



Horsham
District
Council

Horsham District Local Plan Examination

Matters, Issues and Questions

Matter 8: Housing

Issue 4

November 2024

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Issue 4: Whether the Plan is positively prepared, justified, effective and consistent with national policy in planning to meet gypsy and traveller accommodation needs?

Question 1: Have the accommodation needs of gypsies, travellers, and travelling showpeople been robustly assessed? In the light of the Court of Appeal judgment in Smith v SSLUHC & Ors [2022] EWCA Civ 1391, does the need for gypsy and traveller accommodation need to be revised? Does this have implications for the provision of pitches in the Plan?

1. Yes, the **Plan (SD01)** has robustly assessed the accommodation needs of gypsies, travellers and travelling showpeople in the District and this has been kept up-to-date during the course of plan preparation. The Council published the **Horsham Gypsy and Traveller Accommodation Assessment (H04)** in January 2020 for the draft Regulation 19 Horsham Local Plan, which went to a meeting of Horsham's Cabinet on 15 July 2021. This did not progress to a full Council meeting, due to an amendment to the NPPF just after the Cabinet meeting and then Natural England issuing the **Natural England Position Statement (CC08)** on 14 September 2021.
2. The draft Local Plan was progressed between summer 2021 and winter 2023. The Council published the **Horsham Gypsy and Traveller Accommodation Assessment Update (GTAA) (H05)** in November 2023. Public consultation was held on the **Plan (SD01)** between 19 January 2024- 1st March 2024.
3. The **GTAA (H05)** assesses the accommodation needs of Gypsies, Travellers and Travelling Showpeople in the District, including transit provision. The findings of the assessment are set out at paragraphs 1.7-1.30 of the Executive Summary, Chapter 6 and Chapter 7 of the Study.
4. The **GTAA (H05)** establishes that there is a need for 77 pitches for households that met the planning definition over the Plan period up to 2040. This need is broken down into a requirement for 48 pitches in the first five years (2023-2027); 10 pitches in years 6-10 (2028-2032); and a further 19 pitches between years 11 and 17 of the Plan period (2033-2040). The **GTAA (H05)** recommends at paragraph 1.9 that the need arising from households that met the planning definition should be addressed through site allocation; intensification; expansion; Gypsy and Local Plan Traveller policies, as appropriate.
5. The **GTAA (H05)** concludes there is a need for 20 pitches for undetermined households (households where it was not possible to complete an interview) over the Plan period to 2040. The **GTAA (H05)** recommends at paragraph 1.10 that the Council should consider the use of a criteria-based policy (as suggested in the PPTS) for any undetermined households, as well as to deal with any windfall applications and need from bricks and mortar.
6. The **GTAA (H05)** establishes there is a need for 31 pitches that did not meet the planning definition over the Plan period. The **GTAA (H05)** recommends at paragraph 1.11 that the need for those households who did not meet the planning definition will need to be addressed as part of general housing need and through separate Local Plan Housing Policies, as required by Paragraph 62 of the **NPPF**.
7. The **GTAA (H05)** concludes at paragraph 1.19 that there is no current or future need identified for pitches in the South Downs National Park area of Horsham.
8. The **GTAA (H05)** establishes at paragraph 1.24 there is a need for 1 plot for Travelling Showpeople that met the planning definition over the Plan period.

9. The **GTAA (H05)** concludes at paragraph 1.26 that, due to historic low numbers of short-term encampments, and the presence of a public transit site in Chichester District, there is no need for formal transit provision in Horsham District.
10. The **GTAA (H05)** was published in November 2023. The **Planning Policy for Traveller Sites (PPTS) (all references to the PPTS are to PPTS December 2023, unless indicated otherwise)** was updated in December 2023, following the Court of Appeal judgement in Smith vs SSLUHC (2022). The update to the **PPTS** includes a change to the definition of Gypsies, Travellers and Travelling Showpeople. The new definition of Gypsies, Travellers and Travelling Showpeople reverts to defining travellers as all those of travelling background, rather than just those who are currently travelling.
11. The **Horsham Gypsy and Traveller Accommodation Assessment Targeted Update (GTAA Update) (H06)** was published as an update to the **GTAA (H05)**. The **GTAA Update (H06)** assesses the conclusions of the **GTAA (H05)**, in the light of the changes made in the **PPTS** to the definitions of Gypsies, Travellers and Travelling Showpeople.
12. The **GTAA Update (H06)** concludes that the need for those gypsies and travellers over the Plan period (2023-2040) is 79 pitches (up from 77 in the **GTAA (H05)**). This is split into a need of 50 in the first five years (2023-2027) (up from 48 in the **GTAA (H05)**); 10 in years 6-10 (2028-2032) (same as before) and a need of 19 (same as before) in years 11-17 (2033-2040).
13. The **GTAA Update (H06)** establishes that the need from those categorized as “undetermined” remains at 20 pitches and the need from those who “do not meet the planning definition” is down to 29 pitches from 31 in the **GTAA (H05)**. It also concludes there are no changes to the need requirement (1) for a travelling showperson plot.
14. Accordingly, the Council has proposed several modifications to deal with 1) the change in definition of Gypsies and Travellers from December 2023 and 2) the revised need figure identified in the **GTAA Update (H06)**. The suggested modifications (**SM45** and **SM46**) are set out in **Suggested Modifications to the Regulation 19 Local Plan: Response to MIQs November 2024**).

Question 2: is the Plan consistent with national policy for the provision of gypsy and traveller accommodation as set out in the NPPF and Planning Policy for Traveller Sites? Is it positively prepared, justified and effective in doing so?

- 1) [Is the Plan consistent with national policy for the provision of gypsy and traveller accommodation, as set out in the NPPF and Planning Policy for Traveller Sites](#)
15. Yes, the Plan is consistent with national policy for the provision of gypsy and traveller accommodation, as set out in the **NPPF** and **PPTS**. The Plan will enable the delivery of sustainable development in Horsham District for gypsies, travellers and travelling showpeople over the Plan period (2023-2040).
- 2) [Is it positively prepared?](#)
16. Yes, the Plan is positively prepared. It provides a strategy, which seeks to meet the District's objectively assessed need for gypsy, traveller and travelling showpeople provision over the Plan period. Through the Duty to Cooperate, Horsham Council has spoken to its neighbours in terms of their unmet needs for Gypsy and Traveller provision, and whether any of those authorities could assist Horsham District in meeting its needs.
17. The **GTAA (H05)** was prepared under the **Planning Policy for Traveller Sites (2015)**. Paragraph 4 bullet point a) of the **PPTS (2015)** states that local planning authorities should make their own assessment of need for the purposes of planning. Section 2 sets out how a local authority should assemble the evidence base to support their planning approach. Paragraph 2.8 of the **GTAA (H05)** acknowledges the definition from **PPTS (2015)** and paragraphs 2.25-2.32 set out details of the **PPTS (2015)** and **NPPF**. Chapter 3 of the **GTAA [H05]** sets out the methodology used to produce the **GTAA**, which is consistent with the **PPTS (2015)**.

18. Paragraphs 11-14 above set out how the **GTAA Update (H06)** updated the previous **GTAA (H05)**, in response to the **PPTS** change of definition of Gypsy, Traveller and Travelling Showpeople.
19. The policy as originally drafted is considered to clearly set out the requirements for the provision of pitches and plots as it stood at the time of drafting, as per the definition in the **PPTS (2015)**. However, the presentation of the need level is influenced by the **GTAA (H05)** methodology, which results in the need level being split into 3 categories:
- 1) those established as meeting the **PPTS (2015)** definition;
 - 2) those established as not meeting the **PPTS (2015)** definition; and
 - 3) those travellers identified as potentially meeting the definition, but where this has not been definitively established -these are defined as “undetermined”.
20. From a factual standpoint, the figures set out in the policy do need to be amended to reflect the changes made to the definition of traveller and travelling showpeople in the latest **PPTS**. This is addressed through indicative changes to the policy in **Suggested Modifications to the Regulation 19 Local Plan: Response to MIQs November 2024** (suggested modifications **SM47, SM48, SM49** and **SM50**).
21. The **GTAA Update (H06)** sets out the revised need figures for the Plan period for those 1) who meet the **PPTS** definition; 2) those who do not meet the **PPTS** definition and 3) those who potentially meet the definition but where this cannot be established – those defined as “undetermined”. The figure for those who meet the **PPTS** definition over the Plan period (2023-2040) is now 79 pitches (up from 77 pitches).
22. The category relating to those “not meeting the definition” (the identified figure in **GTAA Update (H06)** is 29 pitches) was important after the Lisa Smith judgment, and the subsequent changes to the **PPTS**, as there was a strong argument that some of that need should be planned for in the same way as those who met the **PPTS** definition e.g. those who have never travelled and those who have never travelled for work. The approach of this local plan is that it is only those meeting the definition that should be included in an assessment of need for ‘planning definition’ travellers and that gypsies who have ceased travelling should be counted and provided for elsewhere. This does not necessarily mean that these gypsies should be allocated ‘bricks and mortar’ housing but that suitable housing provision should be made. The other caravan dwellers captured by the ‘do not meet the definition’ category would form part of the general housing need, as set out in Paragraph 62 of the **NPPF**.
23. The “undetermined” category does not need to be planned for specifically but is referred to in paragraph 10.67 of the **Plan** which sets out the level of need as in some instances those travellers may be able to demonstrate that they meet the **PPTS** definition and hence seek a pitch on that basis.
24. Given the changes to **PPTS** and the resultant update to the need position referred to above, it would be clearer and simpler to only include the category pertaining to those who meet the definition, and the Council is proposing amending the supporting text to that effect in **Suggested Modifications to the Regulation 19 Local Plan: Response to MIQs November 2024 (SM48 and SM49)**.

3) [Is it justified?](#)

25. It is considered that the **Plan (SD01)** is justified with regards to the provision of accommodation for gypsies, travellers and travelling showpeople. Strategic Policy 43 provides an appropriate strategy for meeting the needs of gypsies, travellers and travelling showpeople, taking into account the reasonable alternatives and based on the evidence provided in the **GTAA (H05)** and **GTAA Update (H06)**.
26. The Council has done all that it can to identify specific deliverable and developable sites to meet the high level of need identified by the **GTAA (H05)** over the Plan period, particularly over the first 10 years.
27. In terms of identifying supply, the following headings are:

- Permissions granted after the base date of the new local plan (April 2023)
- Vacant pitches
- Intensification/ expansion of existing authorized sites
- Call for Sites Exercises
- Allocations of pitches on strategic sites

[Permissions granted after base date of new local plan \(April 2023\)](#)

28. Three permissions have been granted since the base date of the **Plan (SD01)**, giving a total of 7 pitches of supply.
- Pear Tree Farm, Furners Lane, Henfield (DC/21/1796/FUL) 5 pitches granted on appeal 29 February 2024;
 - Redgates, Burnthouse Lane, Lower Beeding RH13 6NN (DC/24/0273/FUL) 1 pitch granted 26 April 2024
 - Parsons Field Stables, Pulborough (DC/19/2105/FUL) 1 pitch, granted on appeal 7 August 2023 (temporary to permanent permission).

[Vacant Pitches](#)

29. The only vacant pitches with extant planning permission are those granted permission after the base date of the Plan. As these sites are already included in the supply, there are no vacant pitches.

[Intensification/Expansion of Existing Authorised Sites](#)

30. The **Horsham Gypsy and Traveller Site Assessment (Site Assessment) (H07)** includes an assessment of 21 sites for allocation for gypsy and traveller use, together with 1 site for travelling showpeople. There is a range of information included under “Site Background” and also under “Development Constraints” for each site, together with a conclusion at the end. Of the 21 sites assessed for Gypsy & Traveller use, 14 have been allocated in Strategic Policy 43 “Gypsies and Travellers”. In addition, the 1 site assessed for travelling showpeople has been allocated. Together, these pitches would provide a total of 69 net pitches over the Plan period for Gypsies and Travellers. The travelling showpeople site would provide 1 additional plot. The remaining 7 sites that were assessed were not allocated for gypsy and traveller use in the Plan [SD01]. This gives an overall supply figure for the Plan period of 76 (net) gypsy and traveller pitches plus 1 travelling showpeople plot.
31. Of the 21 sites assessed, 6 were existing, authorised sites. These are listed below in Table 11. Based on the findings of the **Site Assessment (H11)**, it was deemed appropriate to intensify these sites with an additional 22 net pitches.

[Calls for Sites Exercises/ New Sites](#)

32. The Council carried out 3 “Call for Sites” exercises in May 2019, September 2020 and November 2022. 5 responses were received in May 2019; 6 responses were received in September 2020; and 7 responses were received in May 2022. Of these responses, 1 dealt with a strategic allocation (Land West of Ifield), 1 dealt with a site, which has subsequently been granted planning permission (Parsons Field Stables, Pulborough), and 3 concerned sites that have been included in Table 11 as allocations under Strategic Policy 43 “Gypsies and Travellers”: (Gay Street Lane, Pulborough (5 net pitches); Land East of Coolham Road, Thakeham (2 net pitches) and Plot 3, Bramblefield, Thakeham (3 pitches)). One of these is a new site (Gay Street Lane, Pulborough), one has had an application refused and dismissed at appeal (but solely on water neutrality grounds) (Land East of Coolham Road, Thakeham) and one is an intensification of an existing site (Plot 3, Bramblefield, Thakeham).

[Allocation of pitches on Strategic Sites](#)

33. The **Plan (SD1)** sets out that the 3 strategic sites are to provide pitches as part of their development: 15 pitches in Strategic Policy HA2 “Land West of Ifield” (approximately 3000 dwellings); 5 pitches at

HA3 “Land West of Southwater” (1000 dwellings) and 5 pitches at HA4 “Land East of Billingshurst” (650 dwellings). The Council has incorporated the provision of these pitches/plots into its capacity considerations in relation to these sites, and their provision has also been considered through the viability work which has been undertaken (as set out in **Horsham Local Plan Viability Assessment” (H12) Chapter 8).**

4) [Is it effective?](#)

[Overall Supply](#)

34. It is considered that the approach to providing for the unmet Gypsy and Traveller needs in Horsham District over the Plan period, as set out in the **GTAA (H05)** and **GTAA Update (H06)** is effective. The 76 net pitches allocated in Table 11 below can be broken down into the following categories and time periods. They are considered deliverable over the Plan period.

Table 11: Gypsy and Traveller & Travelling Showpeople Site Allocations Years 1-5 (2023-2028)

Site	Existing Authorised G&T Pitches	Proposed Additional Pitches	Total Gross Pitches (Total Net Pitches)
<u>Sites with planning permission after 1 April 2023</u> - Pear Tree Farm, Furners Lane, Henfield DC/21/1796 (5 pitches) - Redgates, Burnthouse Lane, Lower Beeding DC/24/0273 (1 pitch) - Parsons Field, Pulborough (1 pitch)	0	7	7(7)
<u>Intensification of Existing Sites</u>			
Land at Junction of Hill Farm and Stane Street, Codmore Hill	2	2	4 (2)
Fryern Park, Storrington	2	2	4 (2)
Northside Farm, Rusper	1	3	4 (3)
Southview, The Haven, Slinfold	1	4	5 (4)
Sussex Topiary, Rudgwick	4	8	12 (8)
Plot 3 Bramblefield, Crays Lane, Thakeham	1	3	4 (3)
<u>Existing Site which requires regularization</u> Kingfisher Farm, West Chiltington Lane, Barns Green	0	11	11 (11)
<u>Sites with planning applications refused and dismissed at appeal (but solely on water neutrality grounds)</u>			
Land East of Coolham Road	0	2	2 (2)

Land NW of Junipers Harbolets Road	0	3	3 (3)
Downsview Paddock, New Hall Lane, Small Dole	0	1	1 (1)
<u>New Strategic Sites</u> Land East of Billingshurst	0	5	5 (5)
TOTAL	11	51	62 (51)

Table 11: Gypsy and Traveller & Travelling Showpeople Site Allocations Years 6-10 (2028-2033)

Site	Existing Authorised G&T Pitches	Proposed Additional Pitches	Total Gross Pitches (Total Net Pitches)
Land at Girder Bridge , Gay Street Lane, North Heath Pulborough	0	5	5 (5)
Land North West of Southwater	0	5	5 (5)
TOTAL	0	10	10 (10)

Table 11: Gypsy and Traveller & Travelling Showpeople Site Allocations Years 11-17 (2033-2040)

Site	Existing Authorised G&T Pitches	Proposed Additional Pitches	Total Gross Pitches (Total Net Pitches)
Land West of Ifield (part)	0	15	15 (15)
TOTAL	0	15	15 (15)
OVERALL TOTAL 2023-2040	12	76	88 (76)
Travelling Showpeople Accommodation	Existing Plots	Proposed Additional Plots	Gross Plots (Net Plots)
Honeybridge Lane, Dial Post	4	1	5 (1)

Question 3: Are the criteria used in Strategic Policy 43: Gypsy and Travellers consistent with the PPTS? Is it clear how any proposals for non-allocated sites will be assessed should they come forward over the Plan period?

35. Yes, the criteria used in Strategic Policy 43 are consistent with the **Planning Policy for Traveller Sites (PPTS)**. The **PPTS** states at Paragraph 13 that local authorities should ensure that traveller sites are sustainable economically, socially and environmentally. Specifically, local authorities should ensure their policies:

- Promote peaceful and integrated co-existence between the site and local community;
- Promote, in collaboration with commissioners of health services, access to appropriate health services;
- Ensure that children can attend school on a regular basis;
- Provide a settled base that reduces both the need for long-distance travelling and possible environmental damage caused by unauthorised encampment;
- Provide for proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well-being of any travellers that may locate there or on others as a result of new development;
- Avoid placing undue pressure on local infrastructure and services;
- Do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans;

- Reflect the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability.
36. In addition, Policy H of the **PPTS** sets out additional criteria to be considered when determining planning application for traveller sites. Paragraph 26 sets out that when considering applications, local authorities should attach weight to the following matters:
- Effective use of previously developed land (brownfield), utility or derelict land
 - Sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness
 - Promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children;
 - Not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.
37. It is considered that the criteria contained in Strategic Policy 43 “Gypsies and Travellers” paragraph 2 a) – i) cover all of the points identified in paragraphs 13 and 26 of the **PPTS**. The key criteria within the policy include: ensuring that the site has safe and convenient access to the highway and public transport services, which is vital for Gypsies, Travellers and Travelling Showpeople and their preferred modes of transport. The policy also requires at criterion c) that there is provision within the site for parking, turning and servicing. Criterion d) is also essential in terms of providing residents with access to local services and community uses (healthcare, schools and shops) that are within a reasonable distance of the development. This is essential to promote sustainable development and healthier lifestyles. It is considered key that the proposal is not located in an area that is at high risk of flooding. It is also considered key that the site will have a supply of essential services, such as mains gas, electricity, water, sewerage, drainage and waste disposal, so that the amenities of residents and neighbours are not impacted in the future. Finally, the amenity of occupiers of neighbouring sites must be protected and that is included at criterion e).
38. The **Horsham Gypsy and Traveller Site Assessment (H07)** included a lot of these criteria in assessing the suitability of sites for allocation for Gypsy and Traveller use. The criteria used in the **Site Assessment (H07)** include planning status, and whether the individuals are meet the definitions of Gypsy, Traveller and Travelling Showperson as set out in the **PPTS**. They also include a full range of development constraints, ranging from environmental constraints (Area of Outstanding Natural Beauty; Ancient Woodland, Local Wildlife Site and Flood Zone); utility constraints (within high pressure has pipeline safeguarding zone, mains water and electricity available or accessible, sanitation available or capable of being provided, provision for surface water and storm water drainage); transport constraints (safe access to highway network); local provision/ community access (primary school within 2km, GP surgery within 2km, shops within 2km, public transport within 800m); local amenity issues (impact of site on local character and amenity, impact of site on amenity of local residents); and site constraints (constraints on design and layout). Finally, the assessments look at the need requirements associated with each site.
39. Overall , given the explanation in paragraphs 36 and 37 above, it is considered that it is clear how proposals for non-allocated sites will be assessed, based on the criteria included in Strategic Policy 43 paragraph 2.

Question 4: is Strategic Policy 43: Gypsy and Travellers sound?

40. Yes, it is considered that Strategic Policy 43: Gypsies and Travellers is sound. As discussed above, it is considered that Strategic Policy 43 “Gypsies and Travellers” has been positively prepared, as discussed in paragraphs 16-23. It is considered justified, as set out in paragraphs 24-32. It is also considered effective, as set out in paragraph 33 and in Table 11.

Question 5: Is there any substantive evidence that the Plan should be accommodating unmet need from neighbours, and if so, would it be sound to do so? In any event, should any unmet needs from other relevant areas be clearly identified in the Plan?

41. No, there is no evidence that the Plan should be accommodating unmet need from neighbours. The **GTAA (H05)** sets out at paragraph 3.10 which neighbouring authorities were spoken to regarding their issues with Gypsy & Traveller provision. These included Adur and Worthing; Brighton and Hove; Chichester; Crawley; Mid Sussex; Mole Valley; Reigate and Banstead; South Downs National Park Authority & Waverley. No evidence was found that Horsham District should be accommodating unmet need from any of these authorities.
42. In addition, the Council has signed Duty to Co-operate statements with neighbouring authorities, which all include the position on Horsham being unable to meet any of its neighbours' Gypsy and Traveller needs. These are set out in the Statements of Common Ground **DC03 to DC12** inclusive.