

Planning Procedures

For Gypsy/Travellers setting up camp on their own land

Gypsy/Travellers are somewhat unique in relation to the planning process, they are required by law to obtain planning permission for sites on which to settle, however, there is no real market in suitable sites that come with planning permission. Acquiring permission for such sites can prove to be very difficult – regardless of financial situations. Indeed, it has been widely agreed that the difficulty faced by Gypsy/Travellers in gaining planning permission is disproportionate with the rest of the population. This presents a huge obstacle for Gypsy/Travellers who are trying to acquire a safe, secure home for their family which is also in keeping with their cultural and social needs. In planning terms, anyone who pursues a nomadic lifestyle for economic purposes can be classed as a Gypsy/Traveller. In Scotland, even although you own the land on which you are camped, it is possible to be evicted by the authorities unless you have obtained the necessary planning permissions. Sites without planning permission are classed as ‘Unprotected Sites’ or ‘Unauthorised Encampments’ and, unfortunately, those occupying such sites have no legal rights.

So, what are the procedures for Gypsy/Travellers in Scotland wishing to set-up on land which they own themselves?

In order to set-up on private land, you will need to obtain planning permission and a site license (a written license from the local authority to station a trailer(s) for the purpose of human habitation). The only way of going about this is to contact the planning department at your local council to request planning permission (information below). The majority of cases will require full, detailed plans of what you intend to do with the land. These cases are dealt with on an individual basis, and procedures vary between different areas. In some areas you may be appointed a Gypsy/Traveller Liaison Officer, who can help to correspond between the necessary departments, advise on facilities and indicate people and organisations which may be of further help, for example *Planning Aid* or *Shelter* (details below).

However there are some **exceptions** to this rule. For example, you will not need to obtain these permissions if:

- You own or rent a ‘bricks and mortar’ home and park a trailer in the grounds, provided there is no-one living in it permanently.

- You are a travelling Showperson, part of an organisation recognised by Scottish Ministers, and you are either travelling for work reasons, or settling down for the winter.
- You park up to three trailers on undeveloped land, of five acres or more, and are resident there for no more than 28 days per year.
- You stay in a travelling trailer on-site for no more than 2 nights.

If you are refused planning permission, the local authorities can serve you with an Enforcement Notice, or a Stop Notice, asking you to leave your land. Before sending a notice, authorities have the right to visit your camp in order to ascertain whether any planning laws have been broken. Nonetheless, you have the right to appeal this decision - organisations such as *Planning Aid* can help, offering you free advice.

Many Gypsy/Travellers are often refused planning permission for their own land and in *some* cases it may be possible to cite discrimination. The main law which protects people from racial discrimination is the *Race Relations Act 1976*. This Act has been reviewed several times since it came to pass, and outlaws direct and non-direct racial discrimination and harassment. Scottish Gypsy/Travellers are classed as a distinct ethnic group and are therefore protected by the *Race Relations Act*. Further help and support can be sought at the *Equalities and Human Rights Commission* (details below).

Information sourced through *Shelter Scotland* and *The Scottish Government*.

Useful Contacts

- The Scottish Government Planning Authorities:
<http://www.scotland.gov.uk/Topics/Built-Environment/planning/Local-Planning/Q/editmode/on/forceupdate/on>
- Equalities and Human Rights Commission:
<http://www.equalityhumanrights.com/our-job/contact-us/>
- Online Planning Calculator (will give an indication of the costs involved):
<https://eplanning.scotland.gov.uk/WAM/>
- Shelter Scotland: <http://scotland.shelter.org.uk/>
- Planning Aid for Scotland: <http://www.planningaidscotland.org.uk/index.php?cid=1>

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Policy and Research

YGTL - *Article 12 in Scotland*