



**FRIENDS,
FAMILIES &
TRAVELLERS**

MARCH 2022

Briefing: Accommodation issues facing Gypsies and Travellers in England

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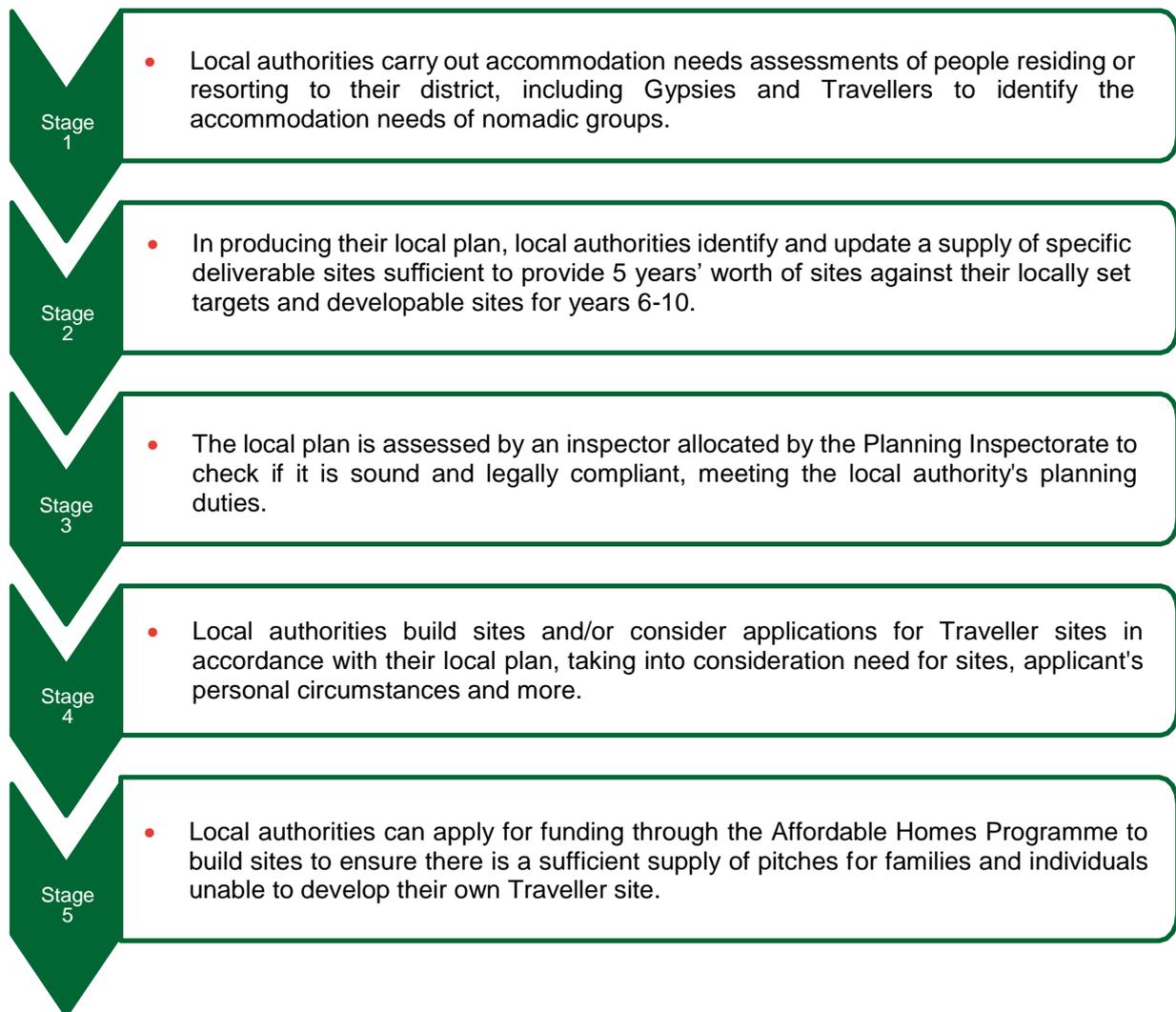
Key facts

- 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.
- There are approximately 3,000 caravans lived in by families with no place to stop in England.
- The vast majority of Travellers stopping on land they do not own would prefer to either enter into a 'negotiated stopping arrangement' or stop on a socially rented or private site, but can't.
- Living nomadically is part of the Gypsy and Traveller cultural heritages and identities, and whilst many have settled, they continue to maintain this tradition for part of the year.

Key issues

- There is a chronic national shortage of Gypsy and Traveller sites and stopping places.
- There is a lack of will among local authorities to identify land for Travellers to live.
- The Government fail to hold local authorities accountable for not 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 and future provision.
- Discrimination within the planning system means that Gypsy and Traveller site applications are disproportionately rejected.
- The new powers in the Police, Crime, Sentencing and Courts Act 2022 criminalise stopping without permission and increase enforcement action against nomadic Gypsies and Travellers, further violating basic human rights.

The figure below lays out the theory of how planning policy for Traveller sites should work. This briefing goes on to explain how this isn't 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 authorities to provide public sector sites for their Gypsy and Traveller population. This means that although the Government require 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 a ‘Periodical review of housing needs’ including people 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 \(July 2021\)](#) found 2,316 caravans on unauthorised developments (caravans on land owned by Travellers without planning permission) and 707 caravans on encampments (caravans on land not owned by Travellers).

Further to this, there is a lack of social landlord managed pitches available. There has been an overall 13.36% decrease of pitches on local authority Traveller sites from [July 2011](#) to [July 2021](#), as highlighted in the table below.

Local authority/Registered Social Landlord Gypsy and Traveller pitches:

	July 2011	July 2021	% difference
Transit pitches	291	399	+37.11%
Permanent pitches	4700	3920	-16.59%
Total pitches	4991	4319	-13.36%

While there has been a 37.11% increase in transit pitches alone, this only amounts to an increase of 108 pitches nationally, the equivalent to roughly 11 pitches per year over 10 years, with an overall decrease of 16.59% of permanent pitches on local authority/Registered Social Landlord sites. This shows that the situation regarding accessing culturally appropriate accommodation under the planning system, in the form of socially-rented pitches, has considerably worsened in the last decade.

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. This decrease in socially rented pitches has occurred during a period of availability of Government funding for the building of local authority sites. In 2021 Homes England (who administer grants under the Shared Ownership and Affordable Homes Programme) responded to Friends, Families and Travellers’ query asking about applications to the scheme for grants for Traveller sites. In their response they confirmed that only two schemes had been allocated funding under the programme

2016-2021. Both of these were for transit sites (30 pitches in total) and included no new permanent pitches at all.

This widespread failure to provide sites has resulted in demand far outstripping supply. Our [January 2021 research](#) found at least 1696 households on waiting lists for pitches on Traveller sites in England, with only 13 permanent sites and 5 transit sites with any available pitches for Gypsy and Traveller families in all of England.

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 Traveller pitch in the assessment of accommodation need. 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 \(July 2021\)](#) found 2,316 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, a larger proportion of 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’](#). These are increased with the Police, Crime, Sentencing and Courts Act 2022, with the introduction of a new criminal offence where trespassers have the intent to reside.

This will apply when a person:

- is residing, or intending to reside, on land without consent and has been asked to leave by the occupier, their representative or the police;
- has at least one vehicle with them on the land;
- has caused, or is likely to cause, significant damage, disruption or distress;
- has failed to comply with this request as soon as reasonably practicable and has no reasonable excuse for doing so.

Failure to comply without ‘reasonable excuse’ can lead to the police exercising powers to seize a vehicle (someone’s home and possessions) as well as imprisonment and a fine. What constitutes ‘significant damage, disruption or distress’ is subjective and could potentially capture many encampments, particularly as the threshold for vehicle numbers is reduced to one. There is widespread hostility and prejudice towards Gypsies and Travellers and many people claim to be distressed by a Traveller camp, which can be based only on presence, not any particular behaviour. The ‘intends to’ elements are also concerning.

Once the occupier of the land or representative of the occupier has requested those on the land to leave, if they do not comply, they are committing an offence. Under the new offence, a person can be criminalised for disobeying not the instruction of a law enforcement official, but of a private citizen, whose interest could be underpinned by prejudice or a misguided understanding of the legislation.

The Police, Crime, Sentencing and Courts Act also extends and strengthens police powers of eviction that already exist in the Criminal Justice and Public Order Act.

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.

Recommendations

- Local and national government should switch from an enforcement approach to encampments to an approach of provision, including permanent and transit sites and the promotion and adoption of negotiated stopping agreements across the country.
- 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 introduce a rolling programme of ring-fenced funding for local authorities to build Gypsy and Traveller sites.

About us

Friends, Families and Travellers is a leading national charity that works to end racism and discrimination against Gypsy, Roma and Traveller people and to protect the right to pursue a nomadic way of life.

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