

04/06363/FUL

APPENDIX

**PLANNING APPLICATION: PRIVATE GYPSY SITE FOR ONE FAMILY
THE PADDOCKS, CASS LANE, KNARESBOROUGH**

1. INTRODUCTION

- 1.1 This statement and the accompanying plans have been prepared in order to support a planning application on behalf of Mr & Mrs Hooton for the continued use of the application site as a private gypsy site for one family, at The Paddocks, Cass Lane, Knaresborough. The site includes a residential caravan, a touring caravan and stable. The curtilage of the site is defined by a stone wall.
- 1.2 This application does not include the stone wall. The means of enclosure and landscaping of the site would be addressed by conditions. The application site lies in the southern part of Knaresborough at the end of Cass Lane. It forms part of a small enclave of development including dwellings and an equestrian enterprise served from Cass Lane. A footpath which is an extension of Cass Lane runs alongside the southern boundary. This is separated from the site by a high mixed thorn hedge.

2. THE APPLICANTS' BACKGROUND

- 2.1 Mr & Mrs Hooton and their family are a traditional Romany gypsy family who until recently have been living at Thistle Hill Caravan Park. Following a disagreement with the caravan park's owner, their licence was terminated. Their circumstances are such, particularly with regard to their youngest son James, that they are obliged to relocate as close as possible to Castle School, Knaresborough.
- 2.2 Mr & Mrs Hooton come from a long line of local gypsy families. They were able to obtain a plot on the Thistle Hill caravan site where we understand they have lived for the previous ten years. They have two sons, Shane and James. James their youngest son is a 10 year old and has special education needs. He has attended Castle School, Knaresborough, for all his school life.
- 2.3 We understand there is no prospect of being able to move back into Thistle Hill caravan site. Even if Mr Smith the owner was acceptable, there is a long waiting list. We understand their plot had been allocated before they had even moved out.
- 2.4 Mr Hooton is a self employed gardener/handyman who also trades horses. He travels as part of his business, particular to the south of the country. He and his family attend the main fairs, including Appleby, Epsom, Stokesley, Seamer, Boroughbridge, Holme Firth and Huddersfield.
- 2.5 They do not travel as much as they used to. They need to accommodate James' education. Regular attendance at school is necessary if his present progress is to continue. During the period they do travel, arrangements are made through Castle School so that James can attend a school at that destination. Work is sent down from Castle School. Obviously this is not ideal.
- 2.6 Attached as Appendix 1 is a letter from Peter Saunders, the service manager of Travellers Education Service which is part of Education Leeds, confirming Mr & Mrs Hooton's gypsy background. Attached as Appendix 2 is a letter from Mrs E L Higgins, the head teacher of Castle School. It confirms that James has a Statement of Special Needs for Learning; that he is making steady progress with regular support

and programme of works that he receives at Castle School. There is a need for regular attendance if this progress is to continue and for the Hooton family to live near to the school if the children are to continue to further their education. She goes onto to state that given the importance the family place on James' education, it is in her opinion, vital that as much as possible is done to support the family.

- 2.7 We believe that the educational requirements of James contribute towards the very special circumstances that justify departure from policy.

3. THE PROPOSAL

- 3.1 The applicant seeks a planning permission to regularise his and his family's occupation of the site. The applicant and his family live in a chalet style mobile home situated in the south-east corner of the site. The site has been separated from the rest of the field by a dividing stone wall. Within the curtilage the land is hard surfaced with consolidated road filings, and is used for the parking of family vehicles including a touring caravan for use when travelling. Access into the site is off Cass Lane. There is an existing pair of stables which have permission under a Lawful Use Certificate. A layout plan is attached.

4. PLANNING POLICY CONTEXT

- 4.1 The Government has repealed Part II of the Caravan Sites Act (1968), replacing the duty on local authorities to provide gypsy caravan sites with a discretionary power. It is Government policy to encourage the provision of more private sites, and Circular 1/94 states that local authorities should help gypsies secure the kind of site they need.
- 4.2 We note that Harrogate Borough Council has followed the advice in Circular 1/94 that local planning authorities should have regard to meeting gypsies' accommodation needs in preparing their development plans. Local Plan Policy HO7 sets out those circumstances in which proposals for gypsy sites will not be permitted. The policy goes on to establish criteria for considering proposals for gypsy sites.
- 4.3 Before assessing our Client's proposal against these criteria we would make the point that gypsy families' special needs and personal circumstances have also been held by the Courts to be an important material consideration. Although paragraph 22 of Circular 1/94 states that planning applications should be considered **solely** on land use planning grounds, the judgement in *Webb v SSE and Salisbury DC* (1995) held that the Circular is wrong on this point, and that the appropriate word to have used would have been **primarily**. In *Buckley v UK* (1996) (a Human Rights Act case) it was held that it is necessary to strike a fair and reasonable balance between the personal circumstances of gypsies and planning issues. In our experience Planning Inspectors tend to give significant weight to these factors when deciding appeals in gypsy cases.
- 4.4 As far as we are aware, the only 'official' gypsy sites in Harrogate are at Thistle Hill, Knaresborough and Springs Lane, Bickerton. Both are run by Mr Hughie Smith. The only practical site is Thistle Hill. We are advised that this 20 pitch site is permanently full and that there is a waiting list. In our view it is clear that the need for accommodation within the borough exceeds the supply and as a result there is a need for individual private sites to supplement this provision.

5. ASSESSMENT OF PROPOSALS AGAINST LOCAL PLAN CRITERIA

5.1 Policy H07 lists the criteria by which proposed gypsy sites are considered. We address each criteria in turn.

- (a) The site is readily accessible to all local facilities the applicant and his family need. It is only a short distance to Knaresborough, importantly it is close to Castle school for James. There is quick and convenient access to Harrogate.
- (b) The site lies within the green belt. Case law has allowed private gypsy sites within the green belt where special circumstances including the special educational needs of the family's children have occurred. You will be aware of the recent South Buckinghamshire DC -v- SSTLR & Porter case. In this case the special circumstances were Mrs Porter's chronic ill health. The Inspector concluded that: "*The status of the appellant as a gypsy, the lack of an alternative site for her to go to in the area and her chronic ill health constitute very special circumstances which are, in this case, sufficient to override national and statutory development (Green Belt) policies*". In our opinion the special education needs of James which have been met at Castle School since he was 5 years old are similar special circumstances.
- (c) Access into the site is from the end of Cass Lane which serves a number of other premises. It connects onto Forest Moor Road which is a public transport route and provides convenient access into Harrogate and Knaresborough. We do not consider that the traffic generation of one private gypsy site would materially affect the present level of movement on this road in respect of highway safety.
- (d) The site has a 3m high mixed hedgerow on its southern boundary; a boundary which effectively screens views from the principle direction of Cass Lane. Our Client has already introduced additional hedgerow planting on the field's western boundary as part of his general management on the land. He would be pleased to extend these landscaping works to accommodate any concerns from the local planning authority.
- (e) The site is well screened and separated from nearby housing. In our opinion there would be no serious adverse effect on nearby residents from the use of the site as a private gypsy site for one family.
- (f) The proposals provide for a satisfactory standard of residential amenity. The site includes appropriate hardstanding, vehicle parking areas, separate areas for domestic purposes and a safe children's play space.
- (g) The proposal provides for a reasonable level of services and facilities; mains, electricity and water. Surface water is via a soakaway system. Foul sewerage is by a septic tank.

5.2 We are advised that the site falls just within the Nidd Gorge Special Landscape Area (Policy 9b refers). The application site does not affect the main feature of the area which is the Nidd Gorge and the extensive areas of woodland. The proposals provide for the use of land and in forming a new smaller field and reintroducing a new hedgerow as the field boundary, it reinforces the landscape of small fields which also characterises the area. We do not believe that the proposal would result in harm to the area or is contrary to the objectives of the policy.

6. CONCLUSIONS

- 6.1 We have explained the background to the proposals, the accommodation needs for gypsy families in the area and the applicant's personal circumstances. We have considered the proposal in the light of the criteria of Local Plan Policy H07. Our Clients would be pleased to accept a personal condition.
- 6.2 We trust the information contained in this document is sufficient to enable our Client's application for a private gypsy site to be recommended for approval by Council Members. However, if any further information is required or if you wish to discuss the possible need for matters of detail to be addressed by conditions, please do not hesitate to contact us.

APPENDICES

1. LETTER FROM PETER SAUNDERS,
TRAVELLERS EDUCATION SERVICE
2. LETTER FROM MRS E L HIGGINS, HEAD
TEACHER OF CASTLE SCHOOL

Education Leeds, Travellers Education Service
The West Park Centre
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Email leedstes@westpark52.ss.net.co.uk
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Education Leeds 

Mr. and Mrs. H. Hooton
The Paddocks
Cass Lane
Knaresborough
HG5 8JZ

Please reply to:
Travellers Education Service
The West Park Centre
Spenn Lane, West Park
Leeds LS16 5BE
Contact Person: Peter Saunders
Telephone: 0113 274 8050
Fax: 0113 275 0445
Email:
peter.saunders@educationleeds.co.uk

Date: 8th October 2004
Our ref:
Your ref:

To whom it may concern

My name is Peter Saunders and I am the Service Manager for Travellers Education Service, which is part of Education Leeds. I have been in this post for over twenty years. We are the link between Traveller parents and our schools providing advice and support to both to ensure equality of opportunity in education for Traveller's children.

I have known both Tracy and Heath Hooton before they were married and I used to work with them when they were children. I have photographs of them when they used to attend the Mobile vehicle we had for teaching Traveller's children at that time. This used to visit the Traveller camps and sites around the city and be the first contact with families and provide some basic education while school places were being sought.

Both Tracy and Heath come from long established Gypsy families and can trace their lineage back for many generations. Both families helped us put together the book 'Gypsies and Travellers in their own words', which has been recognised nationally as very valuable research as it documents Gypsy and Traveller history throughout the last century.

Tracy's Mum Angelina Smith tells her life story (See pages 184 - 195) and has photograph of her great grandfather Georgie Pattison in a Gypsy yard in Hartlepool with all his family and wagons in 1916. There is a photograph that I took of Tracy and her sister and cousins in 1982, (See page 194) when I had picked them up from their caravans in Leeds and took them out to visit Ilkley Moor.

Tracy's father is Michael Smith and he told us the story of his family visiting Topley Fair and had photographs of his old great grandmother Cinamenti Smith in the 1940's smoking a pipe at this famous Gypsy Fair and also sitting on her bow top wagon. (See pages 132 - 133)



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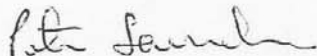
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Heath's grandmother, Annie Kindon, tells us her story also in this book and there are photographs of her family with wagons and horses when they were stopping in the Compound Yard in West Harlepool in the 1930's. (See pages 64 - 73). There is also a photograph of Heath that was taken in 1985 on a Gypsy encampment in Leeds in 1985. (See page 72)

Through my work with Travellers Education Service I have been in the fortunate position of getting to know Gypsy and Traveller families very well. I know both the extended families of Tracy and Heath, their parents and grandparents. They are Gypsy people and this can be evidenced from my personal testimony but also that provided through the stories and photographic evidence in the book, 'Gypsies and Travellers in Leeds'.

If you need any further information, please contact me at the above address.

 Yours sincerely



Peter Saunders Cert. of Ed.; B.A.; M.Ed.
Service Manager

**Housing Department,
Harrogate Borough Council,
Harrogate**

14th September 2004

Dear Sir/Madam,

Re: The Hooton Family

James is currently in Year 5 at Castle School. His attendance at school is very good, and although the family have a period of time away from Knaresborough each year, James attends a school at the destination during that period.

James has a Statement of Special Needs for Learning, and is making gradual but steady progress with the regular support and programme of work that he receives here at Castle Schol.

His parents are very supportive of the work we do in school and we share the view that James needs to continue with his regular attendance if this progress is to continue.

We envisage that James will, in two years, transfer to secondary school in Knaresborough, where his older brother is already in attendance, having moved on from Castle School 2 years ago.

The Hooton family recognise that they need to live near to the schools if the children are to continue to further their education. I am concerned that if the family are moved on, then the children's education will be affected.

Given the importance that the family place on James's education, it is in my opinion, vital that as much as possible is done to support the family in their commitment.

Yours sincerely,

Mrs E.L. Higgins,
Headteacher

