

Briefing: Accommodation issues facing Gypsies and Travellers in England, November 2020

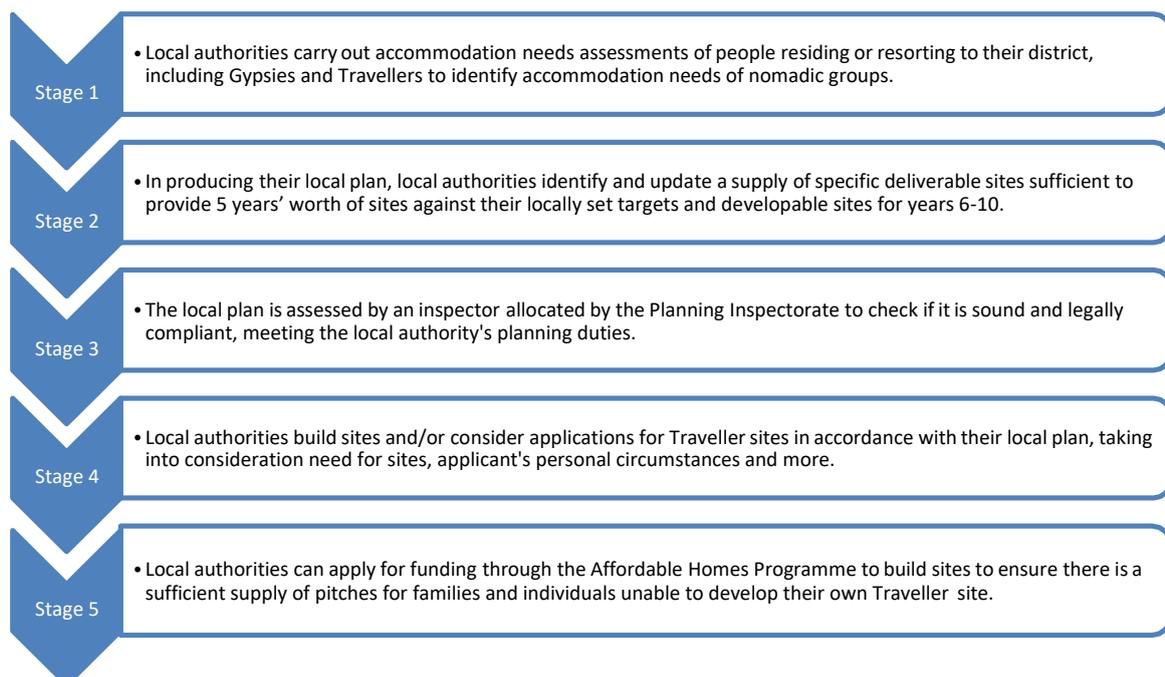
Key facts

- There are around 300,000 Gypsies and Travellers in the United Kingdom.
- Around $\frac{3}{4}$ of Gypsies and Travellers in England and Wales live in bricks and mortar accommodation and the remaining $\frac{1}{4}$ live in a caravan or other mobile structure.
- Less than 0.035% of Traveller caravans are on land the occupants do not own.
- The vast majority of Travellers stopping on land they do not own would prefer to stop on a socially rented or private site, but can't.

Key issues

- There is a chronic national shortage of Gypsy and Traveller sites.
- There is a lack of will among local authorities to identify land for Travellers to live.
- The Government fail to hold local authorities accountable in identifying land for Gypsy and Traveller sites.
- The change of planning definition of Gypsies and Travellers has excluded a significant number of Gypsies and Travellers from pitch needs assessments.
- Discrimination within the planning system means that Gypsy and Traveller site applications are disproportionately rejected.
- The Home Office proposals to criminalise encampments would increase enforcement action against nomadic Gypsies and Travellers, further violating their basic human rights.

The figure below lays out the theory of how planning policy for Traveller sites *should* work. This briefing goes on explain how this isnt working:



Context of the site shortage

The chronic national shortage of Gypsy and Traveller sites is widely recognised ([Cromarty et al, 2019](#)). Gypsies and Travellers are more likely to experience housing deprivation than any other ethnic group ([De Noronha, 2015](#)). The structural causes of this are outlined below.

In 1994, the Government created the Criminal Justice and Public Order Act (CJPOA) which repealed the duty on local authorities to provide public sector sites for their Gypsy and Traveller population. This means that although the Government recommend that local authorities, at the very least, identify land to meet the need for Gypsy and Traveller pitches, there are no consequences if they do not.

Each local authority must continue to carry out 'Periodical review of housing needs' which includes for those living in caravans, in which they assess the need for pitches for the next 5 years, at least. After the accommodation needs assessment for Gypsies and Travellers, local authorities should identify land on which these pitches/sites can be built in their Local Plan, as outlined in 'Planning Policy for Traveller Sites' ([DCLG, 2015](#)). However, [our research shows](#) that only 8 out of 68 local planning authorities in the South East were meeting their identified need for pitches for the next 5 years.

As a result, the [Government Traveller Caravan Count \(January 2020\)](#) found 2,049 caravans on unauthorised developments (caravans on land owned by Travellers without planning permission) and 694 caravans on encampments (caravans on land not owned by Travellers).

Further to this, there is a lack of social landlord managed pitches available. [Research](#) carried out by Friends, Families and Travellers also found that between 2010 and 2017 there was only a 2% increase in socially rented pitches. This is an insufficient number to address even natural growth through household formation, let alone the historic lack of pitches for Gypsy and Traveller families. Even where funding has been made available to local authorities for sites via the Shared Ownership and Affordable Homes Programme 2016–2021, a [parliamentary question asked in 2019](#) found that not a single local authority used this funding to build a site.

Lack of will among local authorities

In addition to the lack of national Government leadership to ensure local authorities provide sites, another key reason so many local authorities fail to identify land where Travellers can live, is the widespread prejudice towards Gypsies and Travellers among the general population. A [survey by the Equality and Human Rights Commission \(EHRC\) in 2018](#) found that 44% of the British public openly expressed negative feelings towards Gypsies, Roma and Travellers. This can make it challenging for elected officials such as local council members or MPs who are in favour of building sites, to get or stay elected.

Change of definition of Gypsy and Traveller in planning policy

In 2015 the planning definition of Gypsies and Travellers was changed so that Gypsies and Travellers who had ceased to travel for any reason would not be counted as needing a pitch in the GTANA. So, Gypsies and Travellers who have lived in a caravan all their life but cannot travel any more due to

illness, disability, caring responsibilities, or old age, are no longer assessed as having a need for a Traveller pitch. [Research carried out by the EHRC](#) in 2019 on the impact of the definition change found that across 20 local planning authorities, the pre-2015 total requirement was for 1,584 further pitches. After the revised definition was introduced, the assessed need fell to just 345.

Discrimination in the planning system

The [Government Traveller Caravan Count \(January 2020\)](#) found 2,049 caravans on unauthorised developments on land owned by Travellers. The reason behind this is that the majority of Gypsies and Travellers struggle to get planning permission for their own land because of discrimination within the planning system and from the surrounding settled community. While the majority of planning applications from Gypsies and Travellers are rejected, most planning applications from the settled community are accepted. The most high profile example of discrimination against Gypsies and Travellers in the planning system was in 2013-4 when Eric Pickles was the Secretary of State for the Department for Communities and Local Government. In 2015 the High Court ruled that he and his department had breached human rights and equality laws because they had been calling in all planning applications of '[Green belt Traveller cases](#)' and routinely rejecting them.

Enforcement approach to encampments

As a result of the lack of authorised places to stop, families are forced to stop on encampments and experience a constant cycle of evictions. The police and local authorities have a huge number of powers available to them to evict families from encampments as listed in '[Dealing with illegal and unauthorised encampments; A summary of available powers](#)'. The police have use of Sections 61, 62 and 62A of the Criminal Justice and Public Order Act 1994, which permit police to evict and seize property and vehicles of those who have the intention to reside.

In terms of local authority powers, as well as the more frequently used powers they utilise to move people on from encampments, a growing number of local authorities have been obtaining wide-injunctions for vast sections of land on which encampments have been known to occur. If anyone enters this land they are in immediate breach of the injunction and can be arrested, fined and have their vehicle seized. However, in January 2020, [London Gypsies and Travellers won a vital test case against Bromley Council's wide injunction](#) in the High Court. The Court of Appeal ruled that Gypsies and Travellers have an "enshrined freedom" to move from one place to another, and that an injunction to prevent camping on public land would breach the rights of the communities it targeted.

Families face constant evictions and fines because there are no authorised sites for them to go to. An enforcement approach to encampments comes at a huge financial cost to local authorities and police forces. In contrast, an evaluation of a negotiated stopping approach to encampments in Leeds found that police and local authorities could save between £190,640 and £238,350 per annum if they used a more tolerant approach towards encampments ([Leeds GATE and De Montfort University, 2017](#)).

Enforcement approaches to encampments of course also come at an irreparable, devastating human cost to Gypsies and Travellers which is reflected in stark inequalities within health and education. Furthermore, encampments reinforce entrenched prejudice among the settled community towards Gypsies and Travellers.

Home Office consultation to criminalise encampments, 2019

Despite the chronic shortage of sites and wide range of powers which can be used to evict Gypsies and Travellers on from encampments, the Government launched a consultation in April 2018 on “powers for dealing with unauthorised development and encampments”. [Research](#) carried out by Friends, Families and Travellers revealed that 84% of police respondents to the consultation were strongly opposed to the criminalisation of encampments due the negative impact on nomadic Gypsies and Travellers and the human rights implications and potential breach of the Equality Act 2010. Despite this, the Government opened a [second consultation](#) in November 2019 on increasing police powers and criminalising encampments which closed in March 2020. Over 17,000 members of the public voiced their opposition through web forms for responding to the consultation created by Friends, Families and Travellers and Liberty. We now await the outcome of the consultation.

Recommendations

- The Government should switch from an enforcement approach to encampments to a provision approach.
- The Government should abolish proposals to criminalise trespass and reverse plans to strengthen police powers to evict.
- The Government should reintroduce pitch targets and a statutory duty onto local authorities to meet the assessed need for Gypsy and Traveller sites.
- The Government should adopt a definition of a Traveller in planning terms that incorporates all Gypsies and Travellers who need a pitch to live on.
- The Government should ring-fence funding for local authorities to build Gypsy and Traveller sites.

About us

Friends, Families and Travellers is a leading national charity that works on behalf of all Gypsies, Roma and Travellers regardless of ethnicity, culture or background.

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