

Planning Reforms December 2024: Impacts on Planning for Gypsy and Traveller Communities

Note compiled by Dr Simon Ruston MRTPI, on behalf of Friends, Families and Travellers

Introduction

1. On 12 December 2024, the government [published their response](#) to the proposed reforms to the National Planning Policy Framework and other changes to the planning system consultation. The revised National Planning Policy Framework (NPPF) and Planning Policy for Traveller sites (PPTS) have significant impacts on the planning regime for Gypsies and Travellers, and are a mixture of reverting matters back to the pre-2015 position, parity between the approach to sites and general housing, and an unprecedented change to the definition. This note will set out and comment on the various changes, and then outline other measures and policies that could be considered as part of a further review of planning policy, to positively contribute to the delivery of Gypsy and Traveller sites.

Approach to the Green Belt in decision making

2. In 2015, the government introduced changes that made obtaining planning permission on Green Belt land for Gypsies and Travellers significantly harder. Arguments with regard to personal circumstances and unmet need were to have less weight. The 2024 changes not only revert back to the previous position with regard to the very special circumstances test, but now make explicit reference to the exceptions in the NPPF:

PPTS 2015/ 2023	PPTS December 2024
<p><i>16. Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.</i></p>	<p><i>16. Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development unless the exceptions set out in Chapter 13 of the National Planning Policy Framework apply.</i></p>



3. The reference to the exceptions in Chapter 13 of the NPPF means that there is now parity between how Gypsy and Traveller sites and other forms of development in the Green Belt are considered.
4. Turning to the exceptions, the NPPF states the following which is of direct relevance to Gypsy and Traveller sites:

154. Development in the Green Belt is inappropriate unless one of the following exceptions applies:...

...g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt...

...h) Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:...

v. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds);

5. So, this means that if a proposal for a Gypsy and Traveller site in the Green Belt would preserve openness, it may be able to be found to be appropriate development. An example of this, would be the removal of a structure such as a stable block and its replacement with a mobile home.
6. Of greater significance is the following entirely new policy on 'grey belt' land:

155. The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where:

a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;

b. There is a demonstrable unmet need for the type of development proposed; [in the case of traveller sites means the lack of a five year supply of



deliverable traveller sites assessed in line with Planning Policy for Traveller sites].

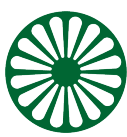
c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; [In the case of development involving the provision of traveller sites, particular reference should be made to Planning Policy for Traveller Sites paragraph 13].

d. Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 below.

7. It should be noted that the 'Golden Rules' (which relate to affordable housing, infrastructure and green space) do not apply to Gypsy and Traveller site development.
8. On criterion a. of paragraph 155 there is a fair amount to unpack. The definition of grey belt is found in the glossary:

Grey belt: For the purposes of plan-making and decision-making, 'grey belt' is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.

9. First, it is important to note that the definition of previously developed land has been expanded to include hardstanding:



NPPF up to November 2024	NPPF from December 2024
<p><i>Previously developed land: Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.</i></p>	<p><i>Previously developed land: Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed. Previously developed land excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape. [emphasis added]</i></p>

10. These changes mean that land that was used for open storage (B8) would now potentially fall within the 'appropriate' category.
11. Second, it is worth setting out here the purposes of the Green Belt found at paragraph 143 of the NPPF:
 - a) *to check the unrestricted sprawl of large built-up areas;*
 - b) *to prevent neighbouring towns merging into one another;*
 - c) *to assist in safeguarding the countryside from encroachment;*



d) to preserve the setting and special character of historic towns; and

e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

12. The exclusion from grey belt of c) makes sense as any development in the Green Belt is likely to cause encroachment. Purpose e) is not something that can be assessed in the context of individual sites.
13. A site must not strongly contribute to the other purposes of the Green Belt (as above, in a,b and d), in order to fall within the definition of grey belt. It should also be noted that grey belt land is not subject to the openness test (see NPPF para. 55).
14. The effect of the grey belt policy is that is that a considerable amount of land has now theoretically been opened up for potential development. The significance of this change to the planning system as it relates to Gypsies and Travellers and indeed more widely, cannot be overstated.
15. Finally, it is worth noting that sites impacted by the following designations would not be included within grey belt if there is a *strong reason for refusing or restricting development*:
 - habitats sites (and those sites listed in paragraph 189) and/or designated as Sites of Special Scientific Interest;
 - Local Green Space,
 - a National Landscape,
 - a National Park (or within the Broads Authority) or defined as Heritage Coast;
 - irreplaceable habitats;
 - designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75);
 - areas at risk of flooding or coastal change.

Approach to the Green Belt in plan making

16. With regard to plan making, PPTS states:

17. Green Belt boundaries should be altered only in exceptional circumstances. If a local planning authority wishes to make an exceptional, limited alteration to the defined Green Belt boundary (which might be to accommodate a site inset within the Green Belt) to meet a specific, identified need for a traveller site, it should do so only through the plan-making process and not in response to a planning application. If land is removed from the



Green Belt in this way, it should be specifically allocated in the development plan as a traveller site only.

17. This is unamended from the previous iteration of PPTS. The NPPF states the following (which is new):

146. Exceptional circumstances in this context include, but are not limited to, instances where an authority cannot meet its identified need for homes, commercial or other development through other means. If that is the case, authorities should review Green Belt boundaries in accordance with the policies in this Framework and propose alterations to meet these needs in full, unless the review provides clear evidence that doing so would fundamentally undermine the purposes (taken together) of the remaining Green Belt, when considered across the area of the plan.

148. Where it is necessary to release Green Belt land for development, plans should give priority to previously developed land, then consider grey belt, which is not previously developed, and then other Green Belt locations.

18. For Gypsies and Travellers, this means that in the event of a local planning authority not being able to meet its need from non-Green Belt land, it will need to undertake a Green Belt review to allocate sites.

The presumption in favour of sustainable development / How a lack of 5-year supply of sites should be treated

19. The presumption in favour of sustainable development is an overarching policy within the NPPF, which is described as being at the *heart of the framework*. It was not previously explicitly applicable to Gypsy and Traveller sites.
20. Furthermore, PPTS 2015/2023 took an approach to a lack of a 5 year supply of sites that lacked parity with the approach to mainstream housing. Previously, the lack of a 5 year supply was only explicitly mentioned in relation to temporary permissions (albeit that it was still a material consideration in any event). The December 2024 PPTS, now gives Gypsy and Traveller sites parity with other forms of development, by linking the lack of a 5 year supply of sites with the presumption in favour of sustainable development. The relevant PPTS extracts are as follows:



PPTS 2015/2023	PPTS December 2024
<p><i>27. If a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission. The exception is where the proposal is on land designated as Green Belt; sites protected under the Birds and Habitats Directives and / or sites designated as Sites of Special Scientific Interest; Local Green Space, an Area of Outstanding Natural Beauty, or within a National Park (or the Broads).</i></p>	<p><i>28. If a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, the provisions in paragraph 11(d) of the National Planning Policy Framework apply.</i></p>

21. Paragraph 11 of the NPPF states:

The presumption in favour of sustainable development

11. Plans and decisions should apply a presumption in favour of sustainable development. For plan-making this means that:

a) all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;

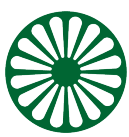
b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area⁷; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date



***[a lack of a 5 year supply of sites means that a policy is out of date],
granting permission unless:***

***i. the application of policies in this Framework that protect areas or
assets of particular importance⁷ provides a strong reason for refusing
the development proposed; or***

***ii. any adverse impacts of doing so would significantly and demonstrably
outweigh the benefits, when assessed against the policies in this
Framework taken as a whole, having particular regard to key policies for
directing development to sustainable locations, making effective use of
land, securing well-designed places and providing affordable homes,
individually or in combination. [emphasis added]***

22. Footnote 7 states:

*The policies referred to are those in this Framework (rather than those in
development plans) relating to: habitats sites (and those sites listed in
paragraph 189) and/or designated as Sites of Special Scientific Interest; land
designated as Green Belt, Local Green Space, a National Landscape, a
National Park (or within the Broads Authority) or defined as Heritage Coast;
irreplaceable habitats; designated heritage assets (and other heritage assets
of archaeological interest referred to in footnote 75); and areas at risk of
flooding or coastal change.*

23. The impact of this change, is that a lack of a 5 year supply of sites in the
determination of applications for Gypsy and Traveller sites is now the same as
that for mainstream housing.



The definition

24. The most significant change of all is that of the definition of Gypsies and Travellers for the purpose of planning policy, which has been amended as follows:

PPTS 2023	PPTS December 2024
<p>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.</p> <p>2. In determining whether persons are “gypsies and travellers” for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:</p> <p>a) whether they previously led a nomadic habit of life</p> <p>b) the reasons for ceasing their nomadic habit of life</p> <p>c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.</p>	<p>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 [emphasis added].</p>

25. The use of the phrase ‘*cultural tradition of nomadism or of living in a caravan*’, makes it considerably more inclusive and reflective of the accommodation needs of Romany Gypsies and Irish Travellers.

26. The government’s response to the consultation gives 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.

27. One of the arguments put in favour of this amendment to planning policy, relied upon the decision of the European Court of Human Rights in *Chapman v UK* where the court 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’.

28. As such, if special consideration is to be given to the needs of Gypsies and Travellers, then it follows that the planning definition should also include those ethnically defined Romany Gypsies and Irish Travellers who either do not travel or no longer travel for reasons other than those in the previous definition.
29. The significance of this change cannot be overstated, as English statute and case law as far back as 1967 to the present date has been based on a nomadic habit of life as distinct from cultural traditions of Romany Gypsies and Irish Travellers.
30. The practical implications are that Romany Gypsies and Irish Travellers who do not follow a nomadic way of life, will be able to both apply for planning permission for and live on a Gypsy or Traveller site.
31. For decision making on individual applications, the level of need for pitches that local planning authorities have to meet is now, in the vast majority of cases, going to be higher.
32. For plan making, local planning authorities who are undertaking new Gypsy and Traveller Accommodation Assessments to inform forthcoming plans and decision making, will need to take into account a far wider range of Romany Gypsies and Irish Travellers. Particular emphasis should be placed on those in the bricks and mortar who may want a pitch.
33. 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.



34. In the vast majority of cases, Gypsy and Traveller Accommodation Assessments will have identified a need for those who fell out of the 2015/2023 definitions (often termed 'ethnic' or 'non-PPTS' need). The need recorded from this group will need to be addressed in line with PPTS 2024.

What's next?

35. The Government's response to the consultation states:

In the context of our wider reforms to planning policy, we will review the Planning Policy for Traveller Sites next year.

36. Whilst the current amendments to planning policy are considerable in their potential impact, there are still several reforms proposed by Gypsy and Traveller civil society, which were not covered in the reforms so far. These include (amongst other matters):

The inclusion of Gypsy and Traveller site provision in strategic planning matters

37. The current NPPF does not explicitly include Gypsy and Traveller site provision as a matter to be dealt with as part of a strategic level plan. PPTS states that local planning authorities should:

c) consider production of joint development plans that set targets on a cross-authority basis, to provide more flexibility in identifying sites, particularly if a local planning authority has special or strict planning constraints across its area (local planning authorities have a duty to cooperate on planning issues that cross administrative boundaries)

Only a handful of local planning authorities undertake such plans.

38. As has been shown in the '[Kicking the Can Down the Road](#)' report (2024), the Regional Spatial Strategy (RSS) process which was abolished in 2011 allowed for the benchmarking of Gypsy and Traveller Accommodation Assessments across a region. The examination of regional figures allowed for those that represent Gypsies and Travellers to be able to provide a response to need figures in order to assist the examining Inspectors.
39. Post 2011, there are two primary issues that have occurred due to the revocation of RSSs. First, there has been a disparity of approach between LPAs depending on the approach that they take to GTAAs. Second, national representative Gypsy and Traveller organisations do not have the resources to respond to every local plan consultation. Whilst there are excellent examples of where local organisations have inputted into the local plan process, in areas where there is no such group, local plans are often adopted without any representations having been made on GTAA figures. It should be added that it is very rare for Gypsy and Traveller land owners to instruct representation in the local plan process, and even then, it is only to represent the narrow interests of a single landowner, and would not deal with wider issues such as social provision.



40. Even in areas where there is an existing regional tier of government unlike general housing need, the provision of Gypsy and Traveller sites is left to individual planning authorities with mixed results. Manchester is a good example of this (see the Kicking the can down the road report).
41. We would ask that the Government consider through amending the PPTS or by other means to require the provision of Gypsy and Traveller sites to be dealt with by the regional planning process
42. It should also be noted that as well as the benefits of more focused scrutiny and benchmarking as described above, taking a regional approach would also allow for highly constrained areas to have their needs met by neighbouring authorities as part of a plan led process.

The reintroduction of detailed guidance on the assessment of Gypsy and Traveller accommodation needs

43. As the Kicking the can down the road report makes sets out, there has been a policy vacuum on how GTAAs should be undertaken since the revocation of the previous Labour Government's 2007 guidance. This has led to a disparity in approach to the assessment need across the country.
44. We would urge the Government to reintroduce detailed guidance for LPA's on undertaking GTAAs. This should include amongst other relevant matters:
 - No use of pitch turnover as a component of supply;
 - The proper inclusion of Gypsies and Travellers living in bricks and mortar accommodation;
 - A distinction between the need for private and socially provided accommodation in the form of sites (to mirror the approach for the settled population);
 - A paid Gypsy and Traveller oversight group with meaningful input into the process to ensure thorough assessments with community inclusion.

The provision of sites being explicitly dealt with in testing a local plan's soundness

45. The Kicking the Can Down the Road Report found multiple examples of where local plans were found to be sound without the need of Gypsies and Travellers having been met. We would suggest that the test of soundness also explicitly includes the need of at a minimum socially provided provision.

An increase in the provision of social sites

46. The current reforms to PPTS will undoubtedly have significant benefits for those who wish to develop private sites. There is however in our view a policy void on the provision of social pitches.
47. 2021 Census data indicates that many within Romany Gypsy and Irish Traveller communities need socially provided accommodation, with 42% of Gypsy and Traveller Census respondents renting in social housing, compared with all groups at 17%.
48. The government has placed great emphasis on the provision of social housing, and the need for socially provided pitches should be part of this. As such, we would suggest three reforms that would assist in this.
49. First, as suggested above Gypsy and Traveller Accommodation Assessments should provide figures for both social and private provision. The 5 year supply of sites calculations should also be split in this way.
50. Second, where there is an identified need for public sites, this should be met through direct provision rather than through site allocations. In areas constrained by Green Belt, national policy should be amended to state that the need for public sites is capable of outweighing the harm to the Green Belt, so as to establish very special circumstances (in circumstances where a site is not found to be appropriate development due to a failure to meet paragraph 154 or or 155 of the NPPF).
51. Finally, the statutory duty to provide sites should be reintroduced. The Caravan Sites Act 1968 introduced a duty on local authorities to provide sites for Gypsies and Travellers. The Criminal Justice and Public Order Act 1994 revoked this duty. The 'Kicking the can down the road' report found that of the 100 local authority areas surveyed, there were 119 socially provided sites were built before 1994, and only 30 between 1994 and 2023. This is clear evidence that only with a statutory duty, can any real progress be made to address the chronic shortage of sites, which is underpinned by a reluctance and inaction from local authorities.
52. There is a crisis in the provision of socially provided accommodation for Gypsies and Travellers. In order to be fair and equitable, the government's proposal for 'the *biggest increase in social and affordable housebuilding in a generation*', this must also include Gypsies and Travellers. The single most effective way of doing this is through the reintroduction of the statutory duty on local authorities to provide sites.

Dr Simon Ruston MRTPI on behalf of Friends, Families and Travellers



About us

Friends, Families and Travellers is a leading national charity that works to end racism and discrimination against Gypsies, Travellers and Roma, regardless of ethnicity, nationality, culture or background, whether settled or mobile.

www.gypsy-traveller.org | Tel +44 (0)1273 234 777 | Email fft@gypsy-traveller.org X

| [@GypsyTravellers](#) | Facebook [@FriendsFamiliesandTravellers](#)

|