



Planning Policy & Design Statement

Section 42 application for planning approval related to 17/00457/FUL – for removal of Condition 1 and Condition 9:

Condition 1 - That the permission hereby granted is for a temporary period only and shall expire on 29 May 2022.

Condition 9 - That notwithstanding the details submitted the approval hereby granted is for the stable block, two caravan pitches and amenity blocks. The use of the site shall be restricted to primarily horse livery. No buildings or uses other than that expressly approved under the terms of this consent shall be erected or carried out on site without the prior written approval of the Planning Authority.

Location – Site at Foulburn Farm, Foulburn Road, Hartwood, ML7 5FA

For – Mr Andrew Cameron

Date: Update - August 2021

(revised 11-8-21)



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1. Introduction

1.1 Introduction

- 1.1.1 LASplanning has been commissioned by the Applicant, Mr Cameron, to submit a Section 42 application for the removal of planning condition 1 and condition 9 relating to planning approval 17/00457/FUL. Planning condition states *'That the permission hereby granted is for a temporary period only and shall expire on 29 May 2022'* and planning condition 9 states *'That notwithstanding the details submitted the approval hereby granted is for the stable block, two caravan pitches and amenity blocks. The use of the site shall be restricted to primarily horse livery. No buildings or uses other than that expressly approved under the terms of this consent shall be erected or carried out on site without the prior written approval of the Planning Authority.'*
- 1.1.2 In addressing the removal of planning condition 9, the Applicant declares that the horse livery business originally envisaged and consented has not been proven to be commercially viable. Consequently, a stable block and paddock will remain in situ for domestic purposes only. This is in keeping with the traditions and lifestyle choices of the Gypsy/Traveller community and is considered to have no detrimental residential amenity or visual impact on the application site or its immediate surrounds. It is therefore requested that planning condition 9 is removed, as part of this Section 42 application.
- 1.1.3 This Planning Policy and Design Statement now provides a detailed justification as to why condition 1 should be removed and a permanent planning permission granted for the application site. An assessment of national and local Development Plan policies has occurred and material considerations have been reviewed. A conclusion is reached that the application site and development is acceptable as a permanent planning permission, as this reflects the need, in line with National Policy, to provide fairly for the specific needs of the Gypsy/Traveller community. It is also the case that the applicant's commercial interests, referenced in previous planning applications for the site, have ceased and that the original purpose/s of the time limiting condition therefore no longer apply. In addition, it is proven that precedent has been established for permanent Gypsy/Traveller sites elsewhere within the Planning Authority area and that the Council have a particular obligation at this current time, whilst amidst a global pandemic; to ensure that all community needs are met locally and wherever possible in perpetuity. As such it is respectfully contended that planning condition 1 should be removed.

1.2 The Site & Surrounding Area

- 1.2.1 The Application Site is located approximately half a mile to the north west of Allanton, North Lanarkshire (Appendix 1 – Site Location Plan). Extending to 12,618 sq. metres the Application Site is bounded by the public road to the south east and south west and open countryside to the north east and north west. The area is characterised by man-made and natural features with the main rail line (located to the south east) and mature coniferous woodland providing effective screening. Together with the sloping topography of the application site (rising up from south to north) and the surrounding land, the application site commands an extremely secluded location in this part of North Lanarkshire.
- 1.2.2 The application site is sufficiently close to the settlement of Allanton to allow access to community facilities including school and shops. Health care is also available in surrounding settlements.

1.3 Planning History

- 1.3.1 **10/00243/FUL** - *Removal of House Ruin and Erection of Replacement Stables, 2 Polytunnel Greenhouses for use in conjunction with Horticultural Business and Siting of Temporary Residential Caravan* at Foulburn Farm, Foulburn Road, Hartwood, ML7 4JY – **application approved**. An overview of the key components is provided as follows from the Planning Authority Committee Report and to highlight relevant matters:
- > Application progressed by applicant to support the operation of a stable and landscaping business.
 - > Financial and labour requirement justification provided evidencing that the existing landscape business will fund development of the proposed horse stable and evidencing additional net employment (1 person).
 - > No public trading proposed on site and 12 vehicle car parking is provided for to accommodate stable use.
 - > One temporary residential caravan approved onsite to provide welfare for security and supervision up to 15 October 2013. Planning authority reasoning cited that area has '*rural amenity*' and that duration is sufficient to prove '*commercial viability of equine activity*'.
- 1.3.2 **17/00457/FUL** - *Change of Use of Agricultural Land for the Formation of Two Caravan Pitches, including Amenity Blocks and Stable Block, Formation of Access and Hardstanding (in Retrospect)* at Foulburn Stables, 100 Foulburn Road, Hartwood, ML7 5FA [the Application Site] – **application approved**. An overview of the key components is provided from the Planning Authority Committee report as follows for ease and to highlight relevant matters:

- > Application progressed to reflect the cessation of the landscaping business and the formation of 2 caravan pitches with ancillary accommodation and a storage shed. A stable block was also agreed.
- > Planning policy and design statement submitted to provide supporting justification.
- > Assessment by planning authority acknowledges site is *'self-contained and has the potential to function as a cluster of caravans and buildings associated with Gypsy/Traveller use'* It is also stated that *'the proposal does not impact on the visual amenity of the wider area....the impact on the character and function of the Rural Investment Area is considered to be acceptable....not considered that the proposal would intensify the use of surrounding roads significantly or result in any impact on road safety....no impact on surrounding properties as there is no properties in close proximity to the site'*.
- > Assessment by the planning authority states that *'it is accepted that there is no perfect location for gypsy/traveller sites and that compromises will be necessary in the assessment of such applications. The Government guidance also outlines criteria which should be addressed when assessing applications for private sites and the proposals are considered to generally comply with these criteria. It is the council's responsibility to identify, assess and resolve the needs of travellers and in terms of the current application it is considered that in this instance the approval of this application will go a small way to resolving a current shortfall in council provision. In addition, the objectives of rural policy would not be compromised by the proposal. As a result, an exception to policy can be justified in this case.'*
- > In granting planning permission the planning authority however recommended that only temporary planning permission be granted. This is done without explicit reasoning or stated justification and is therefore assumed to reflect the terms of the original consent (**10/00243/FUL**).

1.3.3 The planning application now progressed, accompanies correspondence on behalf of the applicant confirming that the planning conditions attached to permission reference **17/00457/FUL** have been satisfied. This demonstrates the commitment from the applicant to meet statutory obligations and to ensure that the application site provides high quality accommodation and amenities to serve their needs. This application reflects a material change in circumstances on site, namely that the landscaping business is no longer operational and that the proposed development, formalises accommodation provision in a manner which is much improved from the temporary single static caravan, formerly in situ.

2. Changing and Challenging Circumstances

2.1 Introduction

2.1.1 The world is now a different place as a consequence of the Coronavirus (COVID-19) pandemic. The UK Government has set out strict measures to respond to this public health emergency. The intention is to support people, their families and loved ones, achieved by reducing unnecessary social contacts and avoiding unnecessary journeys.

2.2 Impact of the Pandemic

2.2.1 Recently, Savills (one of the world's leading property agents) recognised that the coronavirus pandemic will affect all aspects of the UK housing market. The Gypsy/Traveller community cannot be excluded from this assertion as public funds become even more scarce.

2.2.2 Existing planning policy was written for a time when economic prosperity was on the brink of returning or at least stabilising (arguably). However, the pandemic will continue to have an impact on business and industry, unemployment and the people of Scotland, particularly now, when at the time of writing, it is speculated¹, perhaps likely, that the UK may enter a further period of recession. Planning policy will have to be redrafted and/or interpreted to factor in an economic downturn as the planning profession attempts to fulfil its role as a promoter of economic growth and protector of society. Delivery of development will need to be addressed through innovative planning practice and with a renewed focus on mitigating climate change impacts, providing spatially for services and societal needs in addition to helping to create quality places including housing.

2.2.3 The Chief Planning Officer in Scotland has reiterated this informing the planning profession that:
'Planning has a crucial part to play within and beyond the immediate emergency. A high performing planning system will have a critical role in supporting our future economic and societal recovery, and our future health and wellbeing. Those of us involved in planning, across sectors, must do what we can to keep plans and proposals moving through the system, throughout this period of uncertainty and in the months and years ahead. That might mean being prepared to adopt some new approaches; measuring risk and taking a pragmatic view of how we can best continue to plan and make the decisions vital to the recovery of

¹ <https://www.bloomberg.com/news/articles/2021-01-05/u-k-head-for-deeper-double-dip-recession-with-third-lockdown>

our communities and businesses.' (John McNairney 3 April 2020) In addition, the Chief Planner advises: *'we will need an innovative, pragmatic, practical and flexible approach.'*

The Chief Planning Officers letter is submitted along with this planning application (see Appendix 2).

- 2.2.4 With the impact of the coronavirus pandemic changing the social, environmental and economic structure in Scotland, this means people are having to adapt to different ways to live. The Gypsy/Traveller community are no different and more and more families are looking for land to create a secure home where they can live and self-isolate if required to do so. The primary intention is to minimise the need to travel and avoid using unauthorised sites which are potentially even more unsafe in these difficult times.
- 2.2.5 It is highlighted that COSLA and Scottish Government guidance published in June 2020² provides a framework for Scottish Local Authorities in supporting Gypsy/Traveller communities living on public and private sites; and in managing unauthorised encampments during the COVID-19 outbreak.
- 2.2.6 It is this guidance that specifically requires stakeholders, including local authorities and the Gypsy/Traveller Community to; *'...help Gypsy/Travellers protect themselves from the virus and to limit any risks associated with travelling: Direct engagement with (encampment) residents will be necessary to understand any specific risks and vulnerabilities of people staying on the camp and what measures they need or may be required...'* (Paragraph 2.6, June 2020, Scottish Government/COSLA). My client is doing this and in undertaking the change of accommodation provision onsite has acted responsibly to meet stated needs relative to his households who he seeks to permanently accommodate.
- 2.2.7 The referenced guidance (COSLA/Scottish Government, June 2020) also clearly sets out ongoing priorities to support sites and encampments which are to ensure:
- **'A safe place to live** – *the need for good quality, affordable site provision - permanent or temporary/transit - will be even more important with people having less income to meet wider living costs;*
 - **Support for self-isolation** – *people on camps will continue to need options to help them follow health advice, self-isolate or shield from others, with appropriate support from services;*
 - **Sanitation**– *making sure people have access to the facilities they need to stay healthy and safe on camps including access to toilets, water and waste facilities remains important going forward; and*

² COVID-19 Framework for Local Decision Making on Gypsy/Traveller Support - Version 4 Test and Protect – June 2020: <https://www.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2020/04/coronavirus-covid-19-supporting-gypsy-traveller-communities/documents/supporting-gypsy-travellers/supporting-gypsy-travellers/govscot%3Adocument/Covid%2B19%2BFramework%2Bfor%2BLocal%2BAuthorities%2Bon%2BSupporting%2BGypsy-Travellers%2B-%2BV4.pdf>

- **Communication** – to provide the Community with health advice and information on the test, trace, isolate and support provision, referred to as “Test and Protect” as set out in the Scottish Government’s strategy at www.gov.scot/publications/coronavirus-covid-19-test-trace-isolate-support/. Communication should be accessible and relevant to the Gypsy/Traveller lifestyle. This includes improved digital access to allow Gypsy/Traveller who will need to be supported to access services which are increasingly being provided online’.

2.2.8 Furthermore, it is noted that the guidance states that COSLA’s Community Wellbeing Board endorsed these priorities at their meeting on 18 May 2020 and agreed to ‘*further the ongoing work to mitigate the public health risks of COVID-19 for our Gypsy/Traveller communities*’. They proposed that Local Authority approaches to supporting Gypsy/Travellers should be guided by:

- **‘Human rights and public health principles** - There is a continued need to support Gypsy/Travellers in line with public health and human rights duties and principles, this includes ensuring access to water and sanitation to meet basic health needs during the pandemic, and the right to travel. The objective is to support people who are ill and to limit any spread of the virus. Where there are people at increased risk on a site on in an encampment, it may be appropriate to continue to provide significant support;
- **Up to date advice on restrictions on movement** - While restrictions on movement remain, Gypsy/Travellers should be supported to remain on existing encampments, with a more flexible approach to travel developing as more movement is permitted;
- **Participation and engagement** - A core principle to guide decisions in all circumstances is the need to engage with Gypsy/Travellers directly to understand their particular circumstances and what responses are needed to keep people safe locally’.

2.2.9 This guidance is also in line with the Scottish Government ‘*Joint Gypsy/Travellers Action Plan, Improving the Lives of Gypsy/Travellers 2019-21*’, which has the full support of all 32 Local Authorities.

2.3 Scottish Government Actions

2.3.1 There has been a change in political attitudes and commitment towards the Gypsy and Travelling community in Scotland. This includes the publication of a Ten Point Plan, draft Planning Guidance and an Action Plan (*Joint Gypsy/Travellers Action Plan, Improving the Lives of Gypsy/Travellers 2019-21*) which commits finance to promote (amongst other outcomes) an increase in accommodation for Gypsy/Traveller people.

- 2.3.2 Critically the Planning Etc. (Scotland) Act 2019 also now articulates much of this within a revised suite of Development Plan documents, not least a forthcoming National Planning Framework 4 (NPF4) and consolidated, revised Scottish Planning Policy statements. In addition, local authorities (through Local Development Plan Evidence Reports) are to be required to summarise action taken to meet the accommodation needs of Gypsy/Travellers and to present an analysis of the extent to which the action has helped to meet those needs.
- 2.3.3 The Scottish Government commissioned Engage Scotland and Craigforth to undertake a data collection exercise and prepare a report (2018)³ to provide a baseline understanding of current supply and use of Gypsy/Traveller sites in Scotland, and to support future policy development. The outputs of this have informed the preparation of NPF4 and are also considered to be relevant to the application now submitted. Specifically, it is highlighted that the Scottish Government's Race Equality Action Plan (2017-21) sets out key actions to drive positive change for minority ethnic groups in Scotland, including Gypsy/Travellers. A Ministerial Working Group has also been established and has identified housing and planning as one of four key areas of focus. Further, it is also reiterated that current National Planning Policy and guidance require housing strategies and development plans to be based on a robust housing need and demand assessment – including evidence on current provision and likely future need for sites for Gypsy/Travellers. Where there is evidence of such a need, Local Development Plans are expected to include suitable land allocation and consider the need for policies for private sites.
- 2.3.4 This reporting for Scottish Government, illustrates clearly (Figure 4, Public Site Permanent, Temporary and Inactive pitches, pg 12, 2018) that North Lanarkshire has no recorded provision of available municipal locations for Gypsy/Travellers. Likewise (Figure 10, Overview of private Gypsy/Traveller site provision, pg 19, 2018) North Lanarkshire also has no recorded provision of available private locations for Gypsy/Travellers. This matter specifically is addressed further in subsequent sections of this report (paragraph 4.1.2). Finally, it is also highlighted that of the sampled planning applications (53) approved by local authorities conditions most commonly attached to Gypsy/Traveller applications relate to, “restrictions on site occupancy and use, landscaping of sites and screening to mitigate visual impact, foul and surface water drainage, and vehicular access arrangements” (Engage Scotland/Craigforth, pg 29, 2018).
- 2.3.5 It is considered that of note from these findings, is that site occupancy and use conditions do not reference the use of temporary time limited consents but rather that most authorities practice is to specify that the site

³ <https://www.gov.scot/binaries/content/documents/govscot/publications/research-and-analysis/2019/04/gypsy-traveller-sites-scotland/documents/gypsy-traveller-sites-scotland/gypsy-traveller-sites-scotland/govscot:document/gypsy-traveller-sites-scotland.pdf>

is used only by Gypsy/Traveller households. This includes, in some instances, conditions being applied limiting the number of caravans on site at any one time. These approaches, it is contended, ensure fairness and recognise the unique needs of the Gypsy/Traveller communities.

- 2.3.6 Lastly, it is clear that in achieving higher quality environments, community wellbeing is central to the placemaking priorities articulated through ‘Place Principle⁴’ collaboration agreed between Scottish Government and COSLA in April 2019. This commits the Scottish Government and partners, including local authorities, and all community groups *‘to exercise local or regional accountability over decisions taken about the way resources, services and assets are directed and delivered...strengthening the co-ordination and integration of all place-based activity...’* (Scottish Government Factsheet, 10 April 2019).
- 2.3.7 Directly relevant to this commitment and relevant to the site in question, is the applicability of the Place Standard Tool within the Scottish Gypsy/Traveller community. An NHS Scotland, Planning Aid Scotland and Seath Planning consultancy research paper (November 2019 – Appendix 3) specifically concluded that, in particular, the comparison of sites in private ownership and public sector sites showed a stark difference. Namely that, in the two private sites, a greater satisfaction level is reflected compared to those for sites in public sector ownership. As places to live, it was therefore concluded that private sites offered more beneficial features that enhance the health and wellbeing of Gypsy/Travelling families.
- 2.3.8 The provision of private sites is therefore considered to be proven, as locations which promote health and wellbeing. In the current pandemic and beyond as the Scottish Planning System stives to support the betterment of health outcomes through placemaking and inclusivity, this can prove to be an even more invaluable asset to the Gypsy/Travelling community. North Lanarkshire Council are therefore asked to take note of the findings of this study (Appendix 3).

3. Planning Conditions of Permission 17/00457/FUL

- 3.1 Work has been carried out in order to discharge planning conditions 2-10 imposed on planning permission 17/00457/FUL. A letter has been provided to North Lanarkshire Council evidencing the case for discharging these conditions.

⁴ <https://www.gov.scot/publications/place-principle-introduction/>

- 3.2 In doing so the client has evidenced their ability and intent to ensure that the application site and wider locale incur no detriment. It is also considered that this illustrates their willingness to invest and to ensure that the site benefits from infrastructure and services which ensure its suitability as a permanent home.

4. The Need for Permanency

4.1 Introduction

- 4.1.1 Whilst the scale of the accommodation required by the Gypsy/Traveller community is small, relative to the needs of the settled community, it cannot be overlooked and it should not be provided for on a time limited basis, unless clear justification exists for this. To do so undermines the principle of providing for long term needs of all community groups and in the case of this application, undermines the applicant's abilities to confidently invest further in the site to provide adequately and securely for the future needs of the extended Cameron family. In addition, the lack of a permanent planning permission may limit the ability of the applicant to implement medium to long term placemaking measures or to commit to local educational and healthcare services and serves only to instil a perceived lack of fairness towards Gypsy/Travellers in the Scottish Planning system. This is highlighted as in this instance; no justification has been stated by the Planning Authority as to why a temporary consent is considered necessary. Nor it would appear has any consideration been given instead by the planning authority to issue a 'personal permission' reflective of the specific nature and purpose of the proposed development.
- 4.1.2 As detailed within the Clydeplan Strategic Development Plan Proposed Plan - Background Report (January 2016) 'Beyond the Housing Need and Demand Assessment' (HnDA), the evidence base on Gypsy/Traveller and Travelling Showpeople dates from 2007. This evidence suggested no need for additional sites or pitch provision, however, the current position (at that time) was stated as being in need of refresh *"to establish whether this remains the case"*. It continues stating that *"...the partner authorities are jointly developing a brief with a view to updating the findings of the 2007 study (based on secondary data) to provide a clearer understanding of housing needs and appropriateness of current provision..."*.
- 4.1.3 The North Lanarkshire Local Housing Strategy (2016-2021) updates this position by acknowledging that *"...It is clear from the anecdotal evidence gathered to date that households are passing through North Lanarkshire and choose to stop in locations that they feel are safe and accessible. The majority of households indicated that they would not use an official site if this was available and few expressed concerns over discrimination from communities surrounding the locations, this is possibly because most of*

the unauthorised sites are within industrial areas....". The LHS also continues by accepting that "access to services remained an issue for Gypsy Travellers on unauthorised encampments and the importance of services such as the 'Keep Well' programme to improve access to health services for Gypsy Travellers and signpost or link Gypsy Travellers into other services. It is intended that ways in which we can improve access to services will be explored further through the corporate working group....".

- 4.1.4 The LHS also commits (LHS priority Action Plan, Action 1.7), to "Continue joint working locally and at a regional level with Glasgow and Clyde Valley LHS Group and Clydeplan Housing Market Partnership to identify housing need of gypsy/travellers" by preparing a revised HnDA in 2021.
- 4.1.5 Taken together, it is considered therefore that there is an acceptance regionally for an updated evidence base on accommodation provision needs for Gypsy/Traveller communities and that locally, the need to ensure access to services within North Lanarkshire is one of increasing priority. It is considered that the application now progressed and proposal to create permanent provision by the applicant provides opportunity to support these needs and to assist in meeting the uniquely altered circumstances of planning for inclusivity and health in today's world.
- 4.1.6 Providing safe and reliable housing accommodation provision is particularly pertinent if local authorities do not have an available or planned supply of allocated sites and is a central objective of the Scottish Planning System. This is now clearly set out than within the Scottish Government 'Housing to 2040' statement⁵ which, states that *'This new approach will encompass the whole housing system – we want Housing to 2040 to be a lasting legacy that is not just about new homes, but that takes into account the people, place, environment and communities in which our homes, both new and old, are located'*. The statement continues, by specifically clarifying that in referring to *'the whole housing system'* that this *'includes culturally appropriate accommodation for Gypsy/Travellers such as sites, for example, as well as more traditional forms of accommodation...'* (Scottish Government, Housing to 2040, 2019). In addition, the prescribed vision is for (amongst other matters), *'fairness'* in ensuring a well-functioning housing system and that *'Housing and the housing market should be highly flexible to enable people to meet their changing needs'* (Principle 14). In this context Gypsy/Travellers are again specifically referenced in ensuring that *'...Housing supports, enables and reflects the diverse people of Scotland...'* (Scottish Government, Housing to 2040, 2019).

⁵ <https://www.gov.scot/publications/housing-to-2040/>

4.1.7 It has also been confirmed in Planning Aid Scotland guidance and research⁶ (Planning Aid Scotland, 2015) that *'Dealing with the accommodation needs of Gypsy/Travellers is the most direct means of tackling wider problems of inequality and social cohesion....'* In addition, it is found (with particular relevance to this application) that; *'Temporary permissions can create uncertainty and should be avoided wherever possible. If applications are acceptable in planning terms then permanent permission should be granted...'* With regard to this planning application there is no significant planning harm considered to arise from the proposed development to deny the granting of a permanent planning permission.

4.1.8 The guidance referred to here does acknowledge that *'...Temporary permissions may also be appropriate if the Development Plan does not have any Gypsy/ Traveller policies to assess such applications against, or if there are some operational concerns that are to be monitored in practice, e.g. access, impact on traffic...'* (Planning Aid Scotland, 2015). However, from a review of the planning history of the application site and the consultee comments received in considering the current permission, this situation does not arise and a temporary consent is therefore not justifiable.

4.2 Local Precedent Summary

4.2.1 **16/01655/FUL** - Change of Use to Travellers Site (Five Residential Pitches), Erection of Amenity Blocks and Boundary Walls, Formation of Landscape Bunds, Access, Access Roads and Hardstanding – *no condition applied for temporary permission*

- In referring to Scottish Planning Policy (2014) the committee report refers to: *'The Scottish Government policy and advice outlined above highlights the Council's responsibility to provide adequate permanent accommodation for travelling people and set out policies for dealing with applications for small privately owned sites. In assessing proposals for private sites it is accepted that there is no perfect location for gypsy/traveller sites and that compromises will be necessary in the assessment of such applications. The Government guidance also outlines criteria which should be addressed when assessing applications for private sites and the proposals are considered to generally comply with these criteria. It is the Council's responsibility to identify, assess and resolve the needs of travellers and in terms of the current application it is considered that in this instance the approval of this application will go a small way to resolving a current shortfall in Council provision. In addition, the objectives of rural policy would not be compromised by the proposal. As a result, I am satisfied that an exception to policy can be justified in this case.'*

⁶ #2 Gypsy/Travellers and the Scottish Planning System - A Guide for Local Authorities (<https://www.pas.org.uk/wp-content/uploads/2019/07/2-A-Guide-for-Local-Authorities.pdf>)

4.2.2 **10/00544/FUL** - Change of Use to Establish Nine Private, Permanent Gypsy/ Traveller Pitches (In Retrospect)

- *no condition applied for temporary permission*

- Noting specifically that *'The use as a permanent gypsy/traveller pitch would therefore not set an undesirable precedent for other similar developments in the rural investment area.'*

- States that *'The Scottish Government policy and advice outlined above highlights the Council's responsibility to provide adequate permanent accommodation for travelling people and set out policies for dealing with applications for small privately owned sites.'*

4.3 Fairness and Equality

4.3.1 It is largely accepted that, in order to make progress in terms of reducing inequality and discrimination faced by Gypsy/Travellers, increased permanent site provision is required. Addressing the accommodation needs of Gypsy/Traveller communities is a helpful route to ensuring positive outcomes. Research has shown that a lack of suitable accommodation and poor conditions is related to poor education and poor health outcomes for the Gypsy/Traveller community. It is also widely recognised that Gypsy/Traveller communities face some of the highest levels of inequality of any ethnic group in Scotland and continue to face high levels of discrimination and prejudice.

4.3.2 This site provides two caravan pitches for the extended Cameron family and helps to address the findings of the research, unmet accommodation needs of the Gypsy/Traveller community and therefore improves the outcomes for the residents of the site. The site has provided a permanent and stable home for the family, is very well managed and kept in a tidy condition.

4.3.3 It is noted that the Applicant is no longer pursuing the landscaping business, for commercial reasons, and most recently has opted not to implement the approved stable activity. Therefore, it is submitted that to apply or retain the condition providing only temporary planning permission is at best no longer justified as the uses to which this applied are no longer applicable. In addition, as the authority have now on two occasions deemed the application site suitable for the uses and the residential occupation, by the Applicant, it would follow that there is no material reason why this should not be the case on a permanent basis. Not to do so may be construed as unfairly constraining the Applicants ability to provide long-term security for the extended Cameron family and to invest in the location.

4.3.4 If this Section 42 application is refused then the family will find itself without suitable, alternative permanent accommodation or site provision available in North Lanarkshire. The extended Cameron family will continue to have to apply to renew their existing planning consent which could, in the future, effectively render them

homeless. This is not in compliance with policy or Equality and Humans Rights requirements. The family wish to be able to continue to have positive relations which can be fostered within a settled community.

4.3.5 If this application was to be refused, North Lanarkshire Council would be failing in its commitment to meet the needs of the Gypsy/Traveller community. The extended family have proven, over a period of 10 years that they wish to permanently settle in the community. Permanent housing would not be a culturally acceptable alternative. The provision of this site is an opportunity for North Lanarkshire Council and the Gypsy/Traveller community to work together to make provision of suitable accommodation and improve outcomes for this family, as members of the Gypsy/Traveller community.

5. Planning Policy Background

5.1 Introduction

5.1.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 as amended by the Town and Country Planning (Scotland) Act 2006 requires that planning decisions be made in accordance with the Development Plan unless material considerations indicate otherwise. This Statement will demonstrate compliance with North Lanarkshire Council's Development Plan policy with material considerations adding significant weight to justify approval of the development.

5.2 Scottish Planning Policy 2014 (SPP)

5.2.1 Scottish Planning Policy June 2014 (SPP) encourages rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality.

5.2.2 In addition, the aim of the SPP is to ensure that development and changes in land use occur in suitable as well as sustainable locations. The planning system must also provide protection from inappropriate development. SPP's primary objectives are:

- to set the land use framework for promoting sustainable economic development;
- to encourage and support regeneration; and
- to maintain and enhance the quality of the natural heritage and built environment.

5.2.3 The Scottish Planning Policy (SPP) 2014 also makes reference to Specialist Housing Provision and Other Specific Needs and specifically to Gypsy Travellers, stating that these communities should be appropriately involved in identifying sites for their use. SPP also highlights the Council's responsibility to provide adequate permanent accommodation for travelling people and set out policies for dealing with applications for small privately owned sites.

5.3 Assessment

5.3.1 The Site provides a sustainable, long-term solution to the housing needs of the extended Cameron family. The development create a suitable living environment without detriment to the rural environment, avoiding landscape impact; and done so at no cost to the public purse. It accords with the "triple bottom line" of sustainability (social, environmental and economic factors) all in accordance with SPP.

5.4 North Lanarkshire Adopted Local Development Plan (2012) - see *Planning Policy and Design Statement submitted alongside application 17/00457/FUL for full policy analysis*

5.4.1 In the absence of any specific policy reference to Gypsy/Travellers the following Local Plan policies are considered applicable in the assessment of the proposed permanency of the approved Gypsy/ Traveller site.

5.4.2 The site lies within a Rural Investment Area. **NBE3 Assessing Development in the Green Belt and Rural Investment Area** states: *'The Council will protect the character and promote development in the Green Belt and the Rural Investment Area by restricting development to acceptable types and operating assessment criteria as follows:*

Rural Investment Area

1. Types of acceptable development:

- *developments considered appropriate in the Green Belt (and meeting NBE 3A assessment criteria)*
- *up to 4 housing units*
- *business, industry or tourism up to 1,000 sqm gross floorspace, demonstrating economic benefit*

2. Impact criteria:

- *Developments considered acceptable under Policy NBE 3B1 will be assessed under the criteria set out under Policies NBE 3A2 and NBE 3A3 to include:*
- *Developments of up to 4 housing units, business, industry or tourism up to 1,000sqm gross floor space will be assessed against the following criteria:*

- enhance an existing cluster of development and acceptable in terms of design, scale, access and countryside integration*
- enhance natural heritage value (e.g. through new planting or removal of intrusive features)*
- respect natural boundaries (road, tree line, watercourse) and include works to reinforce and enhance boundaries and buffers*
- accord with the aims of Central Scotland Forest Strategy*
- avoid loss of prime agricultural land (Classes 1, 2 and 3.1)*
- respect local amenity (if adjoining industrial or business uses are proposed)*

5.4.3 Planning Aid Scotland (PAS) relies on research which has indicated that there is a general preference among Gypsy/Travellers for private sites, with the desire for self-sufficiency and independence often cited as reasons for this. A location away from but close enough to the settled community is preferred. These private sites created in specific family groups provide a level of security to the residents, allowing them to avoid potential conflict with other Gypsy/Traveller families, (which can occur on public sites), and to ensure that future generations will have accommodation when they form their own families.

5.4.4 PAS recognise that the sites are formed in **clusters** with **tight knit groupings of pitches**. On the approved Gypsy/ Traveller site the extended Cameron family has had due regard to the locational criteria of the cluster providing households in a tight knit grouping. This ensures that the properties are overlooked and the Site is easily supervised and made secure. In addition, the site has a backdrop of steeply sloping land to the north with tree cover to the south providing effective screening all of which allows the development to be absorbed into the landscape.

5.4.5 This Statement takes cognisance of all material considerations (including the SPP and PAS Guides) and sets out a case for permanency of what is a sustainable form of development for this extended Gypsy/Travelling family. The approved Gypsy/ Traveller site creates a rural cluster, a small scale, and close-knit development and in doing so has protected the assets of this rural part of North Lanarkshire for over 10 years. The development has and will continue to address locational need, access, siting, design and environmental impact criteria to ensure a development will be sustainable in the long term public interest.

- 5.4.6 For this Gypsy/Travelling family their locational need for living and business further reinforces the acceptability of the permanency the approved Gypsy/ Traveller site. The establishment of a permanent private site eliminates their need to use unauthorised sites and provides the family with long term security. The Site, which is now complete, is well-designed, well laid out, tidy and well managed to meet the needs of the extended Cameron family. Ease of access/egress to the public road is available. The residents on the approved Gypsy/ Traveller site can live and administer their business, as do others in the area, without detriment to residential or visual amenity.
- 5.5 North Lanarkshire Council Modified Proposed Plan (2020) - see *Planning Policy and Design Statement submitted alongside application 17/00457/FUL for full policy analysis*

6. Conclusions

- 6.1 Decision makers throughout Scotland have been faced with a diverse set of issues when dealing with planning applications for Gypsy/Traveller site provision. An understanding of the needs and demands of this ethnic minority group and their culture and lifestyle is required as well as the exceptional circumstances that are imposed on families.
- 6.2 With the change in socio-economic and environmental conditions in Scotland imposed on us all by the coronavirus epidemic new challenges exist for everyone and exacerbate a difficult set of circumstances normally faced by Gypsy and Traveller families.
- 6.3 The Chief Planner in Scotland has already provided advice to Planning Authorities stating a need for planners “to adopt some new approaches; measuring risk and taking a pragmatic view of how we can best continue to plan and make the decisions vital to the recovery of our communities and businesses” (3rd April 2020).
- 6.4 Increasingly, Gypsy/Travellers are seeking permanent, safe and secure homes which protect and enhance their health and wellbeing now and into the future as the world order changes and environmental conditions demands a different approach to life itself. The actions of the Scottish Government prior to the pandemic were very encouraging. Together with the pandemic it is submitted that change now becomes essential and

that proactive support must be given toward the Gypsy/Traveller community by the Scottish Planning System.

- 6.5 This Section 42 application, for the removal of the planning conditions imposed has confirmed that the horse livery business originally consented and envisaged will not occur. It has also provided justification as to why a temporary permission for a period of 5 years is not considered reasonable. The principle of the development is now established and has been accepted by the Council. It is also the case that by virtue of this, accommodation needs are met for the Gypsy/Traveller community which will deliver benefits to the Council. The family also have a proven track record of maintaining a well-managed site for a period of 10 years, providing much needed accommodation without detriment to the public purse.
- 6.6 Having assessed the Application against relevant planning policy and relevant case history, justification has been provided that the removal of the planning condition providing only a temporary consent; would be in the best interest of North Lanarkshire Council and the extended Cameron family. The approved site is in a suitable, accessible location and mitigation has been carried out to ensure that all other planning conditions have been adhered to and that no detriment occurs within the local area.
- 6.7 It is accordingly considered that the Application should be approved and the existing planning permission should be made permanent.

7. Appendix 1 – Site Location Plan

8. Appendix 2 – Chief Planner’s Letter

**9. Appendix 3 – Planning Aid Scotland Report: Using the Place
Standard tool to assess the quality of Gypsy/Traveller sites
(November 2019)**