

Recent Changes to National Planning Practice Guidance – Gypsies and Travellers

As well as consulting on changes to planning policy on Gypsies and Travellers, the Government recently amended the National Planning Practice Guidance, which seeks to provide further information on how national policy should be applied. The change made was to state that in ‘decision taking’:

Unmet housing need (including for traveller sites) is unlikely to outweigh the harm to the Green Belt and other harm to constitute the “very special circumstances” justifying inappropriate development on a site within the Green Belt.

Planning Policy

These changes do not affect the weight to be given to Green Belt in plan making. Para 15 of Planning Policy for Traveller Sites continues to allow local authorities to consider allocating sites that are currently in the Green Belt in exceptional circumstances where there is an unmet need for pitches. Proposals in the Government’s consultation document on changes to planning policy for Gypsies and Traveller may change this situation. The report to LPEAC and Cabinet proposes that the Council continues to prepare the Gypsy and Traveller Plan by undertaking a supplementary sites consultation. Any consultation document would, however, need to contain clear caveats to explain that it is being undertaken on the basis of existing national policy and that the Council will reconsider whether the number of pitches and locations of sites are appropriate if the Government introduce the proposed changes.

Development Management

The change to the NPPG does affect development management decisions in Sevenoaks District now. Whilst there may be cases where the combination of unmet need and other factors constitute very special circumstances, **it is likely to be the case that planning permission will need to be refused for new and extended Gypsy and Traveller sites in the Green Belt, where the need for pitches is the only argument that the applicant has for very special circumstances.** This would not prevent a site that has been refused permission on the grounds that very special circumstances do not justify inappropriate development in the Green Belt from subsequently being considered in the Gypsy and Traveller Plan under existing national policy.

It could be argued that the change in guidance does not constitute such a significant change in circumstances that those sites already granted temporary planning permission should be refused a time-limit extension to allow the Council to complete the preparation of its Gypsy and Traveller Plan or for changes to Government policy to be introduced. It is recommended that a cut off date for temporary permissions of 31 December 2017 is adopted to allow the preparation of the Gypsy and Traveller Plan to be completed, in the context of the uncertainty caused by the Government’s consultation, and for applicants to prepare applications for permanent permissions following the plan’s adoption. In coming to the conclusions above, it is noted that the Government’s Planning Policy for Traveller Sites continues to state that the lack of a five year supply of

deliverable sites is a significant material consideration in granting temporary permissions. The Council will not be able to demonstrate a five year supply of sites until its Gypsy and Traveller Plan is adopted. It is appropriate that the suitability of these existing sites for permanent permission is addressed through the plan making process, in accordance with the reasons for granting temporary permission on them originally.