

**IN THE MATTER OF AN APPEAL PURSUANT TO S78 OF THE
TOWN AND COUNTRY PLANNING ACT 1990**

**IN RELATION TO LAND AT PLOT 1, LAND WEST OF
STOVOLDS HILL, CRANLEIGH GU68UX**

**REBUTTAL PROOF OF EVIDENCE IN RELATION TO
“UPDATED NOTE TO INSPECTOR ON 5 YEAR SUPPLY FOR
GYPSIES AND TRAVELLERS – 17 AUGUST 2026” ON BEHALF
OF THE APPELLANT**

1. In this Rebuttal Proof I will address the “*Updated Note to Inspector on 5 year supply for Gypsies and Travellers – 17th August 2026.*” Whilst the Updated Note [UN] does not indicate who authored the document, in my view it is likely to have been written by Mr Steve Jarman of ORS because paragraphs 1 and 2 are virtually identical to paragraphs 49 and 50 of Mr Jarman’s Proof of Evidence:

“1. Taking the new GTAA into consideration, a review of new planning permissions and outstanding LPP2 Allocations, and the outcomes of the PDA, in my professional view I am of the opinion that the Council can currently demonstrate well in excess of a deliverable 5-year supply for Gypsies and Travellers against a current need target of 50 pitches for the period to 2029/30 identified in the December 2025 GTAA (including need from Undetermined Households). This comprises 37 pitches for households that meet the 2024 PPTS planning definition and 13 pitches for Undetermined Households (2025 GTAA Report Figure 2).

2. The outcomes of the PDA are that a total of 58 pitches can be delivered on existing sites that meet the 3 deliverability tests set out in Footnote 4 to Paragraph 10 of the PPTS (49 for households that meet the 2024 PPTS planning definition and 9 for Undetermined Households).

2. The only additional words are found in paragraph 1, namely “*and outstanding LPP2 Allocations.*” Paragraph 3 UN states: “*In addition the following outstanding LPP2 allocations have now been included.*”
3. The LPP2 was adopted in 2023. It is not understood why this matter was not considered in Mr Jarman’s Proof. As its inclusion at this point in time is not explained by Mr Jarman, I am currently unable to comment further. I invite Mr Jarman to explain the position and reserve the right to respond once he has done so.
4. Paragraph 3 UN also states that Ranch Park had 5 pitches granted in March 2026, but no further details (such as planning references) are provided, unlike for the 2 final sites in paragraph 3. Mr Jarman is invited to provide the details for Ranch Park so that the matter can be considered.
5. Within paragraph 3 UN, the first of those 2 sites referred to above (WA/2025/01859) is said to have provided an additional 4 pitches. In the Officer’s Report for that application the issue of the alleged “*Domination of the settled community*” (RB1) is addressed as follows:

While the granting of planning permission would result in a modest increase in the gypsy/traveller population, it is important to emphasize that Policy C of the PPTS primarily concerns the scale of development, with the spatial arrangement of the site being the key determinant. The existing gypsy/traveller settlement already exerts a significant presence in the locality, in terms of both scale and land use, and has established a notable dominance over the nearest settled community. However, the proposed development does not extend or exacerbate the spatial boundaries of the settlement, and thus, it does not contribute to any additional physical or visual dominance.

6. The last site listed at paragraph 3 UN is WA/2026/00884 and again the Officer’s Report (RB2) for that application states:

While the granting of planning permission would result in a modest increase in the gypsy/traveller population, it is important to emphasize that Policy C of the PPTS primarily concerns the scale of development, with the spatial

arrangement of the site being the key determinant. The existing gypsy/traveller settlement already exerts a significant presence in the locality, in terms of both scale and land use, and has established a notable dominance over the nearest settled community. However, the proposed development does not extend or exacerbate the spatial boundaries of the settlement, and thus, it does not contribute to any additional physical or visual dominance.

7. The Council's case appears to be that no amount of intensification of the sites at Lydia Park could amount to the domination of the settled community to such a degree that planning permission should be refused yet a single pitch at the Appeal site is considered to cause such domination. I do not accept that contention.
8. In any event, I note that in August 2026, PPTS 2024 was withdrawn and the new NPPF 2026¹ has incorporated those parts of PPTS which the Government considers appropriate, with all references to dominating the settled community having been removed. Accordingly, in my view no weight attaches to this issue.
9. The table at the end of paragraph 3 asserts that there is a current supply of 81 pitches based on the GTAA 2025, the PDA and the LPP2 allocations. Leaving the LPP2 matter to one side pending the explanation sought above, in order to consider the extent to which the other documents relied on establish whether there is or is not a 5 year supply of deliverable Traveller sites, I need to review Mr Jarman's Proof of Evidence which itself refers to and relies on the GTAA and PDA.
10. The GTAA and PDA assert that the overall need for 128 additional residential pitches over the Plan period is reduced by 83% if so-called 'vacant' pitches and pitches allegedly occupied by non-Travellers were made available; in terms of the 5 year housing land supply [5YHLS] for Travellers, the PDA asserts that there is more than a 5 year supply based on the same assumptions.
11. Before I consider those documents, I will address the issue of the revised definition of Traveller as this has implications for the real level of need. This matter was considered at paragraphs 25-28 of Mr Jarman's Proof.

¹ At this stage, I will restrict my consideration of the NPPF 2026 to matters that arise from the UN.

12. In December 2024, the Government issued revised versions of both the Planning Policy for Traveller Sites [PPTS 2024] and the National Planning Policy Framework [NPPF 2024]. Arguably, the most significant change to the PPTS 2024 is that to the definition of Gypsies and Travellers for the purpose of planning policy in Annex 1, which has been amended as detailed below.

13. The **PPTS 2015** definition read:

*“1. For the purposes of this planning policy “gypsies and travellers” means: Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel **temporarily** but excluding members of an organised group of travelling showpeople or circus people travelling together as such.*

14. Following the *Lisa Smith* judgment in the Court of Appeal the PPTS 2015 definition was found to be unlawful as it discriminated against Travellers who were too old or too ill to travel for work.

15. The replacement **PPTS 2023** definition then read:

*“1. For the purposes of this planning policy “gypsies and travellers” means: Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel **temporarily or permanently** but excluding members of an organised group of travelling showpeople or circus people travelling together as such.*

16. The **PPTS 2024** definition goes further still and reads:

*“For the purposes of this planning policy “gypsies and travellers” means: Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily or permanently, **and all other persons with a cultural tradition of nomadism or of living in a caravan** but excluding members of an organised group of travelling showpeople or circus people travelling together as such.”*

17. The use of the phrase ‘*cultural tradition of nomadism or of living in a caravan*’ makes the **PPTS 2024** definition considerably more inclusive and reflective of the accommodation needs of Romany Gypsies and Irish Travellers. The PPTS 2024 definition has been incorporated into the NPPF 2026 verbatim.

18. The Government’s response to the consultation that led to the **PPTS 2024** amendment provides the following justification:

*“In light of both domestic and European Court judgments, we have changed the definition of “gypsies and travellers” set out in the Planning Policy for Traveller Sites. **The amendment seeks to ensure that the accommodation needs for those persons with a cultural tradition of nomadism or of living in a caravan are covered by the Planning Policy for Traveller Sites.**”*

19. This reflects the judgment of the European Court of Human Rights in *Chapman v UK* which held:

*“The Court considers that the applicant's **occupation of her caravan is an integral part of her ethnic identity as a gypsy**, reflecting the long tradition of that minority of following a travelling lifestyle. Also, that **‘the vulnerable position of Gypsies as a minority means that some special consideration should be given to their needs and their different lifestyle’.***

20. As special consideration is to be given to the needs of ethnic Gypsies and Travellers, then it follows that the planning definition should also include those ethnic Romany Gypsies and Irish Travellers who either do not travel or no longer travel for reasons other than those in the previous PPTS definitions.
21. The practical implications of this amendment are that Romany Gypsies and Irish Travellers who do not follow a nomadic way of life will now be able to both apply for planning permission for and live on a Gypsy or Traveller site. This plainly encompasses Gypsies and Travellers who have had to resort to living in bricks and mortar housing due to the prolonged failure of local planning authorities to provide sufficient Traveller caravan sites.
22. For decision making on individual applications and Enforcement Notice matters, the level of need for pitches that local planning authorities have to meet will now be considerably higher than under the PPTS 2023 definition (let alone the unlawful PPTS 2015 definition used to establish the level of need in the GTAA 2018).
23. For Plan making, local planning authorities who are undertaking new GTAAs to inform forthcoming plans and decision making, will need to take into account a far greater number of Romany Gypsies and Irish Travellers, including those in bricks and mortar who may wish to reside on a pitch.
24. For those local planning authorities with plans that are at an advanced stage, the Government's consultation response states:

In relation to emerging plans that would be affected by this change, we encourage a case-by-case approach to be taken when deciding if changes are needed, taking into account any existing evidence base that has been made relating to an assessment of housing and accommodation needs for Gypsies and Travellers and Travelling Showpeople under the National Planning Policy Framework and the Planning Policy for Traveller Sites."

25. The clear implication of this amendment is that Traveller planning policy will now have to take into consideration and plan for the needs of **all Gypsy Travellers** including those who have settled on sites and no longer travel for an economic purpose, as well as those living in housing. **All** Gypsy Travellers are likely to fall within the scope of this revised definition and their needs will have to be provided for by Gypsy Traveller allocation and development management policies. Whilst Mr Jarman accepts this point at paragraph 28 for reasons that are discussed further below, the fieldwork fails to take full account of this change to the definition.

26. Existing needs assessments will have to be reviewed to reflect the change to the definition, particularly those that rely on the unlawful pre-*Lisa Smith* PPTS 2015 definition. It is expected that the more inclusive definition will result in a far greater need for culturally appropriate accommodation in the form of residential pitches to be provided through Traveller policies.

27. In this context, the GTAA 2025's consideration of Travellers living in bricks and mortar is plainly inadequate: for example, we can see this from paragraph 1.6:

*“Despite all efforts that were made **it was not possible to complete any interviews with households living in bricks and mortar...***

28. Clearly, to be robust and to capture the needs of all those who now fall within the revised PPTS 2024/NPPF 2026 definition – including housed Travellers – should be considered, which the GTAA fieldwork fails to do. (I note that Mr Jarman's Proof and Update Note are both silent on Travellers in bricks and mortar.)

29. The Commission for Racial Equality [CRE] Report, *Common Ground* estimates that the housed Gypsy Traveller population is about three times the size of that on sites. 1.21-1.22 on p9 of the GTAA states that there is a total of 192 Traveller households in Waverley. Using the CRE's estimate, that means there could be 576 Traveller households in Waverley. This indicates the potential scale of unmet need in the Waverley area that has not been surveyed properly in the GTAA 2025. Indeed, **none** of those 576 households were surveyed were interviewed as to their accommodation needs.

30. The GTAA did not even manage to reach the population of housed Travellers who self-identified in the 2021 census:

“3.16 The 2021 Census recorded 51 households who identified as Gypsies or Irish Travellers who lived in a house or bungalow in Waverley and 14 living in a flat or maisonette....

3.17 ORS apply a rigorous approach to making contact with bricks and mortar households as this is a common issue raised at Local Plan Examinations and Planning Appeals. Contacts are sought through a range of sources including the interviews with people on existing sites and yards; information from stakeholder interviews; information from housing registers; and information from planning agents known to operate in the area. Interviews are sought with all identified households.

3.18 Through this approach the GTAA endeavour to enable households living in bricks and mortar the opportunity to make their views known.

3.19 ORS do not make assumptions on the overall needs from household in bricks and mortar based on the outcomes of any interviews that are completed, as in our experience this leads to a significant over-estimate of the number of households wishing to move to a site or a yard.

3.20 We do not model or extrapolate need from households living in bricks and mortar and instead rely on local evidence of need that is identified. Any need from bricks and mortar households that comes forward in the future should be addressed through Local Plan Criteria-Based Policies as set out in the recommendations in this GTAA.”

31. In my view, to rely solely on the outcome of interviews with housed Travellers is plainly inadequate as **no interviews at all were undertaken** with Travellers in bricks and mortar, as can be seen from Figure 6 on p34. Having undertaken no interviews with Travellers in bricks and mortar, Figure 8 of the GTAA then

concludes that there is no need for pitch accommodation from this group. This is a self-serving conclusion.

32. The GTAA 2025 tries to avoid this obvious shortcoming by making assertions that lack any evidential basis:

“7.20 Despite all of the efforts that were made it was not possible to identify and interview any households living in bricks and mortar.

7.21 ORS have completed a large number of GTAA's and need from bricks and mortar households is regularly raised at Appeals and Examinations.

7.22 In response to this ORS are in the process of preparing a detailed Technical Note to set out evidence to demonstrate that the vast majority of Travellers who live in bricks and mortar do so through choice and have no wish or need to move to a site.

7.23 The emerging conclusions of the Technical Note suggest an average need from bricks and mortar of 2.5 households for each Local Planning Authority across England over a typical 15 year GTAA period.

33. This does not appear to be an evidence-led approach to discover what the accommodation needs of Travellers in bricks and mortar are but rather one that sets out to establish that there is very little need for pitch accommodation from this group. How can ORS know what the accommodation needs of Travellers in bricks and mortar in Waverley are when they have failed to interview a single one?

34. In my view, it is self-evident that an expanded definition of Traveller in PPTS 2024 will *by design* capture a greater number of individuals than previous versions. That is clearly its purpose.

35. In support of the argument that the PPTS 2024's expanded definition means that more individuals will come within its scope, in my first Proof I attached an Appeal DL at Appendix RB3² issued on 1st May 2026 in which I was instructed that found:

*“36. I have a number of concerns over the Council’s claims in terms of the need and supply of pitches. Firstly, since the GTAA was published a revised version of the PPTS has been issued. **This includes a widened definition of Gypsies and Travellers compared to the previous version of the same document.** At the hearing, the author of the GTAA accepted it did not address the needs of “all other persons with a cultural tradition of ... living in a caravan”. As such, the GTAA does not address the accommodation needs of all persons defined as Gypsies and Travellers in the PPTS.”*

36. The author of that GTAA was arc4 who have always argued that the full “cultural” need (that is, not just those who come within the PPTS 2015 or PPTS 2023 definitions) should be considered and provided for, unlike ORS who have tried to maintain a difference between PPTS need and other need (for example, so-called undetermined persons or non PPTS need).

37. I now attach at RB4³ an Appeal DL issued on 27th May 2026 where the Council in question argued that they had a 13.3 year supply of sites based on an ORS GTAA which asserted that it had included Travellers who had ceased to travel permanently as well as temporarily (in effect the PPTS 2023 definition) was rejected by the Inspector who also found that the new PPTS 2024 definition meant that need was likely to be even greater than that assessed as it also included Travellers who had a “cultural tradition of nomadism or living in a caravan”, what I described above as the expanded definition.

“43. Since the GTAA was commissioned, the definition of a Gypsy and Traveller has changed following the Lisa Smith judgment in 2022. The revised definition in the PPTS states ‘all persons with a cultural tradition of nomadism or of living

² Attached again for ease of reference.

³ As above.

*in a caravan’. The Council advised that the GTAA in reporting those that ‘do not meet the definition’ takes the revised definition into account. However, it is not clear that the GTAA takes full account of this wider group, which adds to the uncertainty of the accuracy of the evidence base and brings into question the identified need in the Borough. Additionally, I note the concerns raised by the appellant surrounding the interview rate, by the appellant’s own admission, this figure does not include Travelling Showpeople **or those residing in bricks and mortar.**”*

38. Mr Jarman ignores the fact that the definition of Traveller in Annex 1 PPTS 2024 is that precisely that is used in the Traveller count and that the Council themselves undertake that count (Proof paragraphs 35-37). Mr Jarman only cites up to July 2025 but the updated figures for 2026 are now available: these show that the Council considered that there were 237 authorised private Traveller caravans and 149 unauthorised Traveller caravans. That alone demonstrates a substantial level of unmet need for additional Traveller sites in Waverley. The Traveller Count 2026 will be added to the Core Documents.

39. I note that GTAA 2025 considers itself to be robust – indeed, it describes itself as robust no fewer than 11 times within the document. In my view, to merely repeat the assertion that one’s own document is robust falls short of establishing that it actually is robust. The place to assess a GTAA’s robustness is by way of independent examination, Inspectors at Appeal and, of course, at EIPs. No such independent assessment of this GTAA let alone the PDA has taken place.

40. I note that all of the examples relied on by Mr Jarman (paragraphs 8 – 34 of this Proof) are all 2018 or earlier.

41. Attached at RB5⁴ is a DL issued on 25th June 2026 in which I was instructed. In that case, ORS had claimed that the LPA in question had more than a 5 year supply of sites based on 33 private pitches approved since the GTAA was published. The Inspector rejected that assertion:

⁴ As above.

“24. Paragraph 4e of the PPTS looks to promote the provision of more private Gypsy and Traveller sites. The appeal development would contribute towards meeting this objective. Paragraph 9 of the PPTS requires local planning authorities to set pitch targets to address the likely accommodation needs for Gypsies and Travellers in their areas. Under sub-paragraph 10(a) of the PPTS, local authorities are required to identify and update annually a supply of specific deliverable sites sufficient to provide 5 years’ worth of sites against these targets.

25. The Council’s submissions on this matter refer to a South Gloucestershire Local Plan Topic Paper on Gypsies, Travellers and Travelling Showpeople October 2025 (the Topic Paper). This in turn refers to the Council’s Gypsy and Traveller Accommodation Assessment Final Report dated November 2023 (the GTAA). The GTAA’s findings are based on fieldwork completed between March 2021 and January 2022. The local Gypsy and Traveller population and the demand for suitable accommodation is likely to have changed in the meantime. Nonetheless, the GTAA and Topic Paper provide the only technical information before me on the need for pitches and so it is reasonable to use the data they contain in my assessment.

26. Table 1 in the Topic Paper (Table 1) sets out the Council’s figures on the need for more pitches. At the hearing, the Council’s representative agreed that these figures represent the current pitch targets. Table 1 includes a total need figure at the baseline date of the GTAA of 132 pitches, with this need apportioned to different periods between 2022 and 2042. For the period 2022-26, the total need as of the baseline date is 70 pitches. However, Table 1 also provides a total need figure as of October 2025 of 40 pitches within the same 2022-2026 period. Paragraph 3.18 of the Topic Paper indicates that this lower figure takes account of planning permissions granted for additional pitches since the GTAA was undertaken. It is appropriate to use the October 2025 need figures as set out in Table 1 to establish a 5 year

supply target. However, it is important to bear in mind that these have been reduced compared to the GTAA baseline date figures to reflect permissions granted for extra pitches in the interim period.

27. Table 1 also provides separate figures on the need for private pitches and socially provided pitches that together equal the total need. With reference to the figures on private need as of October 2025 for the periods 2022-2026 and 2027-2031, the Council suggests its current 5 year supply target is 32 pitches. The submitted statement of common ground includes a list of planning permissions relating to Gypsy and Traveller sites (the SOCG list). When allowance is made to a totalling error included on this list, the Council contends it can show 37 private pitches with planning permission and so in excess of the 5 year target of 32 pitches.

28. However, I have some concerns with the Council's approach. There is little evidence before me that explains the rationale behind the split in need figures between private and social need as set out in Table 1. At the hearing, the Council's representative was unable to take me to any part of the GTAA that makes a distinction between tenures in arriving at its figure on the total need for additional accommodation. Moreover, there is no part of the PPTS to support the Council's approach of looking at only private pitch needs and excluding social pitch targets in assessing whether a 5 year supply of sites can be demonstrated. With these factors in mind, I consider it is more appropriate to use the total need figures as of October 2025 from Table 1 rather than simply the private pitch need figure in establishing the 5 year supply targets. Having regard to the second and third columns in Table 1 and total need figures for October 2025, the current 5 years supply target would be 58 rather than 32 pitches. It is noteworthy that this pitch target figure is higher than the 37 private pitches with planning permission as claimed by the Council under the SOCG list.

29. Furthermore, the SOCG list includes planning permissions granted between January 2022 and October 2025 as counting towards the future supply of sites. However, from the evidence before me, it seems that at least some of these permissions have already been accounted for in Table 1 to justify the reduced total need for October 2025 compared to the need at the GTAA baseline date. As such, it appears the Council's approach includes an element of double counting of sites with planning permission in terms of reducing need as of October 2025 as well as addressing the future need for pitches for 5 years from that date.

30. I note the eLP proposes the allocation of land for new Gypsy and Traveller sites. However, these have not been relied upon by the Council in terms of currently contributing to future supply. I was advised at the hearing that none of these proposed allocated sites benefit from planning permission and there is limited information before me on where these sites are located and whether they are available. Therefore, the evidence fails to show the sites proposed to be allocated are currently deliverable as defined under footnote 4 of the PPTS.

31. For these reasons, **I am unconvinced that the evidence submitted by the Council demonstrates a 5 years' worth of supply of Gypsy and Travellers' sites against its targets. Based on the planning permissions within the SOCG list granted since October 2025, the Council is only able to show 9 pitches with planning permission. This supply figure is significantly below the 58 pitch target that I consider is appropriate and it is below the target of 32 pitches as suggested by the Council. I therefore conclude that a 5 year supply of pitches in light of the Council's targets on Gypsy and Traveller site provision cannot be demonstrated.**

42. In the Heritage balance at paragraph 61, 62 as well as in the Planning Balance in paragraph 68, the Inspector finds that the "great weight" afforded to the protection of heritage assets is outweighed by the "very great weight" attached to unmet need and the lack of a 5 year supply:

“61. In terms of public benefits, the development would help address a local unmet need for Gypsy and Travellers sites and it would contribute towards the government’s general aim to promote the provision of more private pitches. In doing so, it would reduce the likelihood of Gypsies and Travellers needing to resort to illegal encampments. This in turn would promote good relationships between Gypsies and Travellers and those not of this protected group and so the development would accord with the aims of the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010. Also, the proposal would provide a settled base to allow occupants access to facilities such as schools and health care that would not be so readily available with a transient lifestyle. In these respects, it would advance the equality of opportunity for Gypsies and Travellers as advocated under the PSED.

...

63. The scale of the proposal is fairly limited in terms of providing just 3 mobile homes. However, paragraph 2.13 of the Topic Paper explains that there has been a historic and persistent level of unmet need for Gypsy and Traveller accommodation in South Gloucestershire. My findings on the need for pitches and the future supply of sites indicates that there is not sufficient alternative sites currently available to help address the identified unmet need. Within this context, I attach very great weight to the public benefits of the development when considered together. They provide clear and convincing justification to allow the development, notwithstanding the great weight to be attached to the harm that would be caused to the setting and significance of the LB. When applying the heritage balance, the development would accord with PSPP policy PSP17 and the provisions of the Framework on heritage assets. Acceptability in these regards outweighs the identified conflict with CS policy CS9 as this policy is inconsistent with the Framework’s requirement to consider public benefits when less than substantial harm would be caused to the significance of heritage assets.”

43. I now move on to consider the PDA and, in that regard, I adopt the evidence of WS Planning in the Clegg Appeals [WSP]. In that evidence WSP question whether the 2024 definition of Traveller has been brought to the attention of the people the GTAA asserts not to be Travellers (2.1-2.8) before going on to consider how other Inspectors have addressed ORS's similar claims in other Appeals, please see, in particular 3.8 where Inspector Dignan found:

*3.8 Inspector Dignan dealt with this matter when he determined the appeals regarding Ada's Farm in Chertsey, often cited in respect of Intentional Unauthorised Development. I attach the decision at **Appendix 3**. I draw reference to Para's 22 and 23, and also 27 and 28, below,*

"22. The matter with the greatest potential to affect both the accuracy of the estimate of need and the supply position concerns two sites adjacent to each other on the northern side of Almnors Road, not far from the appeal site. Little Almnors Caravan Site (LA) has planning permission for the stationing of 20 caravans, while Walnut Tree Farm (WTF) has planning permission for 28 gypsy/traveller pitches, each pitch accommodating 2 caravans, only one of which could be a mobile home, and a utility building. Both planning permissions were granted on appeal, LA in 2000 and WTF in 2013. The sites were visited by ORS who concluded that the caravans present on the sites were not being occupied by gypsies or travellers. ORS interviewees on another site corroborated that view, but Mr Brown subsequently visited the sites and spoke to the owner who claimed that 37 ethnic Romany Gypsies or Irish Traveller households were living there. The site owner is an Irish Traveller, as is his daughter who is site manager, and both apparently live there as do a number of other members of the extended family and at least one Romany Gypsy who was identified as a resident by ORS. Hence there is some evidence that ORS's characterisation of the site as having no gypsies or travellers was incorrect.

23. The occupancy situation at LA/WTF is therefore unclear, but for practical purposes it is unlikely to add to immediate unmet need,

though there remains a possible contribution to future need from new household formation arising from existing households resident on the site. In the circumstances however I am satisfied that the GTAA assessed need provides a reasonable practical basis for planning purposes, albeit with a recognition that significantly greater need than estimated is likely to arise from households that were not interviewed and whose PPTS status was not therefore determined. These form a significant proportion of the gypsies and travellers residing in the borough.

...

27. Another potentially significant problem is that the Council has relied on the provision of 48 pitches at LA/WTF as a major component of supply in the period to 2023/24. It plans first to seek compliance with the terms of the planning permissions through enforcement action, and if that does not work the Council intends to compulsorily purchase the 2 sites, which it says might actually deliver 63 pitches. A very simple and obvious problem with this strategy is that LA does not have 20 pitches, it has planning permission for the stationing of 20 caravans, which it was accepted as common ground early on in this Inquiry should equate to 10 pitches at most. It is surprising then to see, many months after this was clarified, that it is still being claimed as a 20 pitch site for the purposes of future supply. As for the proposition that the Council has identified breaches of planning control at the site, in reality this statement is based on the conclusion of the GTAA and anecdotal evidence. By the close of this Inquiry, with the Local Plan examination well advanced, no concrete steps had been taken to affirmatively establish the situation on either site, and no enforcement case had been opened.

28. If indeed it does turn out that all of the pitches on both sites are being occupied in breach of the occupancy condition, and can be enforced against, the private site owner will not have to bring them back into their authorised use, though it can reasonably be inferred that he would. But of course it is more likely than not in my view that

there are travellers living there, if only the owner's extended family, some of whom may meet the PPTS definition in any case. The compulsory purchase route is also fraught with difficulties. Overall, while it may turn out that LA/WTF makes some contribution to supply eventually, in view of the very limited engagement that the Council has actually had with the sites I cannot be confident that they will make the crucial contribution that the Council has relied upon, certainly within the relatively short time-frame envisaged.” (Emphasis added)

44. WSP continues:

“3.67 The LPA's assertion that this need can be fully met relies heavily on assumptions about deliverability that are not robustly evidenced. The 58 pitches the LPA rely upon is dependent upon sites that are in private control (barring one site). They are all already in occupation, and have residents thereon. There is no evidence provided by the LPA that any of those sites are deliverable, and the Inspector is being asked to determine a five year supply exists solely on the basis of ORS' PDA that suggests unmet need can be met.

3.68 It is an aspiration, not a supply of deliverable sites.

3.69 Deliverability under the Planning Policy for Traveller Sites requires that sites be available now, suitable, and achievable with a realistic prospect of delivery within five years. Land owned by private individuals does not equate to availability to meet Borough-wide needs. This is because sites under private ownership, relied upon to provide more pitches, does not equate to sites being genuinely available to meet the needs of households who have no family connections in the Borough, or have no ownership connections. The approach adopted by ORS and the LPA is in fact contrary to national policy that requires Local Authorities plan positively for the needs of the travelling community¹.

3.70 Paragraph 4 of the PPTS December 2024 sets out what the Governments aims in respect of Traveller sites are. Of note, within the list provided, are the following points:

1.to ensure that local planning authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites.

2.to promote more private traveller site provision while recognising that there will always be those travellers who cannot provide their own sites.

3.that plan-making and decision-taking should aim to reduce the number of unauthorised developments and encampments and make enforcement more effective.

4.for local planning authorities to ensure that their Local Plan includes fair, realistic and inclusive policies.

5.to reduce tensions between settled and traveller communities in plan-making and planning decisions

3.71 The appellants would submit that the LPA's approach directly contradicts these aims.

1.The LPA have made no effort to work collaboratively, or develop a fair and effective strategy to meet the substantial scale of unmet need they now face. Rather than help households secure sites they already own, and improve them if possible, such that they are achieved, they want to have them displaced from those sites and the communities they have established, all on the aspiration that if they take enforcement action and follow through on sites occupied in breach, there will be alternative locations. They have no mechanism to secure those sites as genuinely meeting unmet need and contributing towards supply

45. On this issue, WSP conclude:

3.74 Put plainly, the PDA does not allocate land and does not itself create additional supply. It is a tool that directs to a solution. That solution is, in the appellants view, unsuitable and unsatisfactory. Furthermore, it does not resolve the immediate needs that must be

addressed now. There is no policy mechanism in place that ensures those sites are delivered or required to be delivered. There is no evidence before the Inspector that establishes with any degree of certainty that the 58 pitches the LPA rely upon to meet their unmet need **will** be delivered in the next five years.

3.75 Furthermore, it has been the LPA's case that cumulative impact of more caravans at Lydia Park would be unacceptable in the Countryside and would together with nearby gypsy and traveller sites, dominate the settled community, being detrimental to all of the surrounding residents of Stovolds Hill whilst on the other hand Inspector Gilbert in her September 2022 decision considered that the perceived impact of planning permissions relating to the infilling of sites within the envelope of Lydia Park, would be minimal. I therefore invite the Inspector to conclude that the LPA's own evidence suggesting that further numbers could be delivered within the vicinity of Lydia Park puts paid to the argument over numbers in these appeals. It represents a clear contradiction in their approach and one which is untenable and more notably wholly unreasonable. It is clear that, on the basis of this new evidence, the LPA have no qualms about additional households living within the vicinity. The appellants therefore submit that the LPA should accept that this reason for refusal of planning permission is no longer relied on.

3.76 Of the 58 pitches advanced, 39 of them are subject to flood risk considerations, in one form or another. Either direct on site, or indirectly through access. There are a number of sites that provide clear conflict with Policy DM37 and have had no consideration of detail. The sites advanced have been insufficiently evidenced as suitable locations for the numbers advanced, beyond the obscure assertions of a third party contracted to provide a solution for the LPA's situation, that they are acceptable.

*3.77 As 55 of the 58 pitches are on land that is privately owned, there is no evidence before the Inspector that demonstrates **any** of those 55 pitches are available. In respect of the 28 pitches relied upon, there is no evidence, and absolutely no confidence from the appellants, that any of those pitches will be made or become available to meet their needs.*

3.78 There are no planning permissions for the 58 pitches the LPA rely upon which are before the Inspector, and therefore the appellants shall submit that there can be no presumption that the pitches set out are deliverable.

3.79 Additionally, the approach of providing “Pitches” taken by ORS appears to be one which focusses heavily on providing extra caravans only. A Pitch is quite different to an extra caravan. Traveller pitches do require space for turning circles, touring caravans, parking and, where sought by the occupants, a day room. Access for refuse lorries is another consideration. A touring caravan maybe regarded as a permitted development right associated with a traveller’s pitch, but nonetheless is additional space which needs to be considered. Indeed, there is an accepted definition of a pitch and a recommended size for them within the Local Plan. Caravan site licensing requirements are not irrelevant either. As such, the Inspector is invited to scrutinize the available space and decide the matter according to standard pitch requirements, and more importantly, whether, based on the evidence he has been provided by the LPA in their submission on this matter, that he is satisfied it has been sufficiently demonstrated that those additional pitches are achievable, and is not merely aspirational intensification of family sites.

46. In my view, the PDA falls far short of establishing that there is a 5 year supply of deliverable Traveller pitches either now or within the foreseeable future – let alone within the 6 months compliance with the EN. The lack of a 5 year supply attracts **substantial weight**.

47. The PDA should be afforded very little, if any weight, whilst the level of need in the GTAA of at least 128 additional pitches, attracts **substantial weight**. Of course, the GTAA itself under-records the real level of need in particular by failing to interview **any** Travellers in bricks and mortar housing, whilst relying on that very lack of interviews to include **any** element of need from this source.
48. The foregoing has implications for other issues in this Appeal: for example, even if the Sequential Test was considered necessary (which is not accepted) then the need for and supply of Traveller sites demonstrate that there are no reasonably available alternative sites at a lower risk of flooding for the type of development proposed and thus the Sequential Test would be passed in any event. Furthermore, the extent of unmet need demonstrated in the GTAA 2025 provides the evidential basis which establishes that allowing the Appeal would provide the wider public benefits that outweigh the risk of flooding such that the relevant part of the Exception Test is also passed.
49. Furthermore, there is no requirement that an *Appellant* – as opposed to *the evidence* - establish that there are no suitable available alternative sites as a matter of fact, as is made plain by the Court of Appeal case of *South Cambridgeshire District Council v the Secretary of State and Julie Brown (2008)* from which I reproduce the following:

*“In seeking to determine the availability of alternative sites for residential gypsy use, there is no requirement in planning policy or case law for an applicant to prove that no other sites are available or that particular needs could not be met from another site...In seeking to determine the availability of alternative sites for residential gypsy use, **there is no requirement in planning policy, or case law, for an applicant to prove that no other sites are available or that particular needs could not be met from another site. Indeed such a level of proof would be practically impossible. The case of Simmons, relied upon by the Council, establishes no such requirement, even in the Green Belt. The lack of evidence of a search and the clear availability of alternative sites in more suitable locations elsewhere, can undoubtedly weigh against the applicant where there are policy or other objections to a proposed development. Equally,***

evidence of a search by an applicant over a reasonable area for a reasonable length of time and the absence of any obvious alternatives weigh in favour of him. But there is no absolute requirement for an applicant to prove he has explored and exhausted all possible alternative options before planning permission can be granted; or for a local authority to identify an alternative site before being able to refuse planning permission for another and adequately justify their decision at appeal. These are just material considerations to be weighed in the overall balance.”

50. In this Rebuttal Proof I have considered issue 5 in terms of whether there is a 5 YHLS of Traveller sites as asserted by the Council in their Proof and Updated Note, both of which rely on the GTAA. I have found that none of those documents establish such a supply. On the contrary, the GTAA finding of 128 additional pitches – which is itself an underestimate – indicates that unmet need attracts **substantial weight**.
51. In the context of such a need – coupled with the Appellant’s personal circumstances - attracts very **limited weight**.
52. In addition, the personal circumstances of the Appellant and his family are agreed to attract **at least substantial weight** (in my view the weighting is even higher than that).
53. I therefore continue to conclude that the putative reasons for refusal are not well founded and that once subject to reasonable planning conditions, the proposal for a single pitch is acceptable at this location and should be allowed.