



Planning Permission

A Guide:

for New Sites for Gypsies & Travellers

Do I need Planning Permission?

Planning permission is usually needed for all new homes – even if you are not actually intending to *build* anything. A ‘new home’ means trailers and other types of mobile home just as much as a brick-built house. So if you want to live in your trailer, on your own site, you will need to get planning permission. Getting planning permission will give you the right to live on your own land. If you plan to extend, adapt or change your site in any way, you may also need planning permission. To get planning permission for a site, you must apply to the local Council in your area.

Choosing a Site

If you’re trying to find land on which to develop your own site, you’ll have a much better chance of getting planning permission if you do some research first. Don’t be tempted to buy a piece of land until you’ve done that research!

Speak with the owner, landlord, agent or someone who is living on the site to find out what they know about it. Always check any information that they tell you and ask to see copies of any permissions, licences, proof of ownership etc.

When buying the land, buy what’s called ‘an option’ on it – this means you buy the right to buy the land later, once you’ve got planning permission

for it. This way, you will lose much less money if the permission doesn’t work out.

Pre-application Checklist

By avoiding the following problems, you are more likely to get planning permission:

- Dangerous access
- Contaminated land
- Disturbance to wildlife
- A long way from schools/shops
- Lack of screening (trees, hedgerows & bushes)
- Highly visible from roads and footpaths
- Located in a Conservation Area
- Poor drainage
- The land floods

You should also consider whether there are any existing sites in the area available to rent or buy (with planning permission). You stand less chance of getting planning permission if you ignore available sites without good reason.



Should I speak to the Council before I apply?

Yes, your local Council will actively encourage it!

Narrow down your search to two or three possible sites and then arrange an appointment to have a chat with a planning officer. Ask them about the sites' planning histories and what they think of them – they should be able to tell you whether or not the sites are worth going for.

Early talks with a planning officer gives you a much better chance of getting planning permission first time without having to appeal or find another site.

Applying for Planning Permission

When you are ready to apply for planning permission, pick up a planning application form from your local Council offices. Or, you can download the form from the Council's website or the planning portal: www.planningportal.gov.uk

You can fill the form in yourself or get an agent or planning expert to do it for you. Yorkshire Planning Aid may also be able to help (see overleaf).

You will also need to pay a fee to submit your application to the Council.

What will happen to my application?

The Council will write to you, or your agent, to let you know that they have received the application. If anything is missing, the form will be sent back to tell you what other information is needed. If the Council asks you for more information, send it as soon as you can.

The Council should make a decision within eight weeks, but it can take longer if there is good reason for delay. Ask the planning officer to tell you the date that has been set for making the decision.

Keep in contact with the planning officer who is dealing with your application (the case officer) to find out how things are progressing.

The Council will contact people and organisations (e.g. site neighbours, parish council, the local highway authority) that may be affected by your application.

All the information that you send with your application will be made available at the Council offices for anyone to see.

Anyone can write to the Council to comment on your application, either to support or object, but they must give valid planning reasons if they are to affect the decision.

The Decision

A planning officer will deal with the application but the decision will be made either by a committee of Councillors or a by senior planner.

You will be able to attend the meeting at which the decision on your planning application is to be made. Find out from the Council when the meeting will be held. You, or your agent, might be able to speak for a few minutes in support of the application.

The Committee does not have to make a decision if it needs more information or if it wishes to visit your site. Councillor site visits usually take place *before* the Committee meeting and, if that's the case, you will be told when they intend to visit and if you can attend and speak.

The Council will decide whether to "approve without conditions", "approve subject to conditions" or "refuse" your application. Whatever the decision, the Council will send you, or your agent, a Decision Notice detailing that decision. You should keep this safe.

Conditions – what restrictions can be applied?

There will almost certainly be a list of planning conditions attached to your permission. These are extra things that you will have to do as part of

your permission. You need to check these conditions and make sure you understand them and know what you have to do to satisfy them. Get advice if there's anything you're not sure about.

Examples of conditions:

- You must start the development within 3 years.
- Use of the site is limited to the applicant and their family (personal permission)
- Non-residential use, such as a business activity, is limited to a certain part of the site.
- The number of caravans is limited.

If there are any conditions you really feel are unfair or unreasonable, you can appeal against them.

I've been refused permission – what next?

If your application is refused you are allowed to submit another application free of charge within twelve months. Speak with the planning officer and find out if there are any changes that will help you to get permission. Show these changes clearly on your resubmission if you decide to go ahead with this.

Can I Appeal?

Yes, you can appeal against the refusal which means that your planning

application and the Council's reasons for refusing it are looked at by an independent inspector. You have six months to make your appeal from the date of the refusal.

Before you decide to appeal speak with the people who helped you with your application about whether you have a good reason to appeal. You will have to pay the costs (professional fees and expenses) of your own advisors.

The Planning Inspectorate is independent of the Council. When your appeal is received a Planning Inspector will be appointed to look at both sides of the case and to decide whether to grant you planning permission, or to remove or change any conditions. An appeal can take over six months before you get a decision.

Enforcement – What happens if I don't apply?

If you are living on a site that does not have permission the Council has powers to move you and that can cause you a great deal of trouble. Although it is possible to apply for planning permission after you have moved onto a site (known as a retrospective planning application), this is not recommended as it could lead to long periods of uncertainty and expense. It is much better for everyone if you can obtain planning permission before occupying a site.

The Council has several powers to stop you from living on the site. If you do not do what the Council says you can be prosecuted. If you are given an injunction and you do not act on it you could be given a prison sentence.

Types of Enforcement Action:-

- Temporary Stop Notice - which comes into force straight away and stops any further development for 28 days.
- Enforcement Notice - to stop development. You can appeal to the Planning Inspectorate.
- Stop Notice - which can only be issued at the same time as an Enforcement Notice and is used to stop the development before the Enforcement Notice comes into effect.
- Injunction - an application to the courts to stop the development.
- Breach of Conditions Notice - requires the owner or occupier to comply with any outstanding requirements of a condition imposed on the planning permission. No right of appeal.



Planning Officers that may be able to help you:



Craven
IN THE YORKSHIRE DALES
DISTRICT

Development Control
01756 706259
www.cravencd.gov.uk



Richmondshire
DISTRICT COUNCIL
working for a better future

Brian Hodges
01748 827142
www.richmondshire.gov.uk



Paul Simpson
01653 600666 (Ext 330)
www.ryedale.gov.uk



Jonathan Saddington
01609 768096
www.hambleton.gov.uk



Simon Glazier/
Gareth Arnold
01904 551553
www.york.gov.uk

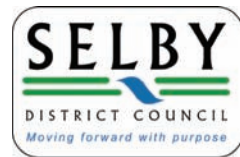


A great place to live, work & play

Nick Read
01723 232483
www.scarborough.gov.uk



Mike Warden
01423 556686
www.harrogate.gov.uk



Elton Phakathi
01757 292062
www.selby.gov.uk

other contacts:

Yorkshire Planning Aid 0870 850 9808 www.ykcw@planningaid.rtpi.org.uk

North Yorkshire Gypsy and Traveller Officer: Lewis Stokes 01609 767295
lewis.stokes@hambleton.gov.uk

NorthYork Moors National Park Authority Mark Hill 01439 770657
www.northyorkmoors-mpa.gov.uk

Yorkshire Dales National Park Authority Andrew McCullagh 01969 652305
www.yorkshiredales.org.uk