPS12) (paragraph 4.24), and how the procedural and sustainability appraisal processes have been undertaken. It is therefore the responsibility of those promoting the inclusion of such sites to show that correct procedure has been followed.
 31. Where new demonstrable need arises that is not addressed by allocated sites in a DPD, the planning system should consider planning applications on unallocated sites having regard to national and regional policy guidance and the criteria in Annex E.
 32. Local authorities will also need to have regard to their statutory duties, including those in respect of homelessness under Part VII of the Housing Act 1996.
 33. The Government has powers to intervene in the plan-making process where it considers that the constraints being proposed by local planning authorities are too great or have been inadequately justified. This will include where a local planning authority does not adequately address travelling showpeople site provision in its DPD.

Community Involvement and Monitoring Implementation

34. It is expected that at an early stage in the preparation of RSSs and DPDs planning authorities will discuss travelling showpeople's accommodation needs with travelling showpeople themselves, their representative bodies and local support groups. Local planning authorities should put in place arrangements so that communication with travelling showpeople and those who represent them is accessible. Identifying and understanding the needs of groups who find it difficult, for a number of reasons, to engage with planning processes is essential. Policy outlining how and when persons will be involved in the revision of the RSS are set out in the statement of public participation. A list of some relevant contacts is given in Annex A, although it should be stressed this is not exhaustive. Travelling showpeople should also be proactive in ensuring that they engage with local planning authorities to ensure that their views are taken into account.

35. There are also requirements for annual monitoring by both the Regional Planning Body and the local planning authority. The Planning Act (2004) makes clear that one of the main purposes of annual monitoring reports is to consider whether implementation of the RSS or LDF is being achieved in line with the purposes of the RSS or LDF. If it is not, then regulations require the RPB or local planning authority to set out the reasons why it thinks the policy is not being implemented and what it intends to do about it.

TRANSITIONAL ARRANGEMENTS

36. In advance of the consideration of new GTAAs at a regional level by the RPB being translated into plot numbers for DPDs, other means of assessment of need will be necessary. RPBs will need to consider whether there is sufficiently robust information on which to establish district level plot numbers. They may need to work closely with local authorities and The Showmen's Guild of Great Britain and other trade bodies which can provide a range of information on travelling showpeople families in their area. Where it is not possible to allocate plot numbers comprehensively in the current round of RSS revisions, RPBs will need to consider interim arrangements. This should include a clear statement as to the regional context including;
- a. priority attached to addressing immediate need and time scale for doing so;
 - b. extent of existing provision;
 - c. identifying those parts of the region with high numbers of unauthorised sites;
 - d. an interim estimate of the additional plot requirements at regional level;
 - e. arrangements for putting in place district level plot requirements (e.g. need for further research, engaging local authorities, timetable for any single issue review).
37. This will be important in guiding local planning authorities as they prepare LDFs and ensuring that the RSS is well placed to deliver the regional framework in future. RPBs will need to work closely with local planning authorities to agree and establish transitional arrangements. A first step is to agree the priority attached to travelling showpeople's provision across the region and how best to address any immediate accommodation needs for travelling showpeople.
38. Where there is clear and immediate need, for instance evidenced through the presence of significant numbers of unauthorised developments or occupation, local planning authorities should bring forward sites within DPDs in advance of regional consideration of plot numbers, and completion of the new GTAAs. The early data available from the GTAA will be one of a range of information sources that local planning authorities should consider when assessing the required level of provision to translate into site allocations in a DPD, and RPBs should consider when allocating plot numbers to each district. Where there is an urgent need to make provision, local planning authorities should consider preparing site allocation DPDs in parallel with, or in advance of the core strategy.
39. Other sources of information could include
- a) the numbers and outcomes of planning applications and appeals;

- b) levels of occupancy, plot turnover and waiting lists for public or other authorised sites;
 - c) the status of existing authorised private sites, including those which are unoccupied and those subject to temporary or personal planning permissions;
 - d) evidence from the Showmen's Guild and other trade organisations;
 - e) a high level of unauthorised development associated with travelling showpeople in an area may indicate that there is a need for site provision which is not currently being met.
40. Local planning authorities will be expected to demonstrate that they have considered this information, where relevant, before any decision to refuse a planning application for a travelling showpeople's site, and to provide it as part of any appeal documentation.
41. Advice on the use of temporary permissions is contained in paragraphs 108 – 113 of Circular 11/95, *The Use of Conditions in Planning Permission*. Paragraph 110 advises that a temporary permission may be justified where it is expected that the planning circumstances will change in a particular way at the end of the period of the temporary permission. Where there is unmet need but no available alternative travelling showpeople's site provision in an area but there is a reasonable expectation that new sites are likely to become available at the end of that period in the area which will meet that need, local planning authorities should give consideration to granting a temporary permission.
42. Such circumstances may arise, for example, in a case where a local planning authority is preparing its site allocations DPD. In such circumstances, local planning authorities are expected to give substantial weight to the unmet need in considering whether a temporary planning permission is justified. The fact that temporary permission has been granted on this basis should not be regarded as setting a precedent for the determination of any future applications for full permission for use of the land as a site for travelling showpeople. In some cases, it may not be reasonable to impose certain conditions on a temporary permission such as those which require significant capital outlay.

SITES IN THE GREEN BELT, RURAL AREAS AND THE COUNTRYSIDE

43. There is a general presumption against inappropriate development within Green Belts. Planning Policy Guidance note 2: 'Green Belts', which sets out policy on Green Belts, defines inappropriate development in section 3. Very special circumstances have to be demonstrated to justify allowing inappropriate development in the Green Belt. Nothing in this circular contradicts current restrictions on development in specially protected areas, as set out in other circulars, Planning Policy Guidance notes and Planning Policy Statements.
44. In areas with nationally recognised designations (Sites of Special Scientific Interest, National Nature Reserves, National Parks, Areas of Outstanding Natural Beauty, Heritage Coasts, Scheduled Monuments, Registered Historic Battlefields and Registered Parks and Gardens), as with any other form of development, local planning authorities should pay special attention in terms of the designation given to the effect

on the land that a site will have. However, local landscape and local nature conservation designations should not be used in themselves to refuse planning permission for travelling showpeople's sites.

45. Sites on the outskirts of built-up areas may be appropriate. Sites may also be found in rural or semi-rural settings. New development in the open countryside away from existing settlements, or outside areas allocated in development plan documents, should be strictly controlled: however rural areas may be acceptable for some forms of travelling showpeople's sites. For example, circuses are more likely to be acceptable in rural areas as they are more likely to need land for exercising animals, and less likely to have rides to maintain. In assessing the suitability of such sites, local planning authorities should be realistic about the availability, or likely availability, of alternatives to the car in accessing local services. Sites should respect the scale of, and not dominate the nearest settled community. They should also avoid placing an undue pressure on the local infrastructure. Guidance on sustainable development in rural areas can be found in Planning Policy Statement 7. As in all planning cases, applications in rural areas should be decided based upon their individual merits.
46. In some cases, perhaps involving previously developed (brownfield), or derelict land, the establishment of a well-planned or soft-landscaped travelling showpeople's site can be seen as positively enhancing the environment and increasing openness (for example, by removing derelict buildings from brownfield sites).

MAJOR DEVELOPMENT PROJECTS

47. A major development or redevelopment project may require the permanent or temporary relocation of a travelling showpeople's site. An onus should be placed on the planning applicant to identify and provide an alternative site, providing the original site has a legal status either through the grant of planning permission or as in many cases established/lawful use rights. The local planning authority should work with the planning applicant and the affected travelling showpeople community to identify a site (or sites) that would be suitable for relocating this community. In proposing relocation and in seeking a relocation site regard will need to be paid both to the travelling showpeople community's social, economic and environmental needs and identified social, economic, and environmental benefits that the major development/redevelopment project will bring to the locality and the broader area.

APPLICATIONS

48. DPDs together with the RSS form part of the "development plan" and the Planning Act (2004) provides that determinations of applications for planning permission must be in accordance with the development plan unless material considerations indicate otherwise. Other considerations for travelling showpeople's site applications are likely to include the likely impact on the surrounding area, the existing level of provision and need for sites in the area, the availability (or lack of) alternative accommodation for the applicants and other personal circumstances.
49. In order to encourage private site provision, local planning authorities should offer advice and practical help with planning procedures to travelling showpeople who wish to acquire their own land for development. It is strongly recommended that travelling showpeople consult local planning authorities on planning matters before buying land

on which they intend to establish any caravan site, for which planning permission will almost always be required. Further guidance on this is contained in Annexes D and E.

50. Pre-application discussions are particularly important to avoid misunderstanding and subsequent problems over planning permission. Constructive and positive engagement on all sides will promote trust and may help to avoid breaches of planning control. The aim should be as far as possible to help travelling showpeople to provide for themselves, to allow them to secure the kind of sites they need, but in locations that are suitable in planning policy terms. This will help to avoid breaches of planning control, and enable firm enforcement against such breaches. In particular, questions of road access, the availability of services, potential conflict with statutory undertakers or agricultural interests, and any significant environmental impacts should be resolved at the earliest opportunity. In line with guidance in Planning Policy Statement 25 (PPS25), local planning authorities should consult the Environment Agency about flood risk and other environmental concerns.
51. Any facts that may be relevant should be established and considered before determining planning applications. Travelling showpeople should co-operate by responding to requests for information relevant to their applications.
52. Local planning authorities should not refuse private applications solely because the applicant has no local connection. But they are entitled to refuse private applications in locations that do not comply with planning policies, especially where the authority has complied with this guidance and proceeded properly to ensure needs identified by accommodation assessments are being met.
53. Local planning authorities should also have regard to whether the absence of existing provision may prejudice enforcement action, or give rise to grounds for appeal against refusal of an application for a new site.

SUSTAINABILITY

54. Issues of sustainability are important and should not only be considered in terms of transport mode and distances from services. Such consideration should include;
 - a. the extent to which the nature of the traditional lifestyle of travelling showpeople whereby they live and work from the same location thereby omitting many travel to work journeys, contributes to sustainability;
 - b. the promotion of peaceful and integrated co-existence between the site and the local community;
 - c. the wider benefits of easier access to GP and other health services;
 - d. children attending school on a regular basis;
 - e. the provision of a settled base that reduces the need for long-distance travelling and possible environmental damage caused by unauthorised development; and,
 - f. not locating sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans and other vehicles.

55. In deciding where to provide for travelling showpeople's sites, local planning authorities should have regard to the same broad principles for locating housing developments set out in Planning Policy Statement 3: *Housing*. Accessibility to existing local community facilities, infrastructure and services, including public transport, should be considered. All sites considered as options for a site allocations DPD must have their social, environmental and economic impacts assessed in accordance with the requirements of sustainability appraisal.
56. Sites, whether public or private, should be identified having regard to highways considerations. In setting their policies, local planning authorities should have regard to the potential for noise and other disturbance from the movement of vehicles to and from the site, the stationing of vehicles on the site, and on-site business activities. However, projected vehicle movements for travelling showpeople's sites should be assessed on an individual basis for each site. Proposals should not be rejected if they would only give rise to modest additional daily vehicle movements and/or the impact on minor roads would not be significant. Local planning authorities may find it useful to liaise with the Highways Agency when assessing the impact that a site is likely to have on the road infrastructure.
57. Guidance on sustainable development in rural areas can be found in Planning Policy Statement 7: *Sustainable Development in Rural Areas*.

ENFORCEMENT

58. The Government's aim is to ensure that planning policies and controls are respected by all sections of the community and that where breaches occur effective enforcement action is taken where necessary.
59. In considering enforcement action local planning authorities should be guided by the advice in PPG 18 *Enforcing Planning Control*. Further advice on the enforcement powers available to local planning authorities and their use can be found in;
 - a. DoE Circular 10/97; *Enforcing Planning Control: Legislative Provisions and Procedural Requirements*;
 - b. *Good Practice Guide for Local Planning Authorities on Enforcing Planning Control*; DoE 1997;
 - c. ODPM Circular 02/05; *Temporary Stop Notice*; contains information on the new temporary stop notice provisions introduced in the Planning Act (2004).

APPEALS

60. There will be occasions when local planning authorities refuse planning permission for travelling showpeople's sites. A Planning Inspector considering any subsequent appeal will have regard to the development plan so far as is relevant, and will take into account all material considerations, which should already have been addressed at the application stage. These will include the existing and planned provision of, and need for, sites in the area, the accuracy of the data used to assess need, the methodology employed in the assessment and how up-to-date it is, information on plot availability on public and private sites, personal circumstances and alternative accommodation options.

HUMAN RIGHTS

61. The provisions of the European Convention on Human Rights should be considered as an integral part of local planning authorities' decision-making – including its approach to the question of what are material considerations in planning cases. Local planning authorities should consider the consequences of refusing or granting planning permission, or taking enforcement action, on the rights of the individuals concerned, both travelling showpeople and local residents, and whether the action is necessary and proportionate in the circumstances. If there is any doubt about the application of provisions of the Convention in particular cases, legal advice should be sought. The obligation on public authorities to act compatibly with Convention rights does not give travelling showpeople a right to establish sites in contravention of planning control.

ANNEX A

Select list of organisations representing travelling showpeople

This annex will be updated via the Communities website as contact details will change over time.

The Showmen's Guild of Great Britain
Guild House
41 Clarence Street
Staines
Middlesex
TW18 4SY
Tel: 01784 461805

Northern Section
Secretary – Mr John C Culine
Showmen's Guild of Great Britain
P O Box 26
Spennymoor
Co Durham
DL16 6GS
Tel: 01388 813856

Lancashire Section
Secretary – Mrs Val Midgeley
Showmen's Guild of Great Britain
11 St Mary's Place
Bury
Lancashire
BL9 0DZ
Tel: 01617 629502

Yorkshire Section
Secretary – Miss Denise Ablett
Showmen's Guild of Great Britain
151A King Street
Drighlington
Leeds
BD11 1EJ
Tel: 01132 853341

Midland Section
Secretary – Mrs Joanne Rickus
Showmen’s Guild of Great Britain (Midland Section)
Suite 2G1
Park Business Centre
Wood Lane
Erdington, Birmingham
B24 9QR
Tel: 0121 386 6668

Norwich and Eastern Counties Section
Secretary – Mr Richard Smith
Showmen’s Guild of Great Britain
13 Lime Kiln Close
Newton Flotman
Norwich
NR15 1PL
Tel: 01508 471772

London and Home Counties Section
Secretary – Mrs Carol Hennigan
Showmen’s Guild of Great Britain
Guild House
41 Clarence Street
Staines
Middlesex
TW18 4SY
Tel: 01784 454780

Western Section
Secretary – Mrs Heather Clay
Showmen’s Guild of Great Britain
1 Broad Lane
Yate
Bristol
BS37 7LD
Tel: 01454 228890

Derby, Notts, Mid and South Lincs Section
Secretary – Mr Michael Mellor
Showmen’s Guild of Great Britain
23a Guildhall Drive
Station Road
Selston
Notts
NG16 6GJ
Tel: 07885 971796

National Association of Teachers of Travellers
c/o Cornwall Traveller Education Support Services
16 Carlyon Road
St. Austell
Cornwall
PL25 4AJ
Telephone: 01726 77113

The Society of Independent Roundabout Proprietors
Mr. Jack Scofield,
c/o 66 Carolgate,
Retford,
Nottinghamshire,
DN22 6EF
Tel. 01777 702872

The Amusement Catering Equipment Society (ACES)
Mr G Thompson
1 Delamere Road
Turf Hill
Rochdale
OL16 4XD

The Association of Independent Showmen (AIS)
Ms J Catlon
2 Upper Rose Lane
Palgrave
Diss
Norfolk
IP22 1AP

Association of Circus Proprietors
Circus Proprietors Association
PO Box 131
Blackburn
BN17 5LL
Fax: 01254 681 723

British Amusement Catering Trade Association
Alders House
133 Aldersgate Road
London
EC1A 4JA
Tel: 0207 726 9826

ANNEX B

Other relevant guidance

This Circular does not affect the advice given generally in other Departmental Circulars, Planning Policy Guidance Notes (PPGs) and Planning Policy Statements (PPSs). Those which may be of particular relevance are:

PPS1 – Creating Sustainable Communities;

PPG2 – Green Belts;

PPS3 – Housing;

PPG4 – Industrial, Commercial Development and Small Firms;

PPS7 – Sustainable Development in Rural Areas;

PPS9 – Biodiversity and Geological Conservation;

PPS11 – Regional Spatial Strategies;

PPS12 – Local Development Frameworks;

PPG13 – Transport;

PPG16 – Archaeology and Planning;

PPG18 – Enforcing Planning Control;

PPG23 – Planning and Pollution Control

PPG24 – Planning and Noise

PPS25 – Development and Flood Risk.

DETR Circular 03/99; *Planning Requirement in respect of the Use of Non-Mains Sewerage incorporating Septic Tanks in New Development.*

It may also be helpful to consult guidance produced by the Royal Town Planning Institute: RTPI Good Practice Note 4 (Planning for Gypsies and Travellers): Part B, Accommodation Needs Assessments

ANNEX C

Good practice – criteria

1. The Government believes that travelling showpeople have the same rights and responsibilities within the planning system as every other citizen. Plan policies and criteria for the establishment of travelling showpeople's accommodation sites should be fair, reasonable, realistic and effective, and written in a positive manner that offers some certainty that where the criteria (not necessarily all of them) are met planning permission will be granted.
2. The list of criteria adopted by a local planning authority should not be over-long as the more criteria there are, and the more restrictive they are, the greater the likelihood of authorities refusing planning permission. The Government wishes to see a more positive approach being taken to making adequate provision for travelling showpeople in appropriate locations – particularly by those local planning authorities whose present policies have failed to meet current needs. The process by which criteria are adopted in DPDs will therefore be subject to close scrutiny by Planning Inspectors.
3. For all kinds of site, consideration must be given to vehicular access from the public highway, as well as provision for parking, turning and servicing on site, and road safety for occupants and visitors. Landscaping and planting with appropriate trees and shrubs can help sites blend into their surroundings, give structure and privacy, and maintain visual amenity. Enclosing a site with too much hard landscaping, high walls or fences can give the impression of deliberately isolating the site and its occupants from the rest of the community, and should be avoided.
4. In general travelling showpeople's sites should not be located on significantly contaminated land, but this does not necessarily rule out all locations near or adjoining motorways, power lines, landfill sites or railways, any more than it does conventional housing. The site needs to have safe and convenient access to the road network.
5. Local planning authorities are advised that they can contact The Showmen's Guild of Great Britain, Guild House, 41 Clarence Street, Staines TW18 4SY, which may be able to provide information about where the need for sites is most acute and to advise on the particular on-site requirements of travelling showpeople. The Guild can also make available site layout, model standards and other information to assist local planning authorities in assessing detailed aspects of site provision. The General Secretary is the first point of contact for this information. Other trade organisations may also be able to assist with this information, and may also be consulted.

ANNEX D

Guidance to local planning authorities in dealing with planning applications from travelling showpeople

1. Travelling showpeople have the same rights and responsibilities within the planning system as all other applicants for planning permission. In dealing with applications and enquiries from travelling showpeople, planning officers and planning department staff should act in a professional manner and treat enquiries from travelling showpeople even-handedly.
2. It is particularly important if unauthorised development is to be avoided for local planning authorities to establish a level of trust and co-operation with the local travelling showpeople community. Entrenched positions on both sides are likely to lead to tensions, conflict and delay.
3. Local planning authorities may wish to consider designating a named person to deal with all such queries / applications or have a named person with whom the applicants can maintain contact, and consider what specific training may be required for staff dealing with travelling showpeople applications and the associated issues.
4. Local planning authorities need to provide early, clear pre-application advice and may wish to consider producing leaflets explaining the planning system where this would better meet the needs of the travelling showpeople community. At any pre-application meeting local planning authorities should give an indication of the chances of getting permission, highlight any possible difficulties and whether these may be overcome and explain the planning process to applicants who are unfamiliar with it.
5. Local planning authorities need to make travelling showpeople aware of standards they can expect from the authority, standards expected from them, and their rights to complain, including to the authority's monitoring officer and the Local Government Ombudsmen.
6. Planning departments may need to consult other departments and agencies with an interest, particularly housing and education departments, health and highways authorities.

ANNEX E

Guidance to travelling showpeople making planning applications

Introduction

1. Members of the travelling showpeople communities have the same rights and responsibilities within the planning system as members of other communities. Planning permission is normally required for any changes of use of land. As with developments submitted by anyone the only times permission would not be required are;
 - i) if the land has already been granted planning permission for the particular type of land use; or,
 - ii) the use of the land has been established over a period of time without valid planning enforcement action having been taken by the local authority. This time period is 4 years for building or other similar physical works which do not represent a change of land use, or 10 years where the development has represented a change of land use.

Pre-application procedure

2. When looking for a site travelling showpeople should consider whether:
 - there are any existing sites in the area (with planning permission) available to rent or buy.
 - the local planning authorities know of your need for land and, if so, have they identified any sites that may be available.
3. If the answer to the above questions is “No”, and you are looking to buy and develop a new site, to ensure that the site you select is suitable to be granted planning permission you should:
 - identify your area of search. Is the reason for your looking for a particular location due to family circumstances, work or other requirements?
 - Are there suitable previously developed (i.e. brownfield) sites available?
 - Consider:
 - means of access
 - closeness to the main road network
 - ground conditions and levels of land

- accessibility of schools and other facilities
- existence of landscaping
- capability of being further screened
- respect for neighbouring uses.
- Once you have identified a possible site, find out which local authority area it is in and contact the local planning authority. Then consider the local plan policies relevant to travelling showpeople’s site use – you can get help from the local authority who should explain their policies and handle your enquiries fairly and professionally.
- You should establish whether the site you are interested in is in the Green Belt or other area of special protection. Development in such areas is subject to stricter control and the likelihood of getting planning permission for any development is much lower than if the site were on “ordinary” land. You should consider undertaking a local search to establish whether there are any restrictions (such as injunctions) on the use of the land.
- If there are no such restrictions you should consider whether the site meets some or all of the criteria set out in the local plan.

Making the planning application

4. You should make your planning application and wait for planning consent before you go on the site. Entering a site without planning permission can be a breach of planning control and may be subject to a series of enforcement actions. When making your application you should provide as much background information (which may include the efforts you have made to find a site, why you have selected the particular site and details of all the people who plan to live on the site) with the application as you can and all the information required on the forms. There is often a guide to help you fill out the forms. If you need help completing the form the planning department of the local authority should help you.
5. Normally travelling showpeople’s site development requires a full application. As much detail as possible on the site, including layout, landscaping, access and number of caravans should be provided at the outset.

What happens next?

6. Local planning authorities will normally decide applications within eight weeks of them being submitted. If you are refused permission you may appeal to the Secretary of State. You must submit an appeal within six months of the application being refused. Details on how to submit an appeal and how the appeal process works is available on the Planning Inspectorate website at www.planning-inspectorate.gov.uk, or from their customer support unit;

The Planning Inspectorate
Customer Support Unit
Room 3/15 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN
Telephone: 0117 372 6372
Fax: 0117 372 8128
Email: enquiries@planning-inspectorate.gsi.gov.uk

ANNEX F

Planning conditions and planning obligations

1. The appropriate use of planning conditions or obligations can enable some development proposals to proceed where it might otherwise be necessary to refuse permission.
2. Conditions should be imposed only where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. General advice on the use of conditions is given in DoE Circular 11/95.
3. Guidance on the use of planning obligations is given in Circular 05/2005. This guidance sets out the tests for planning obligations, namely that they must be relevant to planning, necessary to make the proposed development acceptable in planning terms, directly related to the proposed development, fairly and reasonably related in scale and kind to the proposed development and reasonable in all other respects.
4. A number of measures may be introduced to overcome planning objections to particular proposals using planning conditions or planning obligations. These might include;
 - ensuring adequate landscaping and play areas for children;
 - limiting which parts of a site may be used for business operations, in order to minimise the visual impact and limit the effect of noise;

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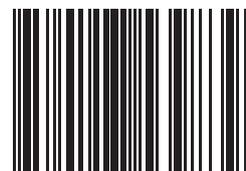
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