

## **Gypsy Case Highlights Need for Compliance Care**

A recent case involving a planning application by a gypsy family illustrates the potential implications of failing to comply with planning notices as they are set out.

A residents' association took issue with their local council's decision to grant retrospective planning permission to a family who moved onto an area of land in 2001 and asserted they had gypsy status. In 2003 the council's licensing officer expressed reservations over whether the homes on the site at that time fell within the statutory definition of caravans. This was largely due to the fact that by that time the occupiers had installed a cesspit and associated soil pipes, gas cylinders with plinths, delivery pipes, a brick meter box, mains electricity cables and water pipes and had constructed various timber structures as well as boundary fences in excess of 1 metre in height and a driveway plus vehicular hard standing. After much argument, retrospective planning permission was granted by the council's inspector, in 2004, for 'the use for the stationing of three units of mobile living accommodation'.

The residents sought to quash the granting of the planning permission on the basis that the defendants had lost the habit of travelling, which was necessary for them to be considered as gypsies, and also on the technical point that the structures on the site were not consistent with the description of mobile living accommodation because they were effectively fixed to the ground and had immoveable structures attached to them. They could not, therefore, be considered to be caravans.

The appeal by the residents to quash the planning permission was successful, not because they had proved the loss of gypsy status, but on the point that the structures on the site did not comply with the description in the planning notice.