

Environment and Community Services Directorate
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Jameson Bridgwater, Planning Inspector
Graham Wyatt, Planning Inspector
c/o Charlotte Glancy, Programme Officer

16 December 2022

Dear Mr Bridgwater and Mr Wyatt,

RE: Court of Appeal judgement – Planning Policy for Traveller Sites

I refer to your recent letter in respect of the recent Court of Appeal judgement (*Lisa Smith v SSLUHC [2022] EWCA Civ 1391, Case No: CA-2021-001741*) regarding the interpretation of the Planning Policy for Traveller Sites (PPTS) and whether, in light of this judgement, the Council wishes to review its assessment of Traveller site needs.

The case hinges on the change of the definition of ‘gypsies and travellers’ given in Annex 1 of the PPTS 2015. It differs from the definition in the 2012 version as follows:

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.

The [Gypsy and Traveller Accommodation Needs Assessment](#) (GTANA, SD-049) acknowledges the revised 2015 definition in para 1.1, but the need assessment within the GTANA (Table 2) comes from the GLA’s [Gypsy and Traveller Accommodation Topic Paper](#) (2017). The Topic Paper explains in section 2 that the London Plan was then based upon the 2012 definition of gypsies and travellers (reflecting the 2006 Housing Act definition) because of the GLA’s disagreement with the narrowing of the definition within the revised PPTS. This intention was not carried through to the adopted Plan, as the Secretary of State ruled that the approach was not in accord with national policy.

There is an update in the Council’s GTANA (after para. 6.2) which explains that the assessment is unaffected by the change which narrowed the definition of gypsies and travellers. It follows that the Council’s assessment was based on the wider definition set out in the 2012 PPTS and includes those who have permanently stopped travelling.

On this basis, the Council does not consider it necessary to review the GTANA. A modification is proposed to para. 17.62 within the Plan to reflect the outcome of the judgement.

Official

Yours sincerely

Adam Hutchings
Principal Policy and Information Planner