Special Meeting of the Development Management Committee

Members of the Development Management Committee:

Conservatives
Mr J Mooney (Chairman)
Mrs L Neal (Vice-Chairman)
Mrs A Thomas (Acting Vice-Chairman)
Mrs Y Bendle
Mrs F Ellis
Mr C Gould
Dr C Kemp
Mr G Minshull
Mr B Stone
Mr V Thomson

Liberal Democrats
Dr M Gray

Pool of Substitutes
Mr P Broome
Mr L Dale
Mr J Hornby
Dr N Legg
Mr B Riches
Mr G Wheatley

Pre-Committee Members’ Question Time
12.00 pm

Agenda

Date
Monday 10 August 2015

Time
1.00 pm

Place
Council Chamber
South Norfolk House
Swan Lane
Long Stratton Norwich
NR15 2XE

Contact
Sue Elliott tel (01508) 533943
South Norfolk District Council
Swan Lane
Long Stratton Norwich
NR15 2XE

Email: democracy@s-norfolk.gov.uk
Website: www.south-norfolk.gov.uk

PLEASE NOTE that any submissions (including photos, correspondence, documents and any other lobbying material) should be received by the Council by noon the day before this meeting. We cannot guarantee that any information received after this time will be brought to the Committee’s attention.

If you have any special requirements in order to attend this meeting, please let us know in advance

Large print version can be made available

03/08/2015
The Development Management process is primarily concerned with issues of land use and has been set up to protect the public and the environment from the unacceptable planning activities of private individuals and development companies.

The Council has a duty to prepare Local Plan Documents to provide a statutory framework for planning decisions. The Development Plan for South Norfolk currently consists of a suite of documents. The primary document which sets out the overarching planning strategy for the District and the local planning policies is the Joint Core Strategy for Broadland, Norwich and South Norfolk. The Strategy is broadly consistent with the National Planning Policy Framework (NPPF) and accompanying technical guidance and was adopted by South Norfolk Council in March 2011 (with amendments to the JCS being adopted in January 2014). It is the starting point in the determination of planning applications and as it is adopted, policies within the plan can be given full weight when determining planning applications.

The remaining ‘saved’ policies of the South Norfolk Local Plan (2003) also carry full weight in the determination process, unless officers specifically advise otherwise.

South Norfolk Council is also in the process of preparing various Local Plan Documents: the Site Specific Allocations and Policies Document, Area Action Plans for Wymondham and Long Stratton and the Development Management Policies Document. These documents will allocate specific areas of land for development, define settlement boundaries and provide criteria based policies giving a framework for assessing planning applications. None of these emerging Local Plan documents have yet been submitted for independent examination, and so the weight to be afforded to emerging policies and allocations is assessed on a case-by-case basis.

A further document which also forms part of the South Norfolk Development Plan is the Cringleford Neighbourhood Development Plan. The CNDP was formally ‘made’ (adopted) on 24 February 2014, and full weight can now be given to the policies of the CNDP when determining planning applications in Cringleford parish.

In a number of instances the Council has produced Supplementary Planning Documents which expand upon the policies of the Development Plan; these documents do not change policy or create new policy, but they are a material consideration in the determination of planning applications.

In accordance with legislation, planning applications must be determined in accordance with the policies of the Development Plan, unless material considerations which are relevant to planning indicate otherwise.

The NPPF states that the purpose of the planning system is to achieve sustainable development. The core planning principles contained within the NPPF are summarised as:

- To be genuinely plan-led
- To drive and support sustainable economic development
- Seek high quality design
- Conserve and enhance the natural environment
- Encourage the effective use of land
- Conserve heritage assets
The factors to be used in determining applications will relate to the effect on the “public at large” and will not be those that refer to private interests. Personal circumstances of applicants “will rarely” be an influencing factor, and then only when the planning issues are finely balanced.

**THEREFORE** we will:

- Acknowledge the strength of our policies,
- Be consistent in the application of our policy, and
- If we need to adapt our policy, we will do it through the Local Plan process.

Decisions which are finely balanced, and which contradict policy will be recorded in detail, to explain and justify the decision, and the strength of the material planning reasons for doing so.

**LOCAL COUNCILS**

**OCCASIONALLY, THERE ARE CONFLICTS WITH THE VIEWS OF THE PARISH OR TOWN COUNCIL. WHY IS THIS?**

We ask local parish and town councils to recognise that their comments are taken into account. Where we disagree with those comments it will be because:

- Districts look to ‘wider’ policies, and national, regional and county planning strategy.
- Other consultation responses may have affected our recommendation.
- There is an honest difference of opinion.
A G E N D A

1. To report apologies for absence and identify substitute voting members (if any);

2. To deal with any items of business the Chairman decides should be considered as matters of urgency pursuant to Section 100B (4) (b) of the Local Government Act, 1972; [Urgent business may only be taken if, “by reason of special circumstances” (which will be recorded in the minutes), the Chairman of the meeting is of the opinion that the item should be considered as a matter of urgency.]

3. To receive Declarations of Interest from Members;  
(Please see flowchart and guidance attached, page 7)

4. Planning Applications and Other Development Control Matters;  
(attached – page 9)

   To consider the items as listed below:

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Planning Ref No.</th>
<th>Parish</th>
<th>Site Address</th>
<th>Page No.</th>
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<tbody>
<tr>
<td>1</td>
<td>2015/0075/F</td>
<td>KETTERINGHAM</td>
<td>Land North of High Street, Ketteringham, Norfolk</td>
<td>9</td>
</tr>
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</table>

5. Sites Sub-Committee;

   Please note that the Sub-Committee will only meet if a site visit is agreed by the Committee with the date and membership to be confirmed.

6. Date of next scheduled meeting – Wed 19 August 2015
1. GUIDELINES FOR DETERMINING THE NEED TO VISIT AN APPLICATION SITE

The following guidelines are to assist Members to assess whether a Site Panel visit is required. Site visits may be appropriate where:

(i) The particular details of a proposal are complex and/or the intended site layout or relationships between site boundaries/existing buildings are difficult to envisage other than by site assessment;
(ii) The impacts of new proposals on neighbour amenity e.g. shadowing, loss of light, physical impact of structure, visual amenity, adjacent land uses, wider landscape impacts can only be fully appreciated by site assessment/access to adjacent land uses/property;
(iii) The material planning considerations raised are finely balanced and Member assessment and judgement can only be concluded by assessing the issues directly on site;
(iv) It is expedient in the interests of local decision making to demonstrate that all aspects of a proposal have been considered on site.

Members should appreciate that site visits will not be appropriate in those cases where matters of fundamental planning policy are involved and there are no significant other material considerations to take into account. Equally, where an observer might feel that a site visit would be called for under any of the above criteria, members may decide it is unnecessary, e.g. because of their existing familiarity with the site or its environs or because, in their opinion, judgement can be adequately made on the basis of the written, visual and oral material before the Committee.

2. PUBLIC SPEAKING: PLANNING APPLICATIONS

Applications will normally be considered in the order in which they appear on the agenda. Each application will be presented in the following way:

- Initial presentation by planning officers followed by representations from:
  - The town or parish council - up to 5 minutes for member(s) or clerk;
  - Objector(s) - any number of speakers, up to 5 minutes in total;
  - The applicant, or agent or any supporters - any number of speakers up to 5 minutes in total;
  - Local member
- Member consideration/decision.

TIMING: In front of you there are two screens which tell you how much time you have used of your five minutes. After four minutes the circle on the screen turns amber and then it turns red after five minutes, at which point the Chairman will ask you to come to a conclusion.

MICROPHONES: In front of you there is a microphone which we ask you to use. Simply press the left or right button to turn the microphone on and off.

WHAT CAN I SAY AT THE MEETING? Please try to be brief and to the point. Limit your views to the planning application and relevant planning issues, for example: Planning policy, (conflict with policies in the Local Plan/Structure Plan, government guidance and planning case law), including previous decisions of the Council, design, appearance and layout, possible loss of light or overshadowing, noise disturbance and smell nuisance, impact on residential and visual amenity, highway safety and traffic issues, impact on trees/conservation area/listed buildings/environmental or nature conservation issues.

3. FILMING AT COUNCIL MEETINGS: GUIDANCE

Members of the public and press are permitted to film or record meetings to which they are permitted access in a non-disruptive manner and only from areas designated for the public. No prior permission is required, however the Chairman at the beginning of the meeting will ask if anyone present wishes to record proceedings. We will ensure that reasonable facilities are made available to the public and press to assist filming or recording of meetings.

The use of digital and social media recording tools, for example Twitter, blogging or audio recording is allowed as long as it is carried out in a non-disruptive manner.
HEALTH AND SAFETY INFORMATION

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<th>Fire alarm</th>
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<td>If the fire alarm sounds please make your way to the nearest fire exit. Members of staff will be on hand to escort you to the evacuation point</td>
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<td>The toilets can be found on your right and left of the lobby as you enter the Council Chamber</td>
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<td>There will be a short comfort break after two hours if the meeting continues that long</td>
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<td>A water dispenser is provided in the corner of the Council Chamber for your use</td>
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PLANNING APPLICATIONS AND OTHER DEVELOPMENT CONTROL MATTERS

Key to letters included within application reference number to identify application type – e.g. 07/96/3000/A – application for consent to display an advert

<table>
<thead>
<tr>
<th>A</th>
<th>Advert</th>
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<tr>
<td>AD</td>
<td>Certificate of Alternative Development</td>
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<tr>
<td>AGF</td>
<td>Agricultural Determination – approval of details</td>
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<tr>
<td>C</td>
<td>Application to be determined by County Council</td>
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<td>CA</td>
<td>Conservation Area</td>
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<td>CU</td>
<td>Change of Use</td>
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<td>D</td>
<td>Reserved Matters (Detail following outline consent)</td>
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<tr>
<td>EA</td>
<td>Environmental Impact Assessment – Screening Opinion</td>
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<td>ES</td>
<td>Environmental Impact Assessment – Scoping Opinion</td>
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<td>F</td>
<td>Full (details included)</td>
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<td>G</td>
<td>Proposal by Government Department</td>
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<td>H</td>
<td>Householder – Full application relating to residential property</td>
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<td>HZ</td>
<td>Hazardous Substance</td>
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<td>LB</td>
<td>Listed Building</td>
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<td>LE</td>
<td>Certificate of Lawful Existing development</td>
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<td>LP</td>
<td>Certificate of Lawful Proposed development</td>
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<td>O</td>
<td>Outline (details reserved for later)</td>
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<tr>
<td>RVC</td>
<td>Removal/Variation of Condition</td>
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<tr>
<td>SU</td>
<td>Proposal by Statutory Undertaker</td>
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<tr>
<td>TPO</td>
<td>Tree Preservation Order application</td>
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Key to abbreviations used in Recommendations

| CNDP | Cringleford Neighbourhood Development Plan |
| J.C.S | Joint Core Strategy |
| LSAAP | Long Stratton Area Action Plan – Pre Submission |
| N.P.P.F | National Planning Policy Framework |
| P.D. | Permitted Development – buildings and works which do not normally require planning permission. (The effect of the condition is to require planning permission for the buildings and works specified) |
| S.N.L.P | South Norfolk Local Plan 2003 |
| S.S.A.P | Site Specific Allocations and Policies Document – Pre Submission |
| WAAP | Wymondham Area Action Plan – Pre Submission |
DECLARATIONS OF INTEREST AT MEETINGS

When declaring an interest at a meeting Members are asked to indicate whether their interest in the matter is pecuniary, or if the matter relates to, or affects a pecuniary interest they have, or if it is another type of interest. Members are required to identify the nature of the interest and the agenda item to which it relates. In the case of other interests, the member may speak and vote. If it is a pecuniary interest, the member must withdraw from the meeting when it is discussed. If it affects or relates to a pecuniary interest the member has, they have the right to make representations to the meeting as a member of the public but must then withdraw from the meeting. Members are also requested when appropriate to make any declarations under the Code of Practice on Planning and Judicial matters.

<table>
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<tr>
<th>Question</th>
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<tr>
<td>Have you declared the interest in the register of interests as a pecuniary interest? If Yes, you will need to withdraw from the room when it is discussed.</td>
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<tr>
<td>Does the interest directly:</td>
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<tr>
<td>1. affect yours, or your spouse / partner’s financial position?</td>
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<tr>
<td>2. relate to the determining of any approval, consent, licence, permission or registration in relation to you or your spouse / partner?</td>
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<td>3. Relate to a contract you, or your spouse / partner have with the Council</td>
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<td>4. Affect land you or your spouse / partner own</td>
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<td>5. Affect a company that you or your partner own, or have a shareholding in</td>
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<td>If the answer is “yes” to any of the above, it is likely to be pecuniary.</td>
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<td>Please refer to the guidance given on declaring pecuniary interests in the register of interest forms. If you have a pecuniary interest, you will need to inform the meeting and then withdraw from the room when it is discussed. If it has not been previously declared, you will also need to notify the Monitoring Officer within 28 days.</td>
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<tr>
<td>Does the interest indirectly affect or relate any pecuniary interest you have already declared, or an interest you have identified at 1-5 above?</td>
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<td>If yes, you need to inform the meeting. When it is discussed, you will have the right to make representations to the meeting as a member of the public, but must then withdraw from the meeting.</td>
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<tr>
<td>Is the interest not related to any of the above? If so, it is likely to be an other interest. You will need to declare the interest, but may participate in discussion and voting on the item.</td>
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<tr>
<td>Have you made any statements or undertaken any actions that would indicate that you have a closed mind on a matter under discussion? If so, you may be predetermined on the issue; you will need to inform the meeting, and when it is discussed, you will have the right to make representations to the meeting as a member of the public, but must then withdraw from the meeting.</td>
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FOR GUIDANCE REFER TO THE FLOWCHART OVERLEAF.
PLEASE REFER ANY QUERIES TO THE MONITORING OFFICER IN THE FIRST INSTANCE
DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF

What matters are being discussed at the meeting?

Do any relate to an interest I have?

A Have I declared it as a pecuniary interest?

OR

B Does it directly affect me, my partner or spouse’s financial position, in particular:
- employment, employers or businesses;
- companies in which they are a director or where they have a shareholding of more than £25,000 face value or more than 1% of nominal share holding
- land or leases they own or hold
- contracts, licenses, approvals or consents

If you have not already done so, notify the Monitoring Officer to update your declaration of interests

The interest is pecuniary – disclose the interest, withdraw from the meeting by leaving the room. Do not try to improperly influence the decision

The interest is related to a pecuniary interest. Disclose the interest at the meeting. You may make representations as a member of the public, but then withdraw from the room

Does the matter indirectly affects or relates to a pecuniary interest I have declared, or a matter noted at B above?

The Interest is not pecuniary nor affects your pecuniary interests. Disclose the interest at the meeting. You may participate in the meeting and vote

Have I declared the interest as an other interest on my declaration of interest form? OR

Does it relate to a matter highlighted at B that impacts upon my family or a close associate? OR

Does it affect an organisation I am involved with or a member of? OR

Is it a matter I have been, or have lobbied on?

You are unlikely to have an interest. You do not need to do anything further.
PLANNING APPLICATIONS AND OTHER DEVELOPMENT CONTROL MATTERS

Report of Director of Growth and Localism

Applications referred back to Committee

1. **Appl. No**: 2015/0075/F  
   **Parish**: KETTERINGHAM  

   **Applicants Name**: Mr Michael Austin  
   **Site Address**: Land North of High Street Ketteringham Norfolk  
   **Proposal**: Use of land for equine and residential purposes, including a concrete pad for standing one residential caravan, erection of day room, and retention of existing gates.

   **Recommendation**: To authorise the Director of Growth and Localism to recommend to the Planning Inspectorate that the application would have been refused for the following reason:

1. Insufficient evidence has been submitted to demonstrate that the applicant, who is the proposed residential occupier of the site, leads a nomadic habit of life in connection with his work/business, and therefore the applicant does not meet the definition of a gypsy/traveller as set out within the national Planning Policy Guidance for Traveller Sites document. As a result there is no special justification to depart from the provisions of development plan policy and the proposal conflicts with saved policy ENV 8 of the South Norfolk Local Plan

1. **Background**

1.1 The application was submitted and made valid on 13 January 2015. It was reported to the Development Management Committee on 29 April with a recommendation of approval and was deferred because Councillors wished to gain more information regarding the traveller status of the applicant. Further information was sought from the Applicant by the Council and this was received on 3 June. The application was placed on the agenda for the meeting on 24 June but was deferred following the receipt of further information in a report from a Ketteringham Residents Group on 19 June. The applicant was invited to respond to this and submitted further information on 13 July.

1.2 Officers have considered the further information that has been received and legal advice on the matter has been obtained. The applicant lodged an appeal against non-determination of the application on 21 July, and therefore the application will now be determined by the Planning Inspectorate. The purpose of this report is to assist Development Management Committee to decide, if the appeal had not been lodged, whether they would have approved or refused the application so that this can be conveyed to the Planning Inspectorate as the Council’s case for the appeal.

2. **Planning Policies**

2.1 National Planning Policy Framework  
   NPPF 06: Delivering a wide choice of high quality homes  
   NPPF 07: Requiring good design  
   NPPF11: Conserving and enhancing the natural environment  
   National Planning Policy for Traveller Sites
2.2 Joint Core Strategy
- Policy 1: Addressing climate change and protecting environmental assets
- Policy 2: Promoting good design
- Policy 3: Energy and water
- Policy 4: Housing delivery
- Policy 16: Other Villages
- Policy 17: Small rural communities and the countryside

2.3 South Norfolk Local Plan 2003
- Policy ENV 8: Development in the open countryside
- Policy IMP 2: Landscaping
- Policy IMP 8: Safe and free flow of traffic
- Policy IMP 9: Residential amenity
- Policy LEI 14: Keeping of horses for leisure purposes
- Policy HOU 22: Mobile homes

2.4 Emerging South Norfolk Local Plan
Please note that these policies are not yet part of the Development Plan. They were submitted to the Planning Inspectorate on 17th April 2014 but have not yet completed the Examination stage. Full weight cannot be given to them until final adoption which is likely to be Autumn 2015. In line with paragraph 216 of the National Planning Policy Framework (2012) some weight can be applied to the emerging policies as they advance through their preparation.

2.5 Development Management Policies
- DM1.3 Sustainable location of development
- DM1.4 Environmental Quality and local distinctiveness
- DM3.4 Gypsy and Travellers sites
- DM3.9 Design Principles
- DM3.12 Road safety and the free flow of traffic
- DM3.14 Amenity, noise and quality of life

3. Planning History

3.1 1980/3524 2 Stables and Tack Room and Adjoining 3 Hay Stores Approved 21/1/81

3.2 1981/1854 Erection of Loose Box Range for Horses (Application To Relax ‘Temporary’ Condition) Approved 5/6/81

3.3 1986/1035 Residential Development Refused 11/6/86

3.4 1989/1027 Erection of 3 or 4 dwellings Refused 20/7/89

4. Consultations

4.1 Parish Council Object:
- Location outside of development boundary
- The proposal would increase flood risk
- Impact on local water supply
- Concern about the visual impact of the [original] gates.
- No development sites have been allocated within the local plan process due to the lack of public transport and infrastructure
- Concern about horses escaping from the site
- The planning application is not in accordance with the LDF process through which East Carleton and Ketteringham Parish Council agreed to consider affordable housing developments. The site was not considered as part of this process.
- Ketteringham has its fair share of heavy traffic
- Concern at the future intention for the land
If the application is to be approved, a number of conditions should be added, including:

- Sewage treatment not to be via septic tank
- Drainage ditches to be reinstated on the site
- No further development allowed on the site in the future and the site should be restricted to a single, personally named pitch
- Restrictions on external lighting
- Gates to be replaced with traditional five-bar gates
- Site to have no business use
- Electricity supply to be upgraded
- Installation of electric fence to control horses

4.2 Richard Bacon MP:
- Concern that approving this application may lead to pressure to allow further traveller groups to occupy this land.
- Concern that development is taking place without planning permission
- Do not believe that Ketteringham is a suitable location for the proposed development as it has a lack of services and the roads are narrow with poor visibility
- Concerns about site drainage
- Site is outside of the development boundary
- The shortfall in provision of approved sites does not outweigh the negative impacts of the proposal
- If permission is granted any attempts to change the conditions should be resisted.

4.3 District Members
Cllr Legg: The proposal is outside the village development boundary. It will be visible from the adjacent public footpath. There are important principles to be addressed regarding development in the open countryside.

Cllr Herbert (former Councillor): This must be determined by the committee because of numerous issues including public concern, development outside defined boundaries, not in accordance with Gypsy and Traveller policy.

4.4 Highways England No objection.

4.5 Network Rail No comments.

4.6 Anglian Water Services Ltd No comments received

4.7 NCC Ecologist Given the scale and nature of the application, ecological impacts are likely to be minimal. The existing hedgerows should be maintained.

4.8 Environmental Services No objections

4.9 Flood Defence Officer The hard standing area and the roof water from the proposed day room could be discharged to a soakaway within the meadow area to the east where it is unlikely to impact on No 5 High Street and may reduce the volume of water entering the ground behind No 5. Likewise the proposed package sewage treatment plant and tail drains could also be located in the meadow to disperse the discharge over a wider area.
Whilst we recognise that the report [from Professor Hey] identifies existing flooding and drainage issues at No 5 High Street we do not believe that the recommendations made above will increase flood risk at the proposed site or elsewhere. General drainage in the area may be improved by ditch maintenance in High Street which may enable water to clear from the higher land and roads more efficiently but this is outside of the remit of this application.

If you were minded to approve this application we would request a suitable condition to ensure that detailed surface water and foul drainage arrangements for the site were submitted and approved by the local planning authority prior to any development taking place.

4.10 NCC Highways

No objection to the use of the site for equine purposes. The existing access should however be upgraded.

With regard to the proposed residential use, the site is considered to be remote from local services which would render the residents reliant on the use of motorised vehicles. This aspect of the proposal conflicts with guidance in the Local Transport Plan for Norfolk and the NPPF.

4.11 Representations

41 letters of objection. Concerns regarding:

- Poor drainage at the site / increased flood risk
- Increased traffic on narrow country lanes
- Visual impact of development
- Site is outside of development boundary
- Impact on private water pipelines
- Out of character with the village
- Concern applicant is not a bona fide traveller
- Site unsuitable due to lack of public transport, local services, no footpaths or street lighting
- Concern that it will develop into a larger traveller site
- Concern about overlooking, loss of privacy and intervisibility
- The proposed development is located on the course of a historic network between a series of burial mounds at Five Ways, Ketteringham and the Ancient Roman town of Venta Icenorum. The proposal should be rejected until the archaeological importance of this location can be understood.

Further letter of objection received from Ketteringham Residents Group. Concerns regarding:

- status of applicant
- development in open countryside
- proximity to neighbouring properties
- concern regarding drainage
- proposal does not constitute sustainable development
- the Highway Authority has objected to the residential use of the site in terms of its location

- In the event that permission is granted, conditions should be attached including: temporary permission only, personal permission only, landscaping scheme to be implemented, fencing to be erected, appropriate measures agreed for surface water drainage and sewage treatment
Further report submitted from Ketteringham Residents Group on 19 June stating that Mr Austin does not have Gypsy heritage and does not lead a nomadic lifestyle and providing information to support this conclusion.

5. **Assessment**

Proposal

5.1 The application is for the change of use of land previously used for equestrian purposes to the use for equine and residential purposes for a gypsy/traveller, including a concrete pad for the standing of one residential caravan, erection of a day room and the erection of gates. The application is partly retrospective in that Mr Austin is now occupying the site and a static caravan has been placed on the land.

5.2 The site is a field which is accessed from High Street and has a stable block on the land. To the south and west are a number of residential properties. To the north is a railway line and beyond that is the A11 dual carriageway. To the east is agricultural land and beyond that there are further residential properties. The site is opposite the village hall and there is also a war memorial adjacent to the southern boundary of the site. A public right of way runs north-south adjacent to the eastern boundary of the site.

5.3 The main issues to be considered are: the principle of development, the need for traveller sites, the gypsy/traveller status of the applicant, the suitability of the location for the proposed use, the impact on residential amenity, the visual impact of the proposal, highways impact, the impact on drainage and flood risk, and the impact on the public right of way.

**Principle of Development**

5.4 Planning law requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for South Norfolk comprises the saved policies of the South Norfolk Local Plan and the Joint Core Strategy for Broadland, Norwich and South Norfolk. In addition some weight can be attached to the emerging policies of the documents contained within the new South Norfolk Local Plan, which includes the Development Management Policies document and the Site Allocations and Policies document.

5.5 Local Planning Authorities must also have regard to government guidance contained within the National Planning Policy Framework and the Planning Policy for Traveller Sites document. Policy ENV 8 of the South Norfolk Local Plan, and paragraph 55 of the NPPF strictly control development within the open countryside unless there are exceptional circumstances. In assessing the application, regard has also been had to Policy DM 3.4 of the emerging Development Management Policies document, which sets out criteria for the consideration of gypsy/traveller development both inside and outside of development boundaries.

**Need for traveller sites**

5.6 The ‘Planning policy for traveller sites’ document requires local planning authorities to have regard to the existing level of local provision and need for sites, the availability (or lack) of alternative accommodation for the applicant and other personal circumstances of the applicant. The Council does not currently have a 5 year land supply of deliverable sites for travellers. The Gypsy and Traveller Accommodation Assessment, published in 2014, contains a target of 35 traveller pitches between 2014 and 2031. Within the first five years (2014-2019) the target is 8 pitches. At the time of writing only 1 pitch has been permitted therefore there is a clear shortfall in available pitches.

5.7 The Council is currently at an early stage in the preparation of the Gypsies and Travellers Local Plan. Consultation on the Issues and Options stage was carried out last August, which included a call for sites to be put forward for consideration. The criterion to be used in the assessment of the
sites was agreed by Cabinet on Monday 15 June, with the Preferred Options document scheduled to be considered by Cabinet on Monday 14 September, with public consultation to follow. Given its early stage, the emerging Gypsies and Travellers Local Plan does not materially affect the determination of this application, and the information is provided for background purposes only.

The status of the applicant

5.8 During the application process, concern has been raised by objectors regarding the traveller status of the applicant. The Government’s ‘Planning policy for traveller sites’ states:

“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.”

5.9 In terms of evidence, the information in appendix 1 was submitted with the application. Following the deferral at the last Development Management Committee more comprehensive information has been sought and received from Candy Sheridan (the Agent) regarding Mr Austin’s background and lifestyle (appendix 2).

5.10 To summarise, the report states that Mr Austin is an ethnic Romany gypsy who is a blood relation of a known gypsy who has a base within South Norfolk. It is further stated that he was born into a family that is of mixed race, and that his mother is a gypsy, whilst his father is from the settled community. He lived in a house for the first fourteen years of his life; however, he was taken by his mother travelling for about six months of every year of these fourteen years. It is stated he has lived in a caravan for the last 10 years, between 2005-2010 on his father’s land in Sprowston, and subsequently at Felthorpe, Ringland and now Ketteringham. He travels to attend gypsy Fairs, along with his partner and young son. The application states that Mr Austin requires a base where he can live with his partner and young son.

5.11 In response, a report from the Ketteringham Residents Group has been submitted which casts doubt over Mr Austin’s claim to gypsy/traveller status (appendix 3). The report contends that Mr Austin runs a second hand car business alone, which is open 6 days a week, that he has lived in houses for much of his life, that he is not related to gypsies, and that Mr Austin does not lead a nomadic lifestyle. A further report was received from Candy Sheridan, challenging the findings of the Ketteringham Residents Group report, and stating that it contains a number of inaccuracies. In addition statements from the applicant’s father and mother were submitted as appendices to this report (appendix 4).

5.12 The above mentioned reports and appendices are contained within the appendices to this committee report.

5.13 In light of the conflicting information surrounding this application, Officers have sought legal advice. The Council’s solicitor has advised that in terms of relevant case law, the case of R v South Hams DC Exparte Gibb (1995) confirmed that whilst nomadism must necessarily involve wandering or travelling from place to place, there must be some recognisable connection between the wandering or travelling from place to place and the means whereby the persons concerned make or seek their livelihood. Therefore someone who travels from place to place merely as the fancy takes them and without any connection between the movement and their means of livelihood will not have the status of a gypsy or traveller.

5.14 In the case of Wrexham CBC v National Assembly for Wales (2003) the court held that whether applicants for planning permission are of a nomadic way of life is to be judged at the time of determination of the application or appeal. Are they at that time following such a habit of life in the sense of a pattern or rhythm of full time or seasonal or other periodic travelling? The fact that they
may have a permanent base from which they set out on, and to which they return from, their periodic travelling may not deprive them or nomadic status.

5.15 In the case of Medhurst v Secretary of State for Communities and Local Government (2012) the court considered whether an Inspector had been wrong to conclude that an applicant was not a gypsy for the purpose of planning policy. The Inspector concluded: there was little evidence that the claimant had followed a lifestyle that involved travelling for an economic purpose. She had spent most of her adult life in a permanent dwelling. Her recent work had involved commuting to Dagenham docks. Although she had stayed at a travelling showman’s site with a partner, she had retained her house until late 2007. All three older children had their own homes. No evidence had been submitted to suggest that the landscape work or jet washing undertaken by two of the claimant’s sons involved a travelling lifestyle although it was said that they did some travelling during the summer months and also attended gypsy gathering in connection with their business interest in horses. They had permanent homes and children. Although the claimant and her family had gypsy ancestry, there was little in their housing or employment history to indicate a travelling way of life. The court concluded that this decision was a rational one.

5.16 The crucial question therefore is whether Mr Austin leads a nomadic lifestyle in connection with his work/business. On the evidence that has been submitted and on the basis of the information available, it is known that Mr Austin commutes to a fixed place of work which is his used car dealership in Felthorpe, Norfolk. The ‘Value Cars of Felthorpe’ website advises that “we source all our cars from local owners”. In addition although Mr Austin has lived in caravans, this has always been within the Norwich area and does not appear to be in connection with work/business. The evidence therefore suggests that Mr Austin does not lead a nomadic lifestyle in connection with his business. Nor can he be said to have ceased to travel as a result of his or his family’s or dependants’ educational or health needs or old age.

5.17 In consultation with the Council’s solicitor, it is concluded that as a result of the above considerations, Mr Austin does not meet the definition of gypsy/traveller as set out in the national Planning Policy for Traveller Sites. This is the central issue which renders the principle of development unacceptable, because the site is occupied and proposed to be occupied for residential purposes by Mr Austin himself.

5.18 Conflicting information has been received regarding Mr Austin’s family history, yet the planning definition within the Government’s ‘Planning policy for traveller sites’ indicates that race or origin is not the determining factor in deciding whether someone is a gypsy/traveller for planning purposes. This report does not therefore seek to make an assessment of the issues relating to Mr Austin’s family history, because this is not a determinative factor in the consideration of his status for planning purposes.

Consideration of the location for the proposed use

5.19 National policy states that local planning authorities should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Sites in rural areas should respect the scale of and should not dominate the nearest settled community, and avoid placing undue pressure on local infrastructure.

5.20 Ketteringham is identified as an ‘Other Village’ by policy 16 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (JCS). It does not currently have a development boundary but is due to have one within the emerging Site Allocations and Policies document, which is due for adoption later in 2015. Under policy 16 of the JCS, the village is to accommodate infill or small groups of dwellings and small-scale business or services, subject to form and character considerations. The site is adjacent to the proposed development boundary, and therefore is well related to the existing settlement. It is for one pitch and in this sense would not dominate the settled community.
Policy DM 3.4 of the emerging Development Management Policies document states that the site should not be so isolated from settlements that the occupiers cannot gain convenient access to schools and facilities to meet their daily needs. There should be adequate capacity available in local infrastructure and services, and the site should have a suitable route of access for the occupiers.

Concerns have been raised by local residents and the County Highway Authority that the site is remote from local services and public transport. The closest bus stops are on Norwich Road, 1.8km from the site. Other facilities, such as the Infants and Junior School in Hethersett are approximately 2.6km away. The Highway Authority considers that the proposed occupiers would be reliant on transport by private motor car, contrary to the provisions of the National Planning Policy Framework and Local Transport Plan.

Whilst it is recognised that there are very limited services within the village itself, the site is well related to the existing built up area of the village which has been designated as suitable for infill and small scale residential development within the JCS. In addition the town of Hethersett and city of Norwich are both within relatively close proximity and contain a number of services. For these reasons, it would be difficult to substantiate a reason for refusal on sustainability grounds.

In terms of equine development the site already benefits from permission for equestrian use. Permission is sought to keep horses for recreational purposes and the applicant has confirmed that no business use is proposed. Policy LEI 14 supports the use of land for the keeping of horses for recreational purposes providing there are no adverse impacts on the character of the landscape, important wildlife habitats, highway safety and residential amenity. The site is considered suitable for continued use for the keeping of horses for recreational purposes.

Concerns have been raised that the development would harm the amenity of neighbouring occupiers. The main objections relate to the potential for overlooking and loss of privacy and the potential for increased flood risk to neighbouring properties. The houses in closest proximity that have the potential to be affected are the three immediately to the south and west of the site, no’s 4 and 5 High Street, and ‘Amathus’. Flood risk is dealt with in paragraphs 5.32-5.33.

The proposed site plan shows that the concrete slab for the siting of the residential caravan and day room would be positioned to the north of the existing stable building, and the garden area would be to the west of this area. The day room and caravan would therefore be approximately 30 metres from the boundary with no’s 4 and 5 and 15 metres from the boundary with Amathus. The day room and caravan would be approximately 50 metres from the houses at no’s 4 and 5, whilst being approximately 47 metres from the house at Amathus. These are considered to be adequate separation distances, with the stable block providing a physical buffer that would further reduce the impact.

The site benefits from a degree of existing fencing and hedgerows that provide some privacy however a condition could be imposed to ensure that a suitable fence is erected between the application site and the neighbouring occupiers no. 5 High Street and Amathus where appropriate, to ensure adequate privacy would be achieved.

Subject to the imposition of conditions, the proposal would accord with policy IMP 9 of the Local Plan in that it would not have a materially adverse impact on the amenities of neighbouring occupiers.

The site benefits from a degree of existing fencing and hedgerows that provide some privacy however a condition could be imposed to ensure that a suitable fence is erected between the application site and the neighbouring occupiers no. 5 High Street and Amathus where appropriate, to ensure adequate privacy would be achieved.

Subject to the imposition of conditions, the proposal would accord with policy IMP 9 of the Local Plan in that it would not have a materially adverse impact on the amenities of neighbouring occupiers.

Design and visual impact on the character of the area

When the application was first submitted, a set of large solid wooden gates 2.16 metres high had been installed by the applicant at the site access. These were not sympathetic to the character of the rural area and during the course of the application have been replaced with a traditional 5 bar wooden gate which is in keeping with the character of the area. The other main physical changes
proposed are the erection of the day room, the laying of the concrete slab and the siting of a residential caravan. The day room would accommodate a kitchen, shower room and laundry room and would be 16 square metres in size. It would be single storey with a pantile roof and feather edge boarded walls.

5.30 The building, pad and caravan would be sited further into the site, away from the road and would be partly screened by the stable building. For these reasons, and given the size and scale of development proposed, the design and appearance and impact on the character of the area is considered acceptable and in accordance with policy 2 of the JCS and emerging policy DM 3.4 and 3.9 of the Development Management Policies Document.

Highway impact

5.31 Vehicle and pedestrian access would be via the access onto High Street. The Highway Officer has stated that the visibility at the access is acceptable. There is room on the site for four parking spaces which is sufficient for a development of the size proposed. Conditions regarding the upgrading of surface of the existing access and the provision of a suitable parking and turning area within the site could be imposed. The proposal accords with policy IMP 8 in that it would not impede the safe and free flow of traffic within the vicinity of the site.

Flood risk and drainage

5.32 The site lies within the Environment Agency flood zone 1 which is the area of lowest flood risk, where residential development is considered compatible. However concerns have been raised by local residents that the site is subject to localised flooding, and there are concerns at both the suitability of the site for residential use and the potential for it to increase flood risk. The application advises that sustainable drainage systems would be used for the disposal of water from roofs and hard surfaces, and that foul drainage would be dealt with via a package treatment plant. The Council’s Flood Defence Officer is satisfied that should a system be installed that drains flood water away from the caravan and discharges in the meadow to the east, then there would be no increased flood risk to the site or elsewhere.

5.33 A further report has been submitted by a Professor Hey, objecting to the proposal and calling into question the drainage information provided. The applicant was invited to submit further information, and further percolation tests were carried out by the applicant, albeit in a location closer to the caravan position than anticipated. Despite the fact a satisfactory scheme has still not been provided, Officers are satisfied that the applicant controls sufficient land to ensure that foul and surface water drainage issues could be dealt with via condition and that the proposal would not lead to a material increase in flood risk.

Impact on public right of way

5.34 The right of way is on the opposite side of the field from where the residential area is proposed. Given that the path is approximately 70 metres away from this area, there would be no materially adverse impact on the public right of way.

Other matters

5.35 Concerns have been raised about the position of the site in the middle of the village, and the fact the site is close to the village hall. The location of residential and equestrian uses in this location within the village is considered acceptable. Given the small scale of development proposed, the existing presence of other residential properties in close proximity to the village hall, and the separation distance between the village hall and the residential part of the site proposed, it is considered no adverse impacts would occur.
Concerns have been raised that approving the application would set a precedent for further similar development. However such proposals would require a planning application and would be assessed on their planning merits. Concerns have been raised regarding potential business use, however no business use is proposed and a condition could be imposed to control any business use of the site.

Regarding the objection relating to the impact on the historic route between the burial mounds at Five Ways, Ketteringham and the Ancient Roman town of Venta Icenorum, the site does not carry any archaeological designation and no objections have been received from the Norfolk Historic Environment Service.

Under Section 143 of the Localism Act the council is required to consider the impact on local finances. This can be a material consideration but in the instance of this application the other material planning considerations detailed above are of greater significance. Non-planning matters, such as loss of value to property and potential impacts on private water supplies are not planning matters which can be taken into account in the consideration of the application.

The application would be liable for Community Infrastructure Levy (CIL) based on the size of the day room

Conclusion

The application seeks permission for the change of use of land previously used for equestrian purposes to the use for equine and residential purposes for a gypsy/traveller, including a concrete pad for the standing of one residential caravan, erection of a day room and the erection of gates.

The applicant lodged an appeal against non-determination of the application on 21 July, and therefore the application will now be determined by the Planning Inspectorate. The purpose of this report is to assist Development Management Committee to decide, if the appeal had not been lodged, whether they would have approved or refused the application so that this can be conveyed to the Planning Inspectorate as the Council’s case for the appeal.

On the basis of the information submitted by the applicant and the information available, following legal advice obtained from the Council’s solicitor, it is concluded that insufficient evidence has been submitted to demonstrate that the applicant, who is the proposed residential occupier of the site, leads a nomadic habit of life in connection with his business. It is therefore concluded that Mr Austin does not meet the definition of a gypsy/traveller as set out in the national Planning Policy for Traveller Sites document. There is therefore considered to be no special justification to depart from the provisions of saved local plan policy ENV 8, which only allows new residential development outside of development limits in exceptional circumstances.

Recommendation: To authorise the Director of Growth and Localism to recommend to the Planning Inspectorate that the application would have been refused for the following reason:

1. Insufficient evidence has been submitted to demonstrate that the applicant, who is the proposed residential occupier of the site, leads a nomadic habit of life in connection with his work/business, and therefore the applicant does not meet the definition of a gypsy/traveller as set out within the national Planning Policy Guidance for Traveller Sites document. As a result there is no special justification to depart from the provisions of development plan policy and the proposal conflicts with saved policy ENV 8 of the South Norfolk Local Plan.

Contact Officer, Telephone Robert Webb 01508 533681
Number and E-mail: rwebb@s-norfolk.gov.uk
Gypsy Council Status Letter

I am of the firm understanding that Michael Austin is a Romany Gypsy. His family name is Gilmour from his mother, who is first cousin to the Leveridge's. This family are well known as they have sites in S Norfolk, N Norfolk and Broadland Council areas.

He has been raised as a Gypsy and trained as a boxer and excellent horse dealer. He and his father established the successful car dealership 'Value Cars' in Felthorpe. This is now entirely his. He is well known on the Gypsy horse drives that so many of the local Gypsy families enjoy.

There is a change in emphasis on Status and the definition of being a 'Gypsy in planning reasons'. More emphasis is now being placed on Gypsies continuing to 'travel' for work and 'cultural reasons'.

I am part of the Gypsy Professional Network that actually brief MP's, Ministers and civil servants on Gypsy issues.

Whilst being hugely unhappy with this change of emphasis, as it means that the 'elders', children and mothers who settled as they require 'health' and 'education', could be discriminated against. We have undertaken legal advice on this.

Michael Austin fulfils this new emphasis, as he travels for 'cultural reasons' to the horse fairs and for 'work' in buying and selling in cars across E Anglia and beyond.

His application for a single personally named pitch must be viewed with full Gypsy Status.
PLANNING APPLICATION
Information in support

Gypsy Status

Application Address: Land at Ketteringham
NR18 9RU

June 2015

Compiled by: Gypsy Council (GCECWA)
Candy Sheridan

Postal Address:
Field Cottage,
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Norfolk
NR12 08W

Tel: 07899723177
Email: sheridancandy@gmail.com
Further Information on Michael Austin (Romany Gypsy) for Planning application at Ketteringham (SNDC)

At the last Planning Committee Meeting (29th April 2015) the Councillors requested further proof of the applicant’s Gypsy Status in ‘planning terms’.

For the purposes of Planning Policy for traveller sites, Gypsy / Travellers are identified as being:

‘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.’

Michael Austin is an ethnic Romany Gypsy. He is related by blood to the Leveridge’s who have sites passed by three Norfolk Councils (NNDC, Broadland and yourself at SNDC). A letter of support was supplied, and Tony Cooke (lead officer for Gypsies and Travellers) confirmed this.

There is a presumption based in Planning Law, and through legal channels that Gypsy’s have a cultural assertion to bricks and mortar, live longer, and are much happier and are certainly healthier in caravans with land around them. By returning to this way of life many are able to openly express themselves as the ethnic minority that they are.

Michael Austin was born into a family that is of mixed race. His mother is a Gypsy, whilst his father is from the settled community. Michael Austin lived in a house for the first fourteen years of his life. However, he was taken by his mother travelling for about six months of every year of these fourteen years. Michael Austin left Broadland High School at 14 having been identified as a Traveller, and went to work with his father, and was trained in ‘bar dealing’.

Michael continues to attend all the Gypsy Fairs (Appleby, Stow, Watton, Dereham, Wisbech, Peterborough and Kenilworth), and does so with his partner Jess, and their young son Ruben.

In ‘Planning Terms’ the applicant must demonstrate that they are nomadic.

Nomad is identified by the Oxford Dictionaries as being a noun, and means ‘a member of a community that moves with its animals from place to place’.

Gypsy / Travellers since the 18th Century have found it progressively difficult to be able to move freely from place to place in England and Wales, due to the commoditisation of land and have been required to settle since the 1940s to access common good benefits (i.e. health, education, welfare) provided by the system of social organisation adopted after the Second World War. It is entirely arguable that any Gypsy / Traveller awarded planning consent ceases to be a Gypsy / Traveller once they secure a settled base. However, the Gypsy community maintain their cultural identity through the Gypsy Fairs. They are no longer able to move freely apart from to these Fairs. The Gypsy / Traveller community is one that you have to be born into to be a member and its members are recognised to experience difficulties in accessing services of common good.

Michael Austin is a well known ‘horseman’ in the Gypsy community, he has been taught to ‘drive’ his horses and attends the Gypsy Drives that run regularly. It was on such a local drive that he met the previous owner of the field he now owns. Michael is nomadic, and has an aversion to living in houses. Land owned by Gypsy / Travellers tends to be sold only to members of the Gypsy / Traveller community.

Over the last ten years Michael Austin has lived in a caravan. This was between 2005 – 2010 on his father’s land at Sprowston. This can be confirmed by the next door neighbour PC Keith...
Lambert (1112) based at Yatton Road Police station. PC Lambert is also a local parish Councillor at Sprowston and is happy to confirm this living arrangement. He has known Michael over many years.

Following a death in his family Michael was forced to leave Sprowston and lived in a caravan at Felthorpe for two and a half years until being required to move. Michael then stayed on land owned by friends in a caravan in the Ringland area, until purchasing the land in Kettoningham. These moves account for the last 10 years and have simply reinforced Michael's need and desire to live in a culturally appropriate accommodation.

The application must of course be viewed against your Council's lack of a 5 year supply of suitable land for Gypsy sites. As the Council have not identified suitable land Gypsy / Travellers have to source it themselves. This your officers have already stated is a suitable site.

This remains an obvious site for all the right reasons for a Gypsy/Traveller site. Law impact, water and electricity already in place and hard standing and stables. Any Planning inspector would, and has on many occasions, accepted my input and evidence that I have provided here. Neither a ‘parish’ or a ‘Council’ can alter National Planning Guidance on Gypsies and Travellers; this must and will come from Parliament and will occur over a long consultation period and process. All parties must adhere to what remains in place now.

This application remains for one single pitch for a man who is a Romany Gypsy and needs a base so that his young son can be brought up in a culturally acceptable way, and not be excluded from services of common good. There are hundreds of families who could be offered this land, who cannot locate such suitable land. I have a personal waiting list of over 100 such families and this would be ideal for any of them, especially with its close proximity to the A11. The land will and should be developed for Gypsy / Travellers occupation. If required it can be sold to families who also meet the definition of nomadic in Planning terms. Any future applicant if there is to be one, will be well known to the Norfolk Gypsy service. But Michael remains very clear that this is ideal for him and his young family.

There are now very few truly ‘nomadic Gypsies’ as there are no stopping places or thorough transit sites to actually operate this lifestyle from. Those that are truly nomadic normally come into conflict with the settled community. Viewing this application from the ‘single word of nomadic’ does it no justice. It must be set against the 1994 legislation that encouraged Gypsies to locate and find land for sites, against the lack of provision from this council of such identifiable land and a clear five year land supply. Also weight must be given to the low numbers that have progressed through the planning process and of course the huge ‘unmet need’ still not catered or even tasted in by this and other Councils.

This application must be viewed from ‘Planning Merit’ and weight must be given to the following points:

- It is a suitable site next to your own ‘Development Boundaries’.
- It has no ‘Flood risk or drainage issues’.
- It has services within 5 miles and the applicant has local connections.
- There are no objections from any ‘agencies or consultants’

This issue of Gypsy Status has been fulfilled.

Candy Sheridan
Gypsy Council
Ketteringham Residents Group Report

Mr Michael Austin
Planning Application 2015/0075
Michael Austin (Date of Birth 18th April 1984)
Investigation regarding Alleged Gypsy and Traveller Status

Executive Summary

Michael Austin submitted a planning application claiming to have gypsy and/or traveller status. He has neither.

Gypsy Status

Mr Austin’s family described him to the residents of the village as a “would be” gypsy/traveller as he is interested in their culture and has friends with this status. Mr Austin’s father was in the RAF, it is very difficult to see how Ms Sheridan’s claim of Mrs Austin being a gypsy traveller would stack up in the 1980s to being a forces wife.

Mr Austin also has a six day week second hand car business that he runs alone.

Mr Austin’s agent has made claims that he is related as a first cousin to the Leveridge’s and the Massinghalms. Indeed, a Mr Leveridge told the Planning Committee on 29th April 2015 that he was a second cousin. In fact, a thorough search of the registration services Births, Marriages and Deaths (the National Archives) confounds that claim absolutely. To be a first cousin, one must share a grandparent. To be a second cousin, one must share a great grandparent. Mr Austin has no first cousins and his only second cousins have no children. His mother, grandparents and great grandparents led settled lives at 112 George Pope Road, Norwich for over 20 years.

Please see Appendix XX for the details of Mr Austin’s family tree and ancestral roots. There are no links to these names in Mr Austin’s family tree.

Traveller Status and Nomadic Lifestyle

Mr Austin has been asked by the committee to supply evidence of a nomadic existence to satisfy their concerns regarding his status. Mr Austin’s agent, Ms Sheridan seeks to address this issue in her second report. Ms Sheridan identifies Mr Austin as residing in no more than three different locations all of which are within a 10 mile radius of Norwich. These cannot represent a ‘nomadic’ lifestyle since these locations were predominately his parents’ abode.

A private investigation identified several addresses where Mr Austin and his parents have lived. Please see timeline at Appendix 2.

Except for a short period in 2013 and immediately following the birth of his son, Mr Austin has lived predominantly with his mother but for a time with his father. Mr Austin claimed to have lived in a caravan on land in Sprottisham. This land, shown in Appendix 2 is the back garden of his father’s house at 67 Cobalt Avenue, Sprottisham, which has had a number of planning applications for permanent residence refused.

There are also discrepancies between Ms Sheridan’s original access statement and her second statement re Mr Austin’s status. Her original statement claims that Mr Austin was living in a caravan at his business in Felthorpe. It was confirmed by South Norfolk planning officers that he was then asked to move his caravan by his landlord so he brought it to Ketteringham. In the new status
statement Ms Sheridan claims he was living in Ringland before bringing his caravan to Ketteringham. (See attached timeline Appendix 2)

In Appendix 4, there is an historical account of Mr Austin’s movements described on his own Facebook page and supported by photographs that are timed, date and often placed. It can be seen that Mr Austin has an interest in horses but has only owned one prior to acquiring the field in Ketteringham. He has a cart which is pulled by his horse as he has an interest in this sport as do one or two other locals neither of whom are gypsy/travellers. He visited two horse fairs – one in Kenilworth where he stayed for 24 hours and the other at Appleby where, from the narrative, it was clear that Mr Austin had never been there before. He openly states “You really have to watch your back here”. Many people who are not gypsy/travellers visit horse fairs because they love horses. Other excursions included a trip to Las Vegas to see a boxing match which is equivalent to seeing a show which is a normal leisure activity.

Travellers roam the country for weeks and months at a time. Mr Austin cannot show that that this is a lifestyle he leads or had led.

Mr Carruthers, Mr Austin’s agent, states in his report at Appendix 5 that Mr Austin is a farmer. This claim is also untrue as Mr Austin has worked predominantly with second hand cars mainly along with his father and as confirmed by his character referees. Mr Austin bought the land in High Street and posted on his Facebook page that he wished to buy a tractor and some geese. These are the only links to farming. Mr Austin can therefore be accurately described as a “would be” farmer.

In Ms Sheridan’s first and second statements in support of Mr Austin, she has made some sweeping claims that are unsubstantiated by fact. Appendix 7, 8, 9 and 10 demonstrate that the majority do not reflect the truth.

Mr Austin’s own parents could have supported his claim to be a gypsy/traveller but they have chosen not to do so.

Mr Austin has two character references Appendix 6 and 6a that absolutely do not refer to him being a gypsy/traveller. Mr Sillwood confirms that he has known him for at least 5 or 6 years. He confirms that when Mr Austin and his girlfriend have a family, they want to buy a piece of land in the country and settle down which is what many people aspire to.

Mr Dixon, who is the person who lent Mr Austin the money to buy the land, simply talks about Mr Austin’s commercial aspirations. Mr Dixon is a businessman who has known Mr Austin for at least five years and his father before him.

It is clear to all that anyone without special protected characteristics such as “traveller” would find this dream impossible to achieve of that land were outside the village’s development boundary. The only way to be able to bypass the system is to be able to assert a true claim to be a gypsy or a traveller. Unfortunately, the information contained within this report refutes this claim.

The Ketteringham Residents group requests that the Planning Committee re-examines Mr Austin’s status and recognises that Mr Austin is no more than a would be gypsy/traveller and views the planning application 2017/0071/ in that light.
## Index of Papers

**Mr Michael Austin**

**Application 2015/0075**

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Appendix 1
PD Consultants UK LTD

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PD Consultants UK LTD
Web: www.theprivatedetective.com
Case: 6106

From conducting a full and in-depth investigation we are now in a position to report the following:

Many thanks for your recent submission. After numerous searches we are now in a position to report the below details.

6 Tansy Cl Norwich, Norfolk NR6 6D5

Please see below located occupancy data. Michael Austin lived here during 2003 - 2005

Our sources indicate the family left this address in or around 2005 period. We note Ms Denise Austin holding short term connections to 7 LINTOCK ROAD, NORWICH NR6 3NU during 2007-2008 period before again reallocating to the below neighbouring property.
We note links that Michael Austin lived at this property during the period 2005 – 2012 and then again after March 2015.

67 Corbet Avenue Norwich NR7 8HS

We see Michael Austin living at the property at his father’s address between 2012-2014.
31 Peckover Road, Norwich NR4 7BL

We note links to this address in early 2013.

Despite national searches under the supplied criteria, we have been unable to locate any other linking or associated addresses that are registered.

Summary Residence Details (Source: Private Investigation)

Please see Appendix 2 for the timeline of Mr Austin's residences.
118 The Street, Felthorpe, Norwich, NR10 4DH Michael Austin's Business since 2012

This appears to be the address of Value Cars of Felthorpe. Michael Austin is the director and only employee of the company.

Opening times

<table>
<thead>
<tr>
<th>Day</th>
<th>Opening Times</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monday</td>
<td>9:00 - 17:00</td>
</tr>
<tr>
<td>Tuesday</td>
<td>9:00 - 17:00</td>
</tr>
<tr>
<td>Wednesday</td>
<td>9:00 - 17:00</td>
</tr>
<tr>
<td>Thursday</td>
<td>9:00 - 17:00</td>
</tr>
<tr>
<td>Friday</td>
<td>9:00 - 17:00</td>
</tr>
<tr>
<td>Saturday</td>
<td>Closed</td>
</tr>
<tr>
<td>Sunday</td>
<td>Closed</td>
</tr>
</tbody>
</table>
This is the piece of land where Mr Austin alleges that he lived in a caravan. It is his father’s back garden at 67 Corbet Avenue, Sprowston right next to Sprowston High School.
### Michael Austin Family Tree (Source: National Archives of Births, Marriages and Deaths)

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Mother and Father of Applicant</td>
<td>Denise Caroline Austin nee Gilmore was born in 1958 to Eileen Gilmore with no father recorded on her birth certificate. She was born at her mother’s and grandparents address: 112 George Pope Road, Norwich at the time of the birth.</td>
<td>Michael W Austin was born in Wandsworth and his mother’s maiden name was Fenton. (No further information required re paternal history.)</td>
</tr>
<tr>
<td>Grandmother of Applicant</td>
<td>Eileen Gilmore was born to George Frederick Gilmore 1904 - 1954 (also known as Frederick W G Gilmore) and Eliza Sophia Neal 1902 - 1975. They lived at 112 George Pope Road in Norwich. Eileen was a chocolate packer at a local confectionary manufacturer. Eileen Gilmore gave birth to Denise Caroline Gilmore in 1958. She married George W Freeger in 1952 who became Denise’s stepfather.</td>
<td></td>
</tr>
<tr>
<td>Great Grandmother and Great Grandfather</td>
<td>Eliza Sophia Neal was the daughter of William A Neal 1976-1946 and Eliza Sophia Daniels 1877-1939. She was Michael Austin’s Great Grandmother. Frederick W G Gilmore was Michael Austin’s Great Grandfather. George Frederick as he was registered on Eileen’s birth certificate was the son of James Gilmore and Sarah Alice Chettsborough 1878-1951 who used the name Alice. They lived at 285 St Swithin’s Terrace.</td>
<td></td>
</tr>
</tbody>
</table>

One Generation Removed

<table>
<thead>
<tr>
<th>Parents of Great Grandmother – Eliza Sophia Daniels</th>
<th>Parents of Great Grandfather – William A Neal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eliza Sophia Daniels was the daughter of Samuel Thomas Daniels 1852-1908 and Sophia Daniels nee Cropp 1855-1924. They both lived in Church Alley, Norwich St Swithin’s.</td>
<td>William A Neal, who was an iron moulder by trade and was the son of William Neal 1857-1938. William’s wife was Clara Voller 1857-1931. They lived at a Hampshire Hog Yard in Norwich St Swithin’s.</td>
</tr>
</tbody>
</table>
### Eliza Sophia Neal – Great Grandmother of Michael Austin

<table>
<thead>
<tr>
<th>Parents of Great Grandmother Sophia Daniels nee Crapp</th>
<th>Parents of Great Grandfather Samuel Thomas Daniels</th>
<th>Parents of Great Grandmother Clara Voiter</th>
<th>Parents of Great Grandfather William A Neal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sophia Daniels nee Crapp was the daughter of Thomas Crapp and Ann Graves whose parents lived at 88 Church Alley. Thomas Crapp died in 1855 and Ann Crapp was a silk weaver with a live in girl helper. They lived in Laws Yard.</td>
<td>Samuel Thomas Daniels was the son of Samuel Swinton Daniels 1811-1850 and Sarah Anne Eastaugh 1825-1856. They lived in Queen of Hungary Yard, Norwich St Benedict's and at 45 Pitt Street, St Augustine. Samuel T Daniels was a bricklayer.</td>
<td>Clara Voiter 1857-1911 was the daughter of William Voiter 1813-1893 and Alice Hill 1816-1893. They lived in In Sun Lane, Norwich St Clement. William was a weaver like his father. His father was William Voiter 1791-1870. His mother was Mary Ann Brown 1790-1874.</td>
<td>William A Neal was the son of Frederic Neal 1822-1904 and Maria Mann 1816-1889. They lived at 14 Westwick Street, Norwich. Frederic Neal was born at 179 St Swinths Alley and was a shoemaker/cordwainer</td>
</tr>
</tbody>
</table>

### Great Grandfather Frederick W G Gilmore

<table>
<thead>
<tr>
<th>Parents of Great Grandmother Sarah Alice Chettleburgh</th>
<th>Parents of Great Grandfather James Gilmore</th>
</tr>
</thead>
<tbody>
<tr>
<td>James Gilmore was the son of George Gilmore 1832-1881 and Harriet Maria Spencer 1838-1892. They lived at 1 Heigham Street, Norwich. They were licensed victuallers. George and Harriet ran the Rose and Thistle pub in Heigham Street. When George died in 1881, Harriet took over as licensee until her death in 1892.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Parents of Great Grandmother Sarah Alice Chettleburgh</th>
<th>Parents of Great Grandfather William Carrington Chettleburgh</th>
<th>Parents of Great Grandmother Harriet Maria Spencer was the daughter of Harriet and John Spencer</th>
<th>Parents of Great Grandfather George Gilmore 1825 was the son of Thomas Gilmore and Susan Gilmore who lived in St.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sarah Crouse 1856-1892 was the daughter of George and Elizabeth Crouse who</td>
<td>William H Chettleburgh was the son of Thomas H Chettleburgh and Eliza Chettleburgh.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>lived at 89 Paradise Place, Norwich St Johns Timberhill and 203 St Swinths Terrace, Norwich St Swinths. George was born in 1827 and died in Norwich 1870. He was a Waterman.</td>
<td>They lived at 176 Albert Street, Heigham Street. Born in 1810, Thomas Carrington Chettleburgh was a Chelsea Pensioner at the age of 51.</td>
<td>who lived in 122 Thorn Lane, St John's Timberhill. John was a gardener.</td>
<td>John's Neal Yard. Thomas was a weaver.</td>
</tr>
</tbody>
</table>

**Evaluation of Family Tree**

The names contained within this family tree are faithful representations of five generations of family to Michael Austin. These are his blood relatives.

All Michael Austin's ancestors originated from the centre of Norwich in very discrete areas. There was no space for caravans or other such luxuries. His grandparents, great-grandparents, great-great-grandparents and great-great-great-grandparents were normal working class people who, without exception, married people who originated from nearby neighbourhoods but they did not marry into family as some gypsies do.

On Michael's mother's side of the family tree it has been said that Michael has a second cousin with the name of Leveridge or Massingham. This is not the case either through a blood line or by marriage.

A first cousin is someone who shares a grandparent.

A second cousin is someone who shares a great grandparent.

Eliza Sophia and George F Gilmore had only two children, Eileen and Michael.

Michael Austin's great uncle Michael J Gilmore (Denise Austin's uncle) had two children, Tasmin and Marie who are Denise Austin's first cousins.

Tasmin Gilmore is settled and lives alone at 4 Riley Close, NR7 9TB and has lived there since at least 2002. Her brother Mario lives with his parents Michael J Gilmore and Linda M Gilmore at 17 Joe Ellis Court, Bawthorpe. They have all been resident there since at least 2002. They are not travellers.

It can therefore be demonstrated that Michael Austin is, in no way related to names such as Leveridge or Massingham through his mother's side of the family as claimed.

All Michael's family have led settled lives in Norwich dating back as far as research done to 1781.

Family Names are:-
Austin, Gilmore, Neal, Daniels, Vetlar, Cropp, Eastaugh, Hil, Mann Graves, Cottle, Chettleburgh, Spencer
Footnote
In January-March 1957, an Elizabeth Neal (dob 1943) married a Stanley V Leveridge (dob Jan-Mar 1945) in the Swaffham area.
It is possible that, if using names alone without the benefit of historical, official document searches such as this, it would be easy to mistake the Neal/Leveridge connection for a Neal/Leveridge family line.

The family tree and copies of birth and marriage certificates are available as evidence of the true and accurate narrative statements made above.
# Appendix 2

## Michael Austin Timeline

<table>
<thead>
<tr>
<th>Year</th>
<th>Agent Design &amp; Access Statement</th>
<th>Agent Design &amp; Access Statement</th>
<th>P.D. Consultants Statement</th>
</tr>
</thead>
<tbody>
<tr>
<td>2003</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2004</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2006</td>
<td>&quot;Over the last ten years Michael Austin has lived in a caravan; this was between 2005 &amp; 2010 on his Father's land in Sprowston&quot;</td>
<td>2007 - 2008</td>
<td></td>
</tr>
<tr>
<td>2007</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2008</td>
<td>7 Lintock Road, Norwich</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2009</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2010</td>
<td>2010 - 2012</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2011</td>
<td>&quot;He was forced to leave Sprowston and live in a caravan at Felthorpe for two and a half years until being required to move&quot;</td>
<td>2012 - 2014</td>
<td></td>
</tr>
<tr>
<td>2012</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2013</td>
<td>2012 - 2014</td>
<td>2014 - Date</td>
<td></td>
</tr>
<tr>
<td>2014</td>
<td>&quot;Michael then stayed on land owned by friends in a caravan in the Ringland area&quot;</td>
<td>67 Crofott Avenue</td>
<td></td>
</tr>
<tr>
<td>2015</td>
<td>2014 - Date</td>
<td>&quot;Until purchasing the land in Ketteringham&quot;</td>
<td>March 2015</td>
</tr>
<tr>
<td>FEB 2015</td>
<td>&quot;Michael lives in a trailer at the garage&quot;</td>
<td></td>
<td>67 Crofott Avenue</td>
</tr>
<tr>
<td>2016</td>
<td>Michael Austin moves into trailer in Ketteringham 08th June 2015</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
From: Leah Mickleborough  
Sent: 13 Apr 2015 08:45:15 +0100  
To: Robert Webb  
Subject: FW: gates  
Attachments: 2113371.pdf

From: Stuart Carruthers [mailto:stuartcarruthers@gmail.com]  
Sent: 12 April 2015 16:31  
To: Sandra Dinneen; Robert Webb  
Cc: Candy Sheridan  
Subject: FW: gates

2015/0075

2015/0075 High Street, Ketteningham

Dear Sir / Madam

Attached is a photograph of the new gates at the site.

Michael does not meet the statutory definition of Gypsy / Traveller

I am also willing to meet with Richard Hey (PhD) to validate and verify the percolation test results on Michael’s land. I leave it to him to arrange contact but can assure him that the results are correct.

Attached is a copy of Planning Policy for Traveller Sites.
I have also attached the relevant part of part 6 of Schedule 2 of GPDO 1995 that relates to agricultural use of the site.

Class B Development on units of less than 5 hectares

B. Permitted development

The carrying out on agricultural land comprised in an agricultural unit of not less than 0.4 but less than 5 hectares in area of development comprising of—
(a) the extension or alteration of an agricultural building;
(b) the installation of additional or replacement plant or machinery;
(c) the provision, rearrangement or replacement of a power, main, pipe, cable or other apparatus;
(d) the provision, rearrangement or replacement of a private way;
(e) the provision of a hard surface;
(f) the deposit of waste; or
(g) the carrying out of any of the following operations in connection with fish farming, namely, repairing ponds and reservoirs, the installation of grading machinery, aeration equipment or flow meters and any associated channel; the dredging of ponds; and the replacement of tanks and nets,

where the development is reasonably necessary for the purposes of agriculture within the unit.

Michael will almost inevitably be keeping chickens on the land as well as horses. If there are 50 chickens (including chicks) the holding needs to be registered with DEFRA as agricultural land - as it is being used for agriculture (and is an agricultural unit). The site was a former dairy farm and there is absolutely nothing to stop it from being used agriculturally. The Council needs to take into account the agricultural use of the land in its decision making. It is simply a fact that most Gypsy / Travellers keep both horses and chickens.

The residents of Ketteringham would be much better in asking the Council and its elected representatives why there has been a failure to identify a five year supply of land for the districts Gypsy and Traveller community through a Development Plan Document (this is a policy failure that they should lay at the door of their elected representatives) rather than identify a variety of what appear to be flawed reasons why the development should not be allowed. It is understood that the Council has submitted at least two development plan documents to the Secretary of State and that these have both been identified as failing to meet needs.

The only real issue that the proposal raises is if the caravan on the land is either acceptable or unacceptable. There will be a mixed use of the land for agriculture, keeping of horses and providing residential accommodation for a Gypsy / Traveller who is also a farmer.

Yours faithfully,
Stuart Hardwicke Carruthers

Date: 12 April 2015 at 13:52
Subject: gates
To: stuartcarruthers@gmail.com

Sent from my iPad
25/02/2015

Ref: Michael Austin

To Whom it may concern

I can confirm I have known Michael for at least 5 years firstly when he worked with his father at Weston Road Car Sales, Weston Road, Norwich, and then when he got his own car sales site at Value Cars of Felthorpe, The Street, Felthorpe approx 2 years ago. Since he started working at Felthorpe I have also got to know his Partner Jessica and they have both said when they start a family (which happened last year) they would like to get a place of land in the country and settle down, which now he has got the place of land it will be nice to see this happen as I class them more as friends now rather than just a business associate. I have always found them to be very honest and trustworthy and when we started our new business venture April last year he was one of the first people I approached to start dealing with us and I had no problems in offering him a monthly credit account straight away. Whenever I go to his garage it is always clean & tidy so if he does get the piece of land in question I’m sure that will be kept the same way and if it was next to where I lived I would not have a problem with Michael moving and living there.

Yours sincerely

[Signature]

Paul Elwood

2015/0075
Re: Michael Austen
Value Cars of Felthorpe.
Norwich.

Dear Sir or Madam,

I am writing a short note as a character reference for Michael.

I have known him for 5 or 6 years and have found him to be a very upstanding and honourable person. We have a very good business relationship.

He is a young man with a young child and wants to progress in business to support his partner and young son.

I have been in business for over 25 years and I have found Michael to be one of the most honest people I deal with.

Yours Faithfully,

Rob Dixon

2015/0075
Field Cottage
Eccles
Norwich
NR12 0SW

ref: 2015/0075 Planning application for land at Ketteringham
NR18 9RU

Design and Access statement

For the land off High Street, Ketteringham. Purchased by Romany Gypsy Michael Austin.

Michael’s Status is dealt with separate documentation. I have been looking at possible land for him these last 6 months. He has horses and ‘drives’ them, so he required a stable block as well as a base for his young family.

This land is ideal. It has the stabling he requires and is using. It has a concrete area to wash the horses, after the drives. It has electricity and a water supply. The land is already laid out for grazing and fenced in. He has erected a new gate, which is included in the application. He was unaware this needed planning permission.

The amenity block will be of similar wood and is will be built directly behind the stable block, so shielded from the road and
neighbours. The static will be in front of the block and again shielded from view. The footprint of the block is small and blends in with the wooden stabling. The tourer is for 'travelling' purposes as he continues to travel to fairs to purchase horses and for 'work', as he runs a very successful garage and buys and sells cars. His work 'low loader' truck will stay at work and no work will be conducted from this small site. Indeed the truck advertises his work and is 'displayed on the forecourt'.

He has paid for the new fencing bordering the next door neighbours property. They wished for a lower fence so they could view the horses. This application has been discussed with them and they have raised no issues.

The site is perfect for access for the A11 which he travels on regularly for work. His wife is already registered at a Eaton surgery, they had their first child last November.

The nearest shops, doctor and play group are all at Eaton, these are 3.5 miles away. The nearest garage is nearer at Thickthorn on the A11. I consider this a sustainable location.

The family are presently separated since the birth of the baby. Michael lives in a trailer at the garage whilst his wife has returned to her mother near Eaton, but this temporary arrangement is wholly unsuitable for a young baby. Living in a poorly heated tourer, hemmed in and with no washing facilities is certainly not appropriate for a young baby.

Ketteringham is a very small parish which I think is preferable to a larger parish, for this type of application. They have introduced
themselves to all the neighbours and visited the village hall which is almost but not quite opposite.

The couple are attending to their horses daily so people are getting to know them. This is ideal as neighbours realise that even a Gypsy family need a home.

Finally, this is a single pitch application, with a small footprint in a small parish, by a local Gypsy family.

This application needs to be viewed against the lack of a 5 year supply of possible land for Gypsy occupation, by your council.

Candy Sheridan. sheridancandy@gmail.com 07899723177

Gypsy Council Status Letter

I am of the firm understanding that Michael Austin is a Romany Gypsy. His family name is Gilmour from his mother, who is first cousin to the Leveridge's. This family are well known as they have sites in S Norfolk, N Norfolk and Broadland Council areas.

He has been raised as a Gypsy and trained as a boxer and excellent horse dealer. He and his father established the successful car dealership 'Value Cars' in Felthorpe. This is now entirely his.

He is well known on the Gypsy horse drives that so many of the local Gypsy families enjoy.

There is a change in emphasis on Status and the definition of being a 'Gypsy in planning reasons'. More emphasis is now being
placed on Gypsies continuing to 'travel' for work and 'cultural reasons'.

I am part of the Gypsy Professional Network that actually brief MP's, Ministers and civil servants on Gypsy issues.

Whilst being hugely unhappy with this change of emphasis, as it means that the 'elders', children and mothers who settled as they require 'health' and 'education', could be discriminated against. We have undertaken legal advice on this.

Michael Austin fulfils this new emphasis, as he travels for 'cultural reasons' to the horse fairs and for 'work' in buying and selling in cars across E Anglia and beyond.

His application for a single personally named pitch must be viewed with full Gypsy Status.
**Appendix 8**

**Ms Sheridan’s Design and Access Statement**

In Ms Sheridan’s design and access statement she makes some erroneous assumptions.

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>At the time of writing her statement which says she has been looking for land for Mr Austin for 6 months. Ms Sheridan later said that Mr Austin had met the previous owner of the field at a horse drive. However, Mr Austin had already purchased the said land on 1 August 2014.</td>
</tr>
<tr>
<td>2.</td>
<td>Ms Sheridan considered the land to be ideal. She is unaware of the true condition of the land, unlike local residents who know the issues on the site.</td>
</tr>
<tr>
<td>3.</td>
<td>Ms Sheridan claims Mr Austin paid for the fence between the field and his neighbours. He only paid half as the other half was paid for by the residents of Number 5 High Street.</td>
</tr>
<tr>
<td>4.</td>
<td>His neighbours have raised issues and they are available to view online.</td>
</tr>
<tr>
<td>5.</td>
<td>Mr Austin’s girlfriend is not his wife although they have a child together. She lives in settled accommodation close to the UEA. His girlfriend has said she will not live in a caravan and will stay in her own flat located close to the UEA and near Wilberforce Road.</td>
</tr>
<tr>
<td>6.</td>
<td>Mr Austin and his girlfriend stayed for a short time only in his touring caravan at his business premises.</td>
</tr>
<tr>
<td>7.</td>
<td>Mr Austin did not introduce himself to residents, instead he erected over large gates that indicated to locals that he wanted nothing to do with them. Although he said he has been to the village hall, he had not been inside until an EGM Parish Council meeting.</td>
</tr>
<tr>
<td>8.</td>
<td>Ms Sheridan said that Mr Austin’s first cousin was John Leveridge. Mr Leveridge later, at the Planning Meeting on 29th April 2015, changed that claim to be a second cousin to Mr Austin. However, Mr Austin does not have any second cousins as demonstrated by his family tree.</td>
</tr>
<tr>
<td>9.</td>
<td>Mr Austin has a horse and cart and drives them locally. His cart is in a state of disrepair and has not been used for a long time. There are other people in Hethersett who own carts such as Mr Austin’s and they are not travellers or gypsies.</td>
</tr>
</tbody>
</table>
10. Mr Austin has travelled very little as his Facebook pages reflect and because he has a 6 day week second hand car business to run as well as three children to have access to – his new son plus two other daughters.
Appendix 8

Ms Sheridan’s Design and Access Statement

In Ms Sheridan’s design and access statement she makes some erroneous assumptions.

1. At the time of writing her statement which says she has been looking for land for Mr Austin for 6 months. Ms Sheridan later said that Mr Austin had met the previous owner of the field at a horse drive. However, Mr Austin had already purchased the said land on 1 August 2014.

2. Ms Sheridan considered the land to be ideal. She is unaware of the true condition of the land, unlike local residents who know the issues on the site.

3. Ms Sheridan claims Mr Austin paid for the fence between the field and his neighbours. He only paid half as the other half was paid for by the residents of Number 3 High Street.

4. His neighbours have raised issues and they are available to view online.

5. Mr Austin’s girlfriend is not his wife although they have a child together. She lives in settled accommodation close to the UEA. His girlfriend has said she will not live in a caravan and will stay in her own flat located close to the UEA and near Wilberforce Road.

6. Mr Austin and his girlfriend stayed for a short time only in his touring caravan at his business premises.

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9. Mr Austin has a horse and cart and drives them locally. His cart is in a state of disrepair and has not been used for a long time. There are other people in Hethersett who own carts such as Mr Austin’s and they are not travellers or gypsies.
10. Mr Austin has travelled very little as his Facebook pages reflect and because he has a 6 day week second hand car business to run as well as three children to have access to – his new son plus two other daughters.
PLANNING APPLICATION
Information in support

Gypsy Status

Application Address: Land at Ketteringham
NR18 9RU

June 2015

Compiled by: Gypsy Council (GCECWA)
Candy Sheridan

Postal Address:
Field Cottage,
Eccles
Norfolk
NR12 6SW

Tel: 07899723177
Email: skcridancandy@gmail.com
Further Information on Michael Austin (Romany Gypsy) for Planning application at Keelingham (SNDC)

At the last Planning Committee Meeting (28th April 2015) the Councillors requested further proof of the applicant’s Gypsy Status in ‘planning terms’.

For the purposes of Planning Policy for traveller sites, Gypsy / Travellers are identified as being:

‘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’.

Michael Austin is an ethnic Romany Gypsy. He is related by blood to the Laweridges who have sites passed by three Norfolk Councils (NNDC, Broadland and yourself at SNDC). A letter of support was supplied, and Tony Cooke (lead officer for Gypsies and Travellers) confirmed this.

There is a ‘presumption’ based in Planning Law, and through legal channels that Gypsies have a ‘cultural aversion to bricks and mortar’, live longer, and are much happier and are certainly healthier in caravans with land around them. By returning to this ‘way of life’ many are able to openly express themselves as the ethnic minority, that they are.

Michael Austin was born into a family that is of mixed race. His mother is a Gypsy, whilst his father is from the settled community. Michael Austin lived in a house for the first fourteen years of his life. However, he was taken by his mother travelling for about six months of every year of these fourteen years. Michael Austin left Broadland High School at 14 having been identified as a Traveller, and went to work with his father, and was trained in ‘car dealing’. Michael continues to attend all the Gypsy Fairs (Appleby, Stow, Wiston, Deshman, Wisbech, Peterborough and Kenilworth), and does so with his partner Jess, and their young son Ruben.

In ‘Planning Terms’ the applicant must demonstrate that they are nomadic.

Nomad is identified by the Oxford Dictionaries as being a noun, and means a member of a community that moves with its animals from place to place.

Gypsy / Travellers since the 16th Century have found it progressively difficult to be able to move freely from place to place in England and Wales, due to the ‘commodification’ of land, and have been required to settle since the 1940s to access common good benefits (i.e. health, education, welfare) provided by the system of social organisation adopted after the Second World War. It is entirely arguable that any Gypsy / Traveller awarded planning consent ceases to be a Gypsy / Traveller once they secure a settled base. However, the Gypsy community maintain their cultural identity through the Gypsy Fairs. They are no longer able to move freely apart from to these Fairs. The Gypsy / Traveller community is one that you have to be born into to be a member and its members are recognised to experience difficulties in accessing services of common good.

Michael Austin is a well known ‘horsemann’ in the Gypsy community, he has been taught to ‘drive’ his horses and attends the Gypsy Drives that run regularly. It was on such a local drive that he met the previous owner of the field he now owns. Michael is nomadic, and has an aversion to living in houses. Land owned by Gypsy / Travellers tends to be sold only to members of the Gypsy / Traveller community.

Over the last ten years Michael Austin has lived in a caravan. This was between 2005 – 2010 on his father’s land at Stowston. This can be confirmed by the next door neighbour PC Keith
Lambert (1120) based at Wroxham Road Police station. PC Lambert is also a local parish Councillor at Sprowston and is happy to confirm this living arrangement. He has known Michael over many years.

Following a death in his family Michael was forced to leave Sprowston and lived in a campervan at Felthorpe for two and a half years until being required to move. Michael then stayed on land owned by friends in a caravan in the Ringland area, until purchasing the land in Kettsingham. These moves account for the last 10 years and have simply reinforced Michael's need and desire to live in a culturally appropriate accommodation.

The application must of course be viewed against your Council's lack of a 5 year supply of suitable land for Gypsy sites. As the Council have not identified suitable land Gypsy / Travellers have to source it themselves. This your officers have already stated is a suitable site.

This remains an obvious site for all the right reasons for a Gypsy/Traveller site. Low impact, water and electricity already in place and hard standing and stables. Any Planning Inspector would, and has on many occasions, accepted my input and evidence that I have provided here. Neither a 'parish' or a 'Council' can alter National Planning Guidance on Gypsies and Travellers. This must and will come from Parliament and will occur over a long consultation period and process. All parties must adhere to what remains in place now.

This application remains for one single pitch for a man who is a Romany Gypsy and needs a base so that his young son can be brought up in a culturally acceptable way, and not be excluded from services of common good. There are hundreds of families who would be offered this land, who cannot locate such suitable land. I have a personal waiting list of over 100 such families and this would be ideal for any of them, especially with its close proximity to the A11. The land will and should be developed for Gypsy / Travellers occupation. If required it can be sold to families who also meet the definition of nomadic in Planning terms.

Any future applicant if there is to be one, will be well known to the Norfolk Gypsy service. But Michael remains very clear that this is ideal for him and his young family.

There are now very few truly 'nomadic Gypsies' as there are no stopping places or enough transit sites to actually operate this lifestyle from. Those that are truly nomadic normally come into conflict with the settled community. Viewing this application from the 'single word of nomad' does it no justice. It must be set against the 1994 legislation that encouraged Gypsies to locate and find land for sites, against the lack of provision from this council of such identifiable land and a clear five year land supply.

Also weight must be given to the few numbers that have progressed through the planning process and of course the huge 'unmet need' still not catered or even looked in by this and other Councils.

This application must be viewed from 'Planning Merit' and weight must be given to the following points:

It is a suitable site next to your own 'Development Boundaries'.
It has no Flood risk or drainage issues.
It has services within 3 miles and the applicant has local connections.
There are no objections from any 'agencies or consultees'.

This issue of Gypsy Status has been fulfilled.

Candy Sheridan
Gypsy Council
Appendix 10
Ms Sheridan’s Status Statement

1. It can be demonstrated from the Register of Births, Marriages and Deaths that Mr Austin is not what he claims to be i.e. a Romany gypsy related to Leveridges or Massinghams. Romany gypsies do not have children outside of marriage and often marry cousins.

2. Mr Austin cannot have an aversion to bricks and mortar as claimed because he has been living in them until the 6th June when he moved on to the field. He has stayed with his mother and girlfriend during the time he acquired the field until his recent occupation on 8th June 2015. See his Facebook Page Appendix 4. Regardless of the fact that he told the Planning Department that he was living there from around February, locals know that he has not as he left the field every night.

3. Mr Austin’s mother is well known to own a camper van and to travel to the continent for shopping purposes. Mr Austin attended Old Catton Middle School and Sprowston High School. He may have been an irregular attender at school as those who know him say he was bullied. He possibly accompanied his mother on her trips to the continent.

4. Mr Austin has only owned one horse prior to buying the land which can be validated through his Facebook pages.

5. The previous owner of the land, Mr Christopher Randell, is a cousin of two local people. He owns a large house in Swanton Morley and his parents are millionaire land owners themselves. Mr Randell is a horse enthusiast but certainly not a gypsy or a traveller.

6. Mr Austin does not lead a nomadic lifestyle rather one that moves between his parents homes. It is acknowledged that he needs somewhere to have joint custody of his son but deciding to become a “traveller” to attain this goal should not be seen as a valid means of achieving this.

7. Please see Appendix 2 for his reported movements and Appendix 4 for his Facebook images.

8. He has visited an Appleby horse fair in 2014 and another in Kenilworth where he stayed for less than 24 hours. However, non travellers and non gypsies attend these events, Mr Austin being one of them.
Gypsy Council's response to
Ketteringham Residents
Group report

by PD Consultants UK LTD
(www.the private detective.com)

Re Michael Austin
Planning Application
2015/0075

Candy Sheridan
Gypsy Council
sheridan cindy@gmail.com

PD Consultant's disclaimer:

‘Information contained may be INACCURATE or OUT OF DATE’

Therefore although the KRG paid for this 'report' it should not carry any undue weight in Planning Terms.

The planning system is not 'driven and should never been unduly influenced' by 'paid consultants'. Otherwise the system is only for the wealthy.

There must remain a level playing field so all members of society receive a fair hearing.

My report corrects the main mistakes in the Ketteringham Residents report.
The report is verbose and is based on the KRG view and opinions of who is a Gypsy and who is not.

The report focuses on 4 main areas of evidence:

1) Michael Austin's alleged places of residences.
2) Michael Austin's family tree.
3) Selective Facebook 'evidence'

PLACES OF RESIDENCY:

Michael's Mother

6 Tansy Close Norwich NR6 6DS
2003 to 2005

This property is Michael's mother's house. She sold it in 2003. So these dates are invalid. Michael
lived at this property for a short period whilst a child. He continued to visit his mother at this address as any son would.

7 Lintock Road, Norwich NR3 3NU
2007-2008

Michael’s mother Denise Austin never lived at this address. Michael has no connections with this address and never even visited this address.

7 Tansy Close Norwich NR6 6DS
2005 to 2012
and again after March 2015

This is Michael’s mother's house and continues to be her home. She was allocated this property in 2009 by Norwich City Council and her tenancy started that year and not 2005.

Michael never lived at this address and was never registered here. He is allowed to visit his mother and continues to do so.

The Private Detective Firm neglects to identify the years Denise Austin lived in Great Yarmouth.

Michael’s Father

67 Corbet Ave, Norwich NR7 8HS
2012 TO 2014.

Where the evidence offered is a google photo of his van as evidence of him living at his father’s address. The Residents photograph appears to be dated July 2008.

My statement uses PC Lambert from Wroxham police station as further evidence as he was a neighbour through those years.
His father then goes on to state that it was his own friends that took Michael in at Ringland where he lived in his caravan, again my line is correct and accurate.

**Michael's Friend**

31 Peckover road Norwich NR4 7BL
2013

This property belongs to a friend of Michael and he did stay here with Jess to try and repair their relationship. She did not want to live in a caravan and he duly returned to one. They were not at this address very long.

The so called evidence of continual 'bricks and mortar' dwelling is completely inaccurate.

**EVALUATION OF THE FAMILY TREE**

Gypsy history is always difficult as so many were not registered or indeed saw the need for such 'officialdom'.

This expensive exercise undertaken and paid for by the KRG is flawed at the very beginning.

Michael's mother is from a Traveller background as a Gilmour. On her birth certificate her father's name remains blank. Her father was from the well know Lee family who travelled the old working routes from Wales, through the Midlands, down to Spalding and Wisbeach and through Norfolk and down into Kent. This route was still being used by huge numbers of Travellers when Michael's mother was born.

Her DOB is incorrect. On her birth certificate she was born in 1957 and her letter supports this fact.

There is much evidence supplied about the Freezeer's family tree but they are not blood related to Michael or his mother.

The Neals were Travellers and appear in the Leveridge's family tree. I cannot supply this at this stage as the family are away but will do with their permission for inclusion at the meeting.

Michael's great nanny did indeed marry Stanley Leveridge (or Leveridge as they were then known. Only in Norfolk did the Leveridge's become Leveridge's, courtesy of a Norfolk teacher's spelling.

The statement that it would be 'easy to mistake the Neal/Leveridge connection is incorrect.

Gypsy families only have their name this often becomes their 'passport into the community'. On first greeting any other community member we all say who we are, who we are related to and what area we have connections with. We have Irish Boswell's, English Boswell, we have Romany Gypsies West and Welsh who have great grannies from Eire and so on. Many families did not get to register their children but all families were told their family tree and this oral history continues today.

Michael's mother is very clear about who she is, who she is related to and her only sorrow is seeing the wrong facts up on your council website. In her letter she explains why the past is so upsetting to her and all her extended family.
The other errors are Eliza Sophia and George F Gilmour had 3 children not 2.

Michael J Gilmour does not live at Bowthorpe as sadly he died 12 years ago and his son Mario has found this information again unchecked on your council website very upsetting.

Michael does indeed have a sister.

**SELECTIVE FACEBOOK EVIDENCE:**

The report has been padded out with pages of FB photos, which of course is certainly an infringement of Michel's privacy and personal life, but more importantly cannot be taken as hard serious evidence.

It is not worth my time or energy addressing each photo shot, but just suffice to say that:

Yes, he did go to school, even Gypsies must attend school. He left Sprowston and Broadland schools due to poor attendance.

Yes he has been to Appleby Horse fair at least 15 times.

Yes everyone watches their back up there as the horses trot at 30 mph and don't stop too easily.

No he does not state he is a Gypsy on his FB page that would be very bad for business and it is common practice for ethnic Gypsy's to not identify themselves.

Yes he is entitled to go on holiday and what better way to celebrate his 30th birthday then a boxing match in Las Vegas!

**APPENDIX B OF THE KRGR**

*My Design and Access Statement:*

1) Yes, I can categorically state that I had looked for land for Michael for six months as we were introduced by his cousin Sonny Leveridge. Although I cannot see why this is an issue.

2) Yes, this land is ideal, it is next to the council's own development boundary, it has hard standing water and electricity. Plus a stable block for his horses. The issue here is surface water disposal and poor drainage affecting neighbours land, Michael's land will not add to these issues. The Council does not have a five year supply of housing land.

3) Michael did indeed pay for half the fence costs although not all the fences were his responsibility.

4) Yes, the neighbours were on excellent terms with Michael right up to the word Gypsy and application were stated.

5) The marital state of Michel and Jess is not relevant to the planning application.

6) Jess did stay for only a short time in the caravan at the garage, which again is irrelevant.

7) Michael did introduce himself to all the residents and has been banned from attending any
meetings at the village hall.
8) The family tree is incorrect.
9) The state of his cart is irrelevant.
10) His FB photos are not evidence of any thing. His business is indeed open 6 days a week but he spends time away sourcing and collecting cars. He does have staff to call on.

APPENDIX 10 OF THE KRGR
MY GYPSY STATUS STATEMENT

some corrections:

(1) Rumany Gypsies have and do have children out of wedlock.
(2) Michael has clearly demonstrated his aversion to "Bricks and Mortar"
(3) Michael's mother is not applying for planning and is entitled to travel.
(4) The number of horses Michael has is irrelevant.
(5) The previous owner of the land is irrelevant and he is certainly not a community member.
(6) Michael's Facebook page is not evidence of any kind.

CONCLUSION:

(1) I cannot see why this report was not simply handed over as requested so that all these corrections could have made before you as a council loaded this up on your website.
(2) The errors in this report have caused huge personal issues to Michael, his mother, his father, his sister, his cousins and the Leveridge family.
(3) The family tree is incorrect. I will be able to supply a correct one for the meeting, but not today as the family in question are away.
(4) The places of residences are incorrect.
(5) The Facebook information is irrelevant.
(6) Paying for information does not mean it is accurate.
(7) I stand by my statements and wish for this application to be heard at the July meeting. All sides would benefit from a early decision.

Candy Sheridan
Today at 1:34 PM

Denise Caroline Austin

As I was growing up I was led to believe that George Freezer was my father but when my mother gave birth to my eldest sister she told me we actually had different fathers. She told me that back in her youth she had an affair with a traveler she met and they dated for some time. When she fell pregnant she never saw him or set eyes on him again. She still stayed in touch with the Leveridge family who were his relations. I was brought up between two different sides to my family. I still to this day travel and socialize with the family. I am very angry that the Ketteringham Residents Group have disturbed my family history and I wonder if they have any skeletons. I wouldn’t mind if there information was factual or substantiated. Michael and I have traveled extensively and even when he visits me now he would prefer to stay in my motor-home if I would let him. He now I feel needs to be settled and that is why he purchased this land. Please could you approve his application to give him the stability he needs so he can have access to his three children with somewhere for them to stay with him.

DC Austin
2015/0075
Land at Ketteringham

Hi

Ms Sheridan has had problems with her email. Attached is a copy of Appendix 2 to her report

Stuart H Carruthers

---------- Forwarded message ----------
From: Candy Sheridan <sheridancandy@gmail.com>
Date: 13 July 2015 at 21:42
Subject: Fwd: Good morning to you both
To: Robert Webb <rwebb@s-norfolk.gov.uk>, Chris Trett <ctrett@s-norfolk.gov.uk>, Helen Mellors <hmellors@s-norfolk.gov.uk>
Cc: Stuart Carruthers <stuartcarruthers@gmail.com>, Michael Austin <84muds@live.com>, l.mickleborough@s-norfolk.gov.uk

Appendix 2:

I am writing to confirm that Michael lived at my address in a caravan between 2005 and 2010. Occasionally he would leave and go off to friends at Marsham and other places. The people he stayed at who lived at Ringland were actually friends of both of us. My ex mother in law was Edieon Freezer nee Gilmore. Over the years we had many conversations regards Denise’s natural father and she told me he was a Traveller and his surname was Lee. Denise was always off travelling and much to my annoyance taking Michael with her, for weeks and occasionally months. His schooling did suffer and at 14 he left to work with me and go traveling with his mother

Michael Austin senior
Application referred back to Committee

1. **Appl. No**: 2015/0075/F
   **Parish**: KETTERINGHAM
   **Applicants Name**: Mr Michael Austin
   **Site Address**: Land North of High Street Ketteringham Norfolk
   **Proposal**: Use of land for equine and residential purposes, including a concrete pad for standing one residential caravan, erection of day room, and retention of existing gates.

**Recommendation**: To authorise the Director of Growth and Localism to recommend to the Planning Inspectorate that the application would have been refused for the following reason:

1. Insufficient evidence has been submitted to demonstrate that the applicant, who is the proposed residential occupier of the site, leads a nomadic habit of life in connection with his work/business, and therefore the applicant does not meet the definition of a gypsy/traveller as set out within the national Planning Policy Guidance for Traveller Sites document. As a result there is no special justification to depart from the provisions of development plan policy and the proposal conflicts with saved policy ENV 8 of the South Norfolk Local Plan.

**1. Background**

1.1 The application was submitted and made valid on 13 January 2015. It was reported to the Development Management Committee on 29 April with a recommendation of approval and was deferred because Councillors wished to gain more information regarding the traveller status of the applicant. Further information was sought from the Applicant by the Council and this was received on 3 June. The application was placed on the agenda for the meeting on 24 June but was deferred following the receipt of further information in a report from a Ketteringham Residents Group on 19 June. The applicant was invited to respond to this and submitted further information on 13 July.

1.2 Officers have considered the further information that has been received and legal advice on the matter has been obtained. The applicant lodged an appeal against non-determination of the application on 21 July, and therefore the application will now be determined by the Planning Inspectorate. The purpose of this report is to assist Development Management Committee to decide, if the appeal had not been lodged, whether they would have approved or refused the application so that this can be conveyed to the Planning Inspectorate as the Council’s case for the appeal.

**2. Planning Policies**

2.1 National Planning Policy Framework
   NPPF 06: Delivering a wide choice of high quality homes
   NPPF 07: Requiring good design
   NPPF 11: Conserving and enhancing the natural environment
   National Planning Policy for Traveller Sites
2.2 Joint Core Strategy
   Policy 1: Addressing climate change and protecting environmental assets
   Policy 2: Promoting good design
   Policy 3: Energy and water
   Policy 4: Housing delivery
   Policy 16: Other Villages
   Policy 17: Small rural communities and the countryside

2.3 South Norfolk Local Plan 2003
   Policy ENV 8: Development in the open countryside
   Policy IMP 2: Landscaping
   Policy IMP 8: Safe and free flow of traffic
   Policy IMP 9: Residential amenity
   Policy LEI 14: Keeping of horses for leisure purposes
   Policy HOU 22: Mobile homes

2.4 Emerging South Norfolk Local Plan
   Please note that these policies are not yet part of the Development Plan. They were submitted to the Planning Inspectorate on 17th April 2014 but have not yet completed the Examination stage. Full weight cannot be given to them until final adoption which is likely to be Autumn 2015. In line with paragraph 216 of the National Planning Policy Framework (2012) some weight can be applied to the emerging policies as they advance through their preparation.

2.5 Development Management Policies
   DM1.3 Sustainable location of development
   DM1.4 Environmental Quality and local distinctiveness
   DM3.4 Gypsy and Travellers sites
   DM3.9 Design Principles
   DM3.12 Road safety and the free flow of traffic
   DM3.14 Amenity, noise and quality of life

3. Planning History

3.1 1980/3524 2 Stables and Tack Room and Adjoining 3 Hay Stores Approved 21/1/81

3.2 1981/1854 Erection of Loose Box Range for Horses (Application To Relax ‘Temporary’ Condition) Approved 5/6/81

3.3 1986/1035 Residential Development Refused 11/6/86

3.4 1989/1027 Erection of 3 or 4 dwellings Refused 20/7/89

4. Consultations

4.1 Parish Council
   Object:
   - Location outside of development boundary
   - The proposal would increase flood risk
   - Impact on local water supply
   - Concern about the visual impact of the [original] gates.
   - No development sites have been allocated within the local plan process due to the lack of public transport and infrastructure
   - Concern about horses escaping from the site
   - The planning application is not in accordance with the LDF process through which East Carleton and Ketteringham Parish Council agreed to consider affordable housing developments. The site was not considered as part of this process.
   - Ketteringham has its fair share of heavy traffic
   - Concern at the future intention for the land
If the application is to be approved, a number of conditions should be added, including:

- Sewage treatment not to be via septic tank
- Drainage ditches to be reinstated on the site
- No further development allowed on the site in the future and the site should be restricted to a single, personally named pitch
- Restrictions on external lighting
- Gates to be replaced with traditional five-bar gates
- Site to have no business use
- Electricity supply to be upgraded
- Installation of electric fence to control horses

4.2 Richard Bacon MP:

- Concern that approving this application may lead to pressure to allow further traveller groups to occupy this land.
- Concern that development is taking place without planning permission
- Do not believe that Ketteringham is a suitable location for the proposed development as it has a lack of services and the roads are narrow with poor visibility
- Concerns about site drainage
- Site is outside of the development boundary
- The shortfall in provision of approved sites does not outweigh the negative impacts of the proposal
  If permission is granted any attempts to change the conditions should be resisted.

4.3 District Members

Cllr Legg: The proposal is outside the village development boundary. It will be visible from the adjacent public footpath. There are important principles to be addressed regarding development in the open countryside.

Cllr Herbert (former Councillor): This must be determined by the committee because of numerous issues including public concern, development outside defined boundaries, not in accordance with Gypsy and Traveller policy.

4.4 Highways England

No objection.

4.5 Network Rail

No comments.

4.6 Anglian Water Services Ltd

No comments received

4.7 NCC Ecologist

Given the scale and nature of the application, ecological impacts are likely to be minimal. The existing hedgerows should be maintained.

4.8 Environmental Services

No objections

4.9 Flood Defence Officer

The hard standing area and the roof water from the proposed day room could be discharged to a soakaway within the meadow area to the east where it is unlikely to impact on No 5 High Street and may reduce the volume of water entering the ground behind No 5. Likewise the proposed package sewage treatment plant and tail drains could also be located in the meadow to disperse the discharge over a wider area.
Whilst we recognise that the report [from Professor Hey] identifies existing flooding and drainage issues at No 5 High Street we do not believe that the recommendations made above will increase flood risk at the proposed site or elsewhere. General drainage in the area may be improved by ditch maintenance in High Street which may enable water to clear from the higher land and roads more efficiently but this is outside of the remit of this application.

If you were minded to approve this application we would request a suitable condition to ensure that detailed surface water and foul drainage arrangements for the site were submitted and approved by the local planning authority prior to any development taking place.

4.10 NCC Highways

No objection to the use of the site for equine purposes. The existing access should however be upgraded.

With regard to the proposed residential use, the site is considered to be remote from local services which would render the residents reliant on the use of motorised vehicles. This aspect of the proposal conflicts with guidance in the Local Transport Plan for Norfolk and the NPPF.

4.11 Representations

41 letters of objection. Concerns regarding:

- Poor drainage at the site / increased flood risk
- Increased traffic on narrow country lanes
- Visual impact of development
- Site is outside of development boundary
- Impact on private water pipelines
- Out of character with the village
- Concern applicant is not a bona fide traveller
- Site unsuitable due to lack of public transport, local services, no footpaths or street lighting
- Concern that it will develop into a larger traveller site
- Concern about overlooking, loss of privacy and intervisibility
- The proposed development is located on the course of a historic network between a series of burial mounds at Five Ways, Ketteringham and the Ancient Roman town of Venta Icenorum. The proposal should be rejected until the archaeological importance of this location can be understood.

Further letter of objection received from Ketteringham Residents Group. Concerns regarding:

- status of applicant
- development in open countryside
- proximity to neighbouring properties
- concern regarding drainage
- proposal does not constitute sustainable development
- the Highway Authority has objected to the residential use of the site in terms of its location

- In the event that permission is granted, conditions should be attached including: temporary permission only, personal permission only, landscaping scheme to be implemented, fencing to be erected, appropriate measures agreed for surface water drainage and
Further report submitted from Ketteringham Residents Group on 19 June stating that Mr Austin does not have Gypsy heritage and does not lead a nomadic lifestyle and providing information to support this conclusion.

5. **Assessment**

**Proposal**

5.1 The application is for the change of use of land previously used for equestrian purposes to the use for equine and residential purposes for a gypsy/traveller, including a concrete pad for the standing of one residential caravan, erection of a day room and the erection of gates. The application is partly retrospective in that Mr Austin is now occupying the site and a static caravan has been placed on the land.

5.2 The site is a field which is accessed from High Street and has a stable block on the land. To the south and west are a number of residential properties. To the north is a railway line and beyond that is the A11 dual carriageway. To the east is agricultural land and beyond that there are further residential properties. The site is opposite the village hall and there is also a war memorial adjacent to the southern boundary of the site. A public right of way runs north-south adjacent to the eastern boundary of the site.

5.3 The main issues to be considered are: the principle of development, the need for traveller sites, the gypsy/traveller status of the applicant, the suitability of the location for the proposed use, the impact on residential amenity, the visual impact of the proposal, highways impact, the impact on drainage and flood risk, and the impact on the public right of way.

**Principle of Development**

5.4 Planning law requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for South Norfolk comprises the saved policies of the South Norfolk Local Plan and the Joint Core Strategy for Broadland, Norwich and South Norfolk. In addition some weight can be attached to the emerging policies of the documents contained within the new South Norfolk Local Plan, which includes the Development Management Policies document and the Site Allocations and Policies document.

5.5 Local Planning Authorities must also have regard to government guidance contained within the National Planning Policy Framework and the Planning Policy for Traveller Sites document. Policy ENV 8 of the South Norfolk Local Plan, and paragraph 55 of the NPPF strictly control development within the open countryside unless there are exceptional circumstances. In assessing the application, regard has also been had to Policy DM 3.4 of the emerging Development Management Policies document, which sets out criteria for the consideration of gypsy/traveller development both inside and outside of development boundaries.

**Need for traveller sites**

5.6 The ‘Planning policy for traveller sites’ document requires local planning authorities to have regard to the existing level of local provision and need for sites, the availability (or lack) of alternative accommodation for the applicant and other personal circumstances of the applicant. The Council does not currently have a 5 year land supply of deliverable sites for travellers. The Gypsy and Traveller Accommodation Assessment, published in 2014, contains a target of 35 traveller pitches between 2014 and 2031. Within the first five years (2014-2019) the target is 8 pitches. At the time of writing only 1 pitch has been permitted therefore there is a clear shortfall in available pitches.
5.7 The Council is currently at an early stage in the preparation of the Gypsies and Travellers Local Plan. Consultation on the Issues and Options stage was carried out last August, which included a call for sites to be put forward for consideration. The criterion to be used in the assessment of the sites was agreed by Cabinet on Monday 15 June, with the Preferred Options document scheduled to be considered by Cabinet on Monday 14 September, with public consultation to follow. Given its early stage, the emerging Gypsies and Travellers Local Plan does not materially affect the determination of this application, and the information is provided for background purposes only.

The status of the applicant

5.8 During the application process, concern has been raised by objectors regarding the traveller status of the applicant. The Government’s ‘Planning policy for traveller sites’ states:

“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.”

5.9 In terms of evidence, the information in appendix 1 was submitted with the application. Following the deferral at the last Development Management Committee more comprehensive information has been sought and received from Candy Sheridan (the Agent) regarding Mr Austin’s background and lifestyle (appendix 2).

5.10 To summarise, the report states that Mr Austin is an ethnic Romany gypsy who is a blood relation of a known gypsy who has a base within South Norfolk. It is further stated that he was born into a family that is of mixed race, and that his mother is a gypsy, whilst his father is from the settled community. He lived in a house for the first fourteen years of his life; however, he was taken by his mother travelling for about six months of every year of these fourteen years. It is stated he has lived in a caravan for the last 10 years, between 2005-2010 on his father’s land in Sprowston, and subsequently at Felthorpe, Ringland and now Ketteringham. He travels to attend gypsy Fairs, along with his partner and young son. The application states that Mr Austin requires a base where he can live with his partner and young son.

5.11 In response, a report from the Ketteringham Residents Group has been submitted which casts doubt over Mr Austin’s claim to gypsy/traveller status (appendix 3). The report contends that Mr Austin runs a second hand car business alone, which is open 6 days a week, that he has lived in houses for much of his life, that he is not related to gypsies, and that Mr Austin does not lead a nomadic lifestyle. A further report was received from Candy Sheridan, challenging the findings of the Ketteringham Residents Group report, and stating that it contains a number of inaccuracies. In addition statements from the applicant’s father and mother were submitted as appendices to this report (appendix 4).

5.12 The above mentioned reports and appendices are contained within the appendices to this committee report.

5.13 In light of the conflicting information surrounding this application, Officers have sought legal advice. The Council’s solicitor has advised that in terms of relevant case law, the case of R v South Hams DC Ex parte Gibb (1995) confirmed that whilst nomadism must necessarily involve wandering or travelling from place to place, there must be some recognisable connection between the wandering or travelling from place to place and the means whereby the persons concerned make or seek their livelihood. Therefore someone who travels from place to place merely as the fancy takes them and without any connection between the movement and their means of livelihood will not have the status of a gypsy or traveller.
5.14 In the case of *Wrexham CBC v National Assembly for Wales (2003)* the court held that whether applicants for planning permission are of a nomadic way of life is to be judged at the time of determination of the application or appeal. Are they at that time following such a habit of life in the sense of a pattern or rhythm of full time or seasonal or other periodic travelling? The fact that they may have a permanent base from which they set out on, and to which they return from, their periodic travelling may not deprive them of their nomadic status.

5.15 In the case of *Medhurst v Secretary of State for Communities and Local Government (2012)* the court considered whether an Inspector had been wrong to conclude that an applicant was not a gypsy for the purpose of planning policy. The Inspector concluded: there was little evidence that the claimant had followed a lifestyle that involved travelling for an economic purpose. She had spent most of her adult life in a permanent dwelling. Her recent work had involved commuting to Dagenham docks. Although she had stayed at a travelling showman’s site with a partner, she had retained her house until late 2007. All three older children had their own homes. No evidence had been submitted to suggest that the landscape work or jet washing undertaken by two of the claimant’s sons involved a travelling lifestyle although it was said that they did some travelling during the summer months and also attended gypsy gathering in connection with their business interest in horses. They had permanent homes and children. Although the claimant and her family had gypsy ancestry, there was little in their housing or employment history to indicate a travelling way of life. The court concluded that this decision was a rational one.

5.16 The crucial question therefore is whether Mr Austin leads a nomadic lifestyle in connection with his work/business. On the evidence that has been submitted and on the basis of the information available, it is known that Mr Austin commutes to a fixed place of work which is his used car dealership in Felthorpe, Norfolk. The ‘Value Cars of Felthorpe’ website advises that “we source all our cars from local owners”. In addition although Mr Austin has lived in caravans, this has always been within the Norwich area and does not appear to be in connection with work/business. The evidence therefore suggests that Mr Austin does not lead a nomadic lifestyle in connection with his business. Nor can he be said to have ceased to travel as a result of his or his family’s or dependants’ educational or health needs or old age.

5.17 In consultation with the Council’s solicitor, it is concluded that as a result of the above considerations, Mr Austin does not meet the definition of gypsy/traveller as set out in the national Planning Policy for Traveller Sites. This is the central issue which renders the principle of development unacceptable, because the site is occupied and proposed to be occupied for residential purposes by Mr Austin himself.

5.18 Conflicting information has been received regarding Mr Austin’s family history, yet the planning definition within the Government’s ‘Planning policy for traveller sites’ indicates that race or origin is not the determining factor in deciding whether someone is a gypsy/traveller for planning purposes. This report does not therefore seek to make an assessment of the issues relating to Mr Austin’s family history, because this is not a determinative factor in the consideration of his status for planning purposes.

Consideration of the location for the proposed use

5.19 National policy states that local planning authorities should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Sites in rural areas should respect the scale of and should not dominate the nearest settled community, and avoid placing undue pressure on local infrastructure.

5.20 Ketteringham is identified as an ‘Other Village’ by policy 16 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (JCS). It does not currently have a development boundary but is due to have one within the emerging Site Allocations and Policies document, which is due for adoption later in 2015. Under policy 16 of the JCS, the village is to accommodate infill or small groups of dwellings and small-scale business or services, subject to form and character considerations. The site is adjacent to the proposed development boundary, and therefore is well
related to the existing settlement. It is for one pitch and in this sense would not dominate the settled community.

5.21 Policy DM 3.4 of the emerging Development Management Policies document states that the site should not be so isolated from settlements that the occupiers cannot gain convenient access to schools and facilities to meet their daily needs. There should be adequate capacity available in local infrastructure and services, and the site should have a suitable route of access for the occupiers.

5.22 Concerns have been raised by local residents and the County Highway Authority that the site is remote from local services and public transport. The closest bus stops are on Norwich Road, 1.8km from the site. Other facilities, such as the Infants and Junior School in Hethersett are approximately 2.6km away. The Highway Authority considers that the proposed occupiers would be reliant on transport by private motor car, contrary to the provisions of the National Planning Policy Framework and Local Transport Plan.

5.23 Whilst it is recognised that there are very limited services within the village itself, the site is well related to the existing built up area of the village which has been designated as suitable for infill and small scale residential development within the JCS. In addition the town of Hethersett and city of Norwich are both within relatively close proximity and contain a number of services. For these reasons, it would be difficult to substantiate a reason for refusal on sustainability grounds.

5.24 In terms of equine development the site already benefits from permission for equestrian use. Permission is sought to keep horses for recreational purposes and the applicant has confirmed that no business use is proposed. Policy LEI 14 supports the use of land for the keeping of horses for recreational purposes providing there are no adverse impacts on the character of the landscape, important wildlife habitats, highway safety and residential amenity. The site is considered suitable for continued use for the keeping of horses for recreational purposes.

Impact on residential amenity

5.25 Concerns have been raised that the development would harm the amenity of neighbouring occupiers. The main objections relate to the potential for overlooking and loss of privacy and the potential for increased flood risk to neighbouring properties. The houses in closest proximity that have the potential to be affected are the three immediately to the south and west of the site, no’s 4 and 5 High Street, and ‘Amathus’. Flood risk is dealt with in paragraphs 5.32-5.33.

5.26 The proposed site plan shows that the concrete slab for the siting of the residential caravan and day room would be positioned to the north of the existing stable building, and the garden area would be to the west of this area. The day room and caravan would therefore be approximately 30 metres from the boundary with no’s 4 and 5 and 15 metres from the boundary with Amathus. The day room and caravan would be approximately 50 metres from the houses at no’s 4 and 5, whilst being approximately 47 metres from the house at Amathus. These are considered to be adequate separation distances, with the stable block providing a physical buffer that would further reduce the impact.

5.27 The site benefits from a degree of existing fencing and hedgerows that provide some privacy however a condition could be imposed to ensure that a suitable fence is erected between the application site and the neighbouring occupiers no. 5 High Street and Amathus where appropriate, to ensure adequate privacy would be achieved.

5.28 Subject to the imposition of conditions, the proposal would accord with policy IMP 9 of the Local Plan in that it would not have a materially adverse impact on the amenities of neighbouring occupiers.

Design and visual impact on the character of the area
5.29 When the application was first submitted, a set of large solid wooden gates 2.16 metres high had been installed by the applicant at the site access. These were not sympathetic to the character of the rural area and during the course of the application have been replaced with a traditional 5 bar wooden gate which is in keeping with the character of the area. The other main physical changes proposed are the erection of the day room, the laying of the concrete slab and the siting of a residential caravan. The day room would accommodate a kitchen, shower room and laundry room and would be 16 square metres in size. It would be single storey with a pantile roof and feather edge boarded walls.

5.30 The building, pad and caravan would be sited further into the site, away from the road and would be partly screened by the stable building. For these reasons, and given the size and scale of development proposed, the design and appearance and impact on the character of the area is considered acceptable and in accordance with policy 2 of the JCS and emerging policy DM 3.4 and 3.9 of the Development Management Policies Document.

Highway impact

5.31 Vehicle and pedestrian access would be via the access onto High Street. The Highway Officer has stated that the visibility at the access is acceptable. There is room on the site for four parking spaces which is sufficient for a development of the size proposed. Conditions regarding the upgrading of surface of the existing access and the provision of a suitable parking and turning area within the site could be imposed. The proposal accords with policy IMP 8 in that it would not impede the safe and free flow of traffic within the vicinity of the site.

Flood risk and drainage

5.32 The site lies within the Environment Agency flood zone 1 which is the area of lowest flood risk, where residential development is considered compatible. However concerns have been raised by local residents that the site is subject to localised flooding, and there are concerns at both the suitability of the site for residential use and the potential for it to increase flood risk. The application advises that sustainable drainage systems would be used for the disposal of water from roofs and hard surfaces, and that foul drainage would be dealt with via a package treatment plant. The Council’s Flood Defence Officer is satisfied that should a system be installed that drains flood water away from the caravan and discharges in the meadow to the east, then there would be no increased flood risk to the site or elsewhere.

5.33 A further report has been submitted by a Professor Hey, objecting to the proposal and calling into question the drainage information provided. The applicant was invited to submit further information, and further percolation tests were carried out by the applicant, albeit in a location closer to the caravan position than anticipated. Despite the fact a satisfactory scheme has still not been provided, Officers are satisfied that the applicant controls sufficient land to ensure that foul and surface water drainage issues could be dealt with via condition and that the proposal would not lead to a material increase in flood risk.

Impact on public right of way

5.34 The right of way is on the opposite side of the field from where the residential area is proposed. Given that the path is approximately 70 metres away from this area, there would be no materially adverse impact on the public right of way.

Other matters

5.35 Concerns have been raised about the position of the site in the middle of the village, and the fact the site is close to the village hall. The location of residential and equestrian uses in this location within the village is considered acceptable. Given the
small scale of development proposed, the existing presence of other residential properties in close proximity to the village hall, and the separation distance between the village hall and the residential part of the site proposed, it is considered no adverse impacts would occur.

5.36 Concerns have been raised that approving the application would set a precedent for further similar development. However such proposals would require a planning application and would be assessed on their planning merits. Concerns have been raised regarding potential business use, however no business use is proposed and a condition could be imposed to control any business use of the site.

5.37 Regarding the objection relating to the impact on the historic route between the burial mounds at Five Ways, Ketteringham and the Ancient Roman town of Venta Icenorum, the site does not carry any archaeological designation and no objections have been received from the Norfolk Historic Environment Service.

5.38 Under Section 143 of the Localism Act the council is required to consider the impact on local finances. This can be a material consideration but in the instance of this application the other material planning considerations detailed above are of greater significance. Non-planning matters, such as loss of value to property and potential impacts on private water supplies are not planning matters which can be taken into account in the consideration of the application.

5.39 The application would be liable for Community Infrastructure Levy (CIL) based on the size of the day room

6. Conclusion

6.1 The application seeks permission for the change of use of land previously used for equestrian purposes to the use for equine and residential purposes for a gypsy/traveller, including a concrete pad for the standing of one residential caravan, erection of a day room and the erection of gates.

6.2 The applicant lodged an appeal against non-determination of the application on 21 July, and therefore the application will now be determined by the Planning Inspectorate. The purpose of this report is to assist Development Management Committee to decide, if the appeal had not been lodged, whether they would have approved or refused the application so that this can be conveyed to the Planning Inspectorate as the Council’s case for the appeal.

6.3 On the basis of the information submitted by the applicant and the information available, following legal advice obtained from the Council’s solicitor, it is concluded that insufficient evidence has been submitted to demonstrate that the applicant, who is the proposed residential occupier of the site, leads a nomadic habit of life in connection with his business. It is therefore concluded that Mr Austin does not meet the definition of a gypsy/traveller as set out in the national Planning Policy Guidance for Traveller Sites document. There is therefore considered to be no special justification to depart from the provisions of saved local plan policy ENV 8, which only allows new residential development outside of development limits in exceptional circumstances.

Recommendation: To authorise the Director of Growth and Localism to recommend to the Planning Inspectorate that the application would have been refused for the following reason:

1. Insufficient evidence has been submitted to demonstrate that the applicant, who is the proposed residential occupier of the site, leads a nomadic habit of life in connection with his work/business, and therefore the applicant does not meet the definition of a gypsy/traveller as set out within the national Planning Policy Guidance for Traveller Sites document. As a result there is no special
justification to depart from the provisions of development plan policy and the proposal conflicts with saved policy ENV 8 of the South Norfolk Local Plan.

Contact Officer, Telephone: Robert Webb 01508 533824

Scale: 1:2,500  Appendix 1  2015/0075
Gypsy Council Status Letter

I am of the firm understanding that Michael Austin is a Romany Gypsy. His family name is Gilmour from his mother, who is first cousin to the Leveridge's. This family are well known as they have sites in S Norfolk, N Norfolk and Broadland Council areas.

He has been raised as a Gypsy and trained as a boxer and excellent horse dealer. He and his father established the successful car dealership 'Value Cars' in Felthorpe. This is now entirely his. He is well known on the Gypsy horse drives that so many of the local Gypsy families enjoy.

There is a change in emphasis on Status and the definition of being a 'Gypsy in planning reasons'. More emphasis is now being placed on Gypsies continuing to 'travel' for work and 'cultural reasons'.
I am part of the Gypsy Professional Network that actually brief MP's, Ministers and civil servants on Gypsy issues.

Whilst being hugely unhappy with this change of emphasis, as it means that the 'elders', children and mothers who settled as they require 'health' and 'education', could be discriminated against. We have undertaken legal advice on this. Michael Austin fulfils this new emphasis, as he travels for 'cultural reasons' to the horse fairs and for 'work' in buying and selling in cars across E Anglia and beyond.

His application for a single personally named pitch must be viewed with full Gypsy Status.
PLANNING APPLICATION
Information in support

Gypsy Status

Application Address: Land at Ketteringham
NR18 9RU

June 2015

Compiled by: Gypsy Council (GCECWA)
Candy Sheridan

Postal Address:
Field Cottage,
Eazeles
Norfolk
NR12 0SW

Tel: 07899723177
Email: sheridancandy@gmail.com
Further information on Michael Austin (Romany Gypsy) for Planning application at Ketteringham (SNDC)

At the last Planning Committee Meeting (29th April 2015) the Councillors requested further proof of the applicant’s Gypsy Status in ‘planning terms’.

For the purposes of Planning Policy for traveller sites, Gypsy / Travellers are identified as being:

‘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’.

Michael Austin is an ethnic Romany Gypsy. He is related by blood to the Levorghe’s who have sites passed by three Norfolk Councils (NNDC, Broadland and yourself at SNDC). A letter of support was supplied, and Tony Cooke (lead officer for Gypsies and Travellers) confirmed this.

There is a ‘presumption’ based in Planning Law, and through legal channels that Gypsy’s have a ‘cultural aversion to bricks and mortar’, live longer, and are much happier and are certainly healthier in caravans with land around them. By returning to this way of life many are able to openly express themselves as the ethnic minority that they are.

Michael Austin was born into a family that is of mixed race. His mother is a Gypsy, whilst his father is from the settled community. Michael Austin lived in a house for the first fourteen years of his life. However, he was taken by his mother travelling for about six months of every year of these fourteen years. Michael Austin left Broadland High School at 14 having been identified as a Traveller, and went to work with his father, and was trained in bar dealing. Michael continues to attend all the Gypsy Fairs (Appleby, Stow, Watton, Eneham, Wisbeach, Peterborough and Kenilworth), and does so with his partner Jess, and their young son Ruben.

In ‘Planning Terms’ the applicant must demonstrate that they are nomadic.

Nomad is identified by the Oxford Dictionaries as being a noun, and means ‘a member of a community that moves with its animals from place to place’.

Gypsy / Travellers since the 16th Century have found it progressively difficult to be able to move freely from place to place in England and Wales, due to the ‘commoditisation’ of land, and have been required to settle since the 1640s to access common good benefits (i.e. health, education, welfare) provided by the system of social organisation adopted after the Second World War. It is entirely arguable that any Gypsy / Traveller awarded planning consent ceases to be a Gypsy / Traveller once they secure a settled base. However, the Gypsy community maintain their cultural identity through the Gypsy Fairs. They are no longer able to move freely apart from these Fairs. The Gypsy / Traveller community is one that you have to be born into to be a member and its members are recognised to experience difficulties in accessing services of common good.

Michael Austin is a well known ‘horseman’ in the Gypsy community, he has been taught to ‘drive’ his horses and attends the Gypsy Drives that run regularly. It was on such a local drive that he met the previous owner of the field he now owns. Michael is nomadic, and has an aversion to living in houses. Land owned by Gypsy / Travellers tends to be sold only to members of the Gypsy / Traveller community.

Over the last ten years Michael Austin has lived in a caravan. This was between 2005 – 2010 on his father’s land at Sprowston. This can be confirmed by the next door neighbour PC Keith.
Lambert (112G) based at Viroxham Road Police station. PC Lambert is also a local parish Councillor at Sprowston and is happy to confirm this living arrangement. He has known Michael over many years.

Following a death in his family Michael was forced to leave Sprowston and lived in a caravan at Felthorpe for two and a half years until being required to move. Michael then stayed on land owned by friends in a caravan in the Ringland area, until purchasing the land in Kettoningham. These moves account for the last 10 years and have simply reinforced Michael's need and desire to live in a culturally appropriate accommodation.

The application must of course be viewed against your Council's lack of a 5 year supply of suitable land for Gypsy sites. As the Council have not identified suitable land Gypsy / Travellers have to source it themselves. This your officers have already stated is a suitable site.

This remains an obvious site for all the right reasons for a Gypsy/Traveller site. Low impact, water and electricity already in place and hard standing and stables. Any Planning inspector would, and has on many occasions, accepted my input and evidence that I have provided here. Neither a 'parish' or a 'Council' can alter National Planning Guidance on Gypsies and Travellers, this must and will come from Parliament and will occur over a long consultation period and process. All parties must adhere to what remains in place now.

This application remains for one single pitch for a man who is a Romany Gypsy and needs a base so that his young son can be brought up in a culturally acceptable way, and not be excluded from services of common good. There are hundreds of families who could be offered this land, who cannot locate such suitable land. I have a personal waiting list of over 100 such families and this would be ideal for any of them, especially with its close proximity to the A11. The land will and should be developed for Gypsy / Travellers occupation. If required it can be sold to families who also meet the definition of nomadic in Planning terms. Any future applicant if there is to be one, will be well known to the Nortolk Gypsy service. But Michael remains very clear that this is ideal for him and his young family.

There are now very few truly 'nomadic Gypsies' as there are no stopping places or enough transit sites to actually operate this 'lifestyle' from. Those that are truly nomadic normally come into conflict with the settled community. Viewing this application from the 'single word of nomadic' does it no justice. It must be set against the 1994 legislation that encouraged Gypsies to locate and find land for sites, against the lack of provision from this council of such identifiable land and a clear five year land supply. Also weight must be given to the low numbers that have progressed through the planning process and of course the huge 'immet need' still not catered or even fostered in by this and other Councils.

'This application must be viewed from 'Planning Merit' and weight must be given to the following points:

It is a suitable site next to your own 'Development Boundaries'.
It has no ‘flood risk or drainage issues'.
It has services within 3 miles and the applicant has local connections.
There are no objections from any 'agencies or consultees'

This issue of Gypsy Status has been fulfilled.

Candy Sheridan
Gypsy Council
Ketteringham Residents
Group Report

Mr Michael Austin
Planning Application
2015/0075
Michael Austin submitted a planning application claiming to have gypsy and/or traveller status. He has neither.

**Gypsy Status**

Mr Austin’s family described him to the residents of the village as a “would be” gypsy/traveller as he is interested in their culture and has friends with this status. Mr Austin’s father was in the RAF. It is very difficult to see how Ms Sheridan’s claim of Mrs Austin being a gypsy traveller would stack up in the 1980s to being a forces wife.

Mr Austin also has a six day week second hand car business that he runs alone.

Mr Austin’s agent has made claims that he is related as a first cousin to the Leveridge’s and the Massinghams. Indeed, a Mr Leveridge told the Planning Committee on 29th April 2015 that he was a second cousin. In fact, a thorough search of the registration services Births, Marriages and Deaths (the National Archives) confounds that claim absolutely. To be a first cousin, one must share a grandparent. To be a second cousin, one must share a great grandparent. Mr Austin has no first cousins and his only two second cousins have no children. His mother, grandparents and great grandparents led settled lives at 112 George Pope Road, Norwich for over 20 years.

Please see Appendix XX for the details of Mr Austin’s family tree and ancestral roots. There are no links to these names in Mr Austin’s family tree.

**Traveller Status and Nomadic Lifestyle**

Mr Austin has been asked by the committee to supply evidence of a nomadic existence to satisfy their concerns regarding his status. Mr Austin’s agent, Ms Sheridan seeks to address this issue in her second report. Ms Sheridan identifies Mr Austin as residing in no more than three different locations all of which are within a 10 mile radius of Norwich. These cannot represent a ‘nomadic’ lifestyle since these locations were predominately his parent’s abodes.

A private investigation identified several addresses where Mr Austin and his parents have lived. Please see timeline at Appendix 2.

Except for a short period in 2013 and immediately following the birth of his son, Mr Austin has lived predominantly with his mother but for a time with his father. Mr Austin claimed to have lived in a caravan on land in Sprawston. This land, shown in Appendix 2 is the back garden of his father’s house at 57 Cotbet Avenue, Sprawston, which has had a number of planning applications for permanent residence refused.

There are also discrepancies between Ms Sheridan’s original access statement and her second statement re Mr Austin’s status. Her original statement claims that Mr Austin was living in a caravan at his business in Feithorpe. It was confirmed by South Norfolk planning officers that he was then asked to move his caravan by his landlord so he brought it to Ketteringham. In the new status
statement Ms Sheridan claims he was living in Ringland before bringing his caravan to Ketteringham. (See attached timeline Appendix 2) In Appendix 4, there is an historical account of Mr Austin’s movements described on his own Facebook page and supported by photographs that are timed, dated and often placed. It can be seen that Mr Austin has an interest in horses but has only owned one prior to acquiring the field in Ketteringham. He has a cart which is pulled by his horse as he has an interest in this sport as do one or two other locals neither of whom are gypsy/travellers. He visited two horse fairs – one in Kenilworth where he stayed for 24 hours and the other at Appleby where, from the narrative, it was clear that Mr Austin had never been there before. He openly states “You really have to watch your backs here”. Many people who are not gypsy/travellers visit horse fairs because they love horses. Other excursions included a trip to Las Vegas to see a boxing match which is equivalent to seeing a show which is a normal leisure activity.

Travellers roam the country for weeks and months at a time. Mr Austin cannot show that that this is a lifestyle he leads of had led.

Mr Carruthers, Mr Austin’s agent, states in his report at Appendix 5 that Mr Austin is a farmer. This claim is also untrue as Mr Austin has worked predominantly with second hand cars mainly along with his father and as confirmed by his character referees. Mr Austin bought the land in High Street and posted on his Facebook page that he wished to buy a tractor and some geese. These are the only links to farming. Mr Austin can therefore be accurately described as a “would be” farmer.

In Ms Sheridan’s first and second statements in support of Mr Austin, she has made some sweeping claims that are unsubstantiated by fact. Appendix 7, 8, 9 and 10 demonstrate that the majority do not reflect the truth.

Mr Austin’s own parents could have supported his claim to be a gypsy/traveller but they have chosen not to do so.

Mr Austin has two character references Appendix 6 and 6a that absolutely do not refer to him being a gypsy/traveller. Mr Ellwood confirms that he has known him for at least 5 or 6 years. He confirms that when Mr Austin and his girlfriend have a family, they want to buy a piece of land in the country and settle down which is what many people aspire to.

Mr Dixon, who is the person who lent Mr Austin the money to buy the land, simply talks about Mr Austin’s commercial aspirations. Mr Dixon is a businessman who has known Mr Austin for at least five years and his father before him.

It is clear to all that anyone without special protected characteristics such as “traveller” would find this dream impossible to achieve of that land were outside the village’s development boundary. The only way to be able to bypass the system is to be able to assert a true claim to be a gypsy or a traveller. Unfortunately, the information contained within this report refutes this claim.

The Ketteringham Residents group requests that the Planning Committee re-examines Mr Austin’s status and recognises that Mr Austin is no more than a would be gypsy traveller and views the planning application 2015/0075 in that light.
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Appendix 1
PD Consultants UK LTD

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Case: 6196

From conducting a full and in-depth investigation we are now in a position to report the following:

Many thanks for your recent submission. After numerous searches we are now in a position to report the below details.

6 Tansy CI Norwich, Norfolk NR6 6DS

Please see below located occupancy data. Michael Austin lived here during 2003 - 2005

Our sources indicate the family left this address in or around 2005 period. We note Ms Denise Austin holding short term connections to 7 Untock road, Norwich NR8 3NU during 2007-2008 period before again reallocating to the below neighbouring property.
7 Tansy Cl Norwich, Norfolk NR6 6DS

We note links that Michael Austin lived at this property during the period 2005 – 2012 and then again after March 2015.

**************************************

67 Corbet Avenue Norwich NR7 8HS

We see Michael Austin living at the property at his father's address between 2012-2014.
31 Peckover Road Norwich NR4 7BL

We note links to this address in early 2013.

Despite national searches under the supplied criteria we have been unable to locate any other linking or associated addresses that are registered.

Summary Residence Details (Source Private Investigation)

Please see Appendix 2 for the timeline of Mr Austin’s residences.
118 The Street, Felthorpe, Norwich, NR10 4DH Michael Austin's Business since 2012

This appears to be the address of Value Cars of Felthorpe. Michael Austin is the director and only employee of the company.

Opening times
Mr Austin’s “Caravan Site” in Sprowston

This is the piece of land where Mr Austin alleges that he lived in a caravan. It is his father’s back garden at 67 Corbet Avenue, Sprowston right next to Sprowston High School.
Michael Austin Family Tree (Sources: National Archives of Births, Marriages and Deaths)

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Michael Daniel Austin born 18th April 1904, son of Denise Caroline Austin nee Gilmore (born 1958) and Michael W Austin (born 1956)</th>
<th>Sonya Tiric, born Gilmore in 1975, half-sister of Michael Daniel Austin.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mother and Father of Applicant</td>
<td>Denise Caroline Austin nee Gilmore was born in 1958 to Eileen Gilmore with no father recorded on her birth certificate. She was born at her mother’s and grandparents address 112 George Pope Road, Norwich at the time of the birth.</td>
<td>Michael W Austin was born in Wandsworth and his mother’s maiden name was Fenton. (No further information required re paternal history)</td>
</tr>
<tr>
<td>Grandmother of Applicant</td>
<td>Eileen Gilmore was born to George Frederick Gilmore 1804 - 1854 (also known as Frederick W G Gilmore) and Eliza Sophia Neal 1932 - 1975. They lived at 112 George Pope Road in Norwich. Eileen was a chocolate packer at a local confectionery manufacturer. Eileen Gilmore gave birth to Denise Caroline Gilmore in 1958. She married George W Freear in 1962 who became Denise’s stepfather.</td>
<td></td>
</tr>
<tr>
<td>Great Grandmother and Great Grandfather</td>
<td>Eliza Sophia Neal was the daughter of William A Neal 1876-1946 and Eliza Sophia Daniels 1877-1939. She was Michael Austin’s Great Grandmother. Frederick W G Gilmore was Michael Austin’s Great Grandfather. George Frederick as he was registered on Eileen’s birth certificate was the son of James Gilmore and Sarah Alice Chettleburgh 1878-1951 who used the name Alice. They lived at 285 St Swinths Terrace.</td>
<td></td>
</tr>
<tr>
<td>One Generation Removed</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Parents of Great Grandmother – Eliza Sophia Daniels</th>
<th>Parents of Great Grandfather – William A Neal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eliza Sophia Daniels was the daughter of Samuel Thomas Daniels 1852-1908 and Sophia Daniels nee Crop 1855-1924. They both lived in Church Alley, Norwich St Swinths.</td>
<td>William A Neal, who was an iron moulder by trade and was the son of William Neal 1857-1938. William’s wife was Clara Voller 1857-1931. They lived at 4 Hampshire Hog Yard in Norwich St Swinths.</td>
</tr>
</tbody>
</table>
Eliza Sophia Neal – Great Grandmother of Michael Austin

<table>
<thead>
<tr>
<th>Parents of Great Grandmother</th>
<th>Parents of Great Grandfather</th>
<th>Parents of Great Grandmother</th>
<th>Parents of Great Grandfather</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sophia Daniels nee Cropp</td>
<td>Samuel Thomas Daniels</td>
<td>Clara Voiler 1857-1931 was the daughter of William Volier 1819-1893 and Alice Hill 1816-1893. They lived in Sun Lane, Norwich, St Clement. William was a weaver like his father. His father was William Volier 1791-1870. His mother was Mary Ann Brown 1790-1874.</td>
<td>William A Neal was the son of Frederick Neal 1822-1904 and Maria Mann 1816-1893. They lived at 14 Westwick Street, Norwich St Benedict and then 14 Silver Road, Norwich. Frederick Neal was born at 179 St Swithin’s Alley and was a shoemaker/cordwainer.</td>
</tr>
<tr>
<td>was the daughter of Thomas Cropp and Ann Graves whose parents lived at 56 Church Alley. Thomas Cropp died in 1855 and Ann Cropp was a silk weaver with a live in girl helper. They lived in Laws Yard.</td>
<td>was the son of Samuel Swathon Daniels 1811-1890 and Sarah Anne Eastough 1825-1896. They lived in Queen of Hungary Yard, Norwich St Benedict and at 43 Pitt Street, St Augustines. Samuel T Daniels was a bricklayer.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Great Grandfather Frederick W G Gilmore

<table>
<thead>
<tr>
<th>Parents of Great Grandmother</th>
<th>Parents of Great Grandfather</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sarah Alice (who used the name Alice) was the daughter of William H Cheattleburgh 1855-1928 and Sarah Crouse 1856-1892. They lived at 89 Paradise Place, Norwich St John’s Timberhill. William worked in the boot and shoe factory.</td>
<td>James Gilmore was the son of George Gilmore 1832-1881 and Harriet Maria Spencer 1836-1892. They lived at 1 Heigham Street, Norwich. They were licensed victuallers. George and Harriet ran the Rose and Thistle pub in Heigham Street. When George died in 1881, Harriet took over as licensee until her death in 1892.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Parents of Great Grandmother</th>
<th>Parents of Great Grandfather</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sarah Alice Cheattleburgh</td>
<td>William H Cheattleburgh was the son of Thomas B Cheattleburgh and Eliza Crouse who, Harriet Maria Spencer was the daughter of Harriet and John Spencer. George Gilmore 1825 was the son of Thomas Gilmore and Susan Gilmore who lived in St</td>
</tr>
</tbody>
</table>
Evaluation of Family Tree

The names contained within this family tree are faithful representations of five generations of family to Michael Austin. These are his blood relatives.

All Michael Austin’s ancestors originated from the centre of Norwich in very discrete areas. There was no space for caravans or other such luxuries. His grandparents, great grandparents, great great grandparents and great great great grandparents were normal working class people who, without exception, married people who originated from nearby neighbourhoods but they did not marry into family as some gypsies do.

On Michael’s mother’s side of the family tree it has been said that Michael has a second cousin with the name of Leveridge or Massingham. This is not the case either through a blood line or by marriage.

A first cousin is someone who shares a grandparent.

A second cousin is someone who shares a great grandparent.

Eliza Sophia and George F Gilmore had only two children, Eileen and Michael.

Michael Austin’s great uncle Michael J Gilmore (Denise Austin’s uncle) had two children, Tasmin and Mario who are Denise Austin’s first cousins.

Tasmin Gilmore has settled and lives alone at 4 Riley Close, NR7 9TB and has lived there since at least 2002. Her brother Mario lives with his parents Michael J Gilmore and Linda M Gilmore at 17 Joe Ellis Court, Bawthorpe. They have all been resident there since at least 2002. They are not travellers.

It can therefore be demonstrated that Michael Austin is, in no way related to names such as Leveridge or Massingham through his mother’s side of the family as claimed.

All Michael’s family have led settled lives in Norwich dating back as far as research done to 1791.

Family Names are:-
Austin, Gilmore, Neal, Daniels, Vetier, Cropp, Eastaugh, Hill, Mann Graves, Crowe, Chettleburgh, Spencer
Footnote
In January-March 1967, an Elizabeth Neal (dob 1943) married a Stanley V Leveridge (dob Jan-Mar 1945) in the Swaffham area.
It is possible that, if using names alone without the benefit of historical, official document searches such as this, it would be easy to mistake the Neal/Leveridge connection for a Neal/Leveridge family line.

The family tree and copies of birth and marriage certificates are available as evidence of the true and accurate narrative statements made above.
## Appendix 2

### Michael Austin Timeline

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>2003</td>
<td></td>
<td></td>
<td>2003 - 2005</td>
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<tr>
<td>2004</td>
<td></td>
<td></td>
<td>'7 Tansy Close, Norwich'</td>
</tr>
<tr>
<td>2005</td>
<td></td>
<td>2005 - 2010</td>
<td>'7 Tansy Close, Norwich'</td>
</tr>
<tr>
<td>2006</td>
<td>'Over the last ten years Michael Austin has lived in a caravan, this was between 2005 &amp; 2010 on his Fathers Land in Sprowston'</td>
<td>2005 - 2007</td>
<td>'7 Tansy Close, Norwich'</td>
</tr>
<tr>
<td>2007</td>
<td></td>
<td>2007 - 2008</td>
<td>'7 Lintock Road, Norwich'</td>
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<tr>
<td>2008</td>
<td></td>
<td></td>
<td>2009 - 2012</td>
</tr>
<tr>
<td>2009</td>
<td></td>
<td></td>
<td>'7 Tansy Close, Norwich'</td>
</tr>
<tr>
<td>2010</td>
<td></td>
<td>2010 - 2012</td>
<td>'7 Tansy Close, Norwich'</td>
</tr>
<tr>
<td>2011</td>
<td>'He was forced to leave Sprowston and live in a caravan at Felthorpe for two and a half years until being required to move'</td>
<td></td>
<td>2012 - 2014</td>
</tr>
<tr>
<td>2012</td>
<td></td>
<td></td>
<td>67 Cobden Avenue</td>
</tr>
<tr>
<td>2013</td>
<td>'Michael then stayed on land owned by friends in a caravan in the Ringland area'</td>
<td></td>
<td>2014 - Date</td>
</tr>
<tr>
<td>2014</td>
<td></td>
<td></td>
<td>'Until purchasing the land in Ket- teringham'</td>
</tr>
<tr>
<td>2015</td>
<td>'FEB 2015 - Michael lives in a trailer at the garage'</td>
<td></td>
<td>March 2015</td>
</tr>
<tr>
<td>2016</td>
<td>'Michael moves into trailer in Ketteringham 08th June 2015'</td>
<td></td>
<td>'7 Tansy Close'</td>
</tr>
</tbody>
</table>
From: Leah Mickleborough  
Sent: 13 Apr 2015 08:45:15 +0100  
To: Robert Webb  
Subject: FW: gates  
Attachments: 2133371.pdf

From: Stuart Carruthers [mailto:stuartcarruthers@gmail.com]  
Sent: 12 April 2015 16:31  
To: Sandra Dinnes; Robert Webb  
Cc: Candy Sheridan  
Subject: FW: gates

2015/0075

2015/0075 High Street, Ketteringham

Dear Sir / Madam

Attached is a photograph of the new gates at the site.

Michael does meet the statutory definition of Gypsy / Traveller

I am also willing to meet with Richard Hey (PhD) to validate and verify the percolation test results on Michael's land. I leave it to him to arrange contact but can assure him that the results are correct.

Attached is a copy of Planning Policy for Traveller Sites.
I have also attached the relevant part of part 6 of Schedule 2 of GPDO 1995 that relates to agricultural use of the site.

*Class 6 Development on units of less than 5 hectares

B. Permitted development

The carrying out on agricultural land comprised in an agricultural unit of not less than 0.4 but less than 5 hectares in area of developments consisting of:

(a) the extension or alteration of an agricultural building;
(b) the installation of additional or replacement plant or machinery;
(c) the provision, rearrangement or replacement of a sewer, main, pipe, cable or other apparatus;
(d) the provision, rearrangement or replacement of a private way;
(e) the provision of a hard surface;
(f) the deposit of waste; or
(g) the carrying out of any of the following operations in connection with fish farming, namely, repairing ponds and raceways; the installation of grading machinery, aeration equipment or flow meters and any associated channel; the dredging of ponds; and the replacement of tanks and nets,

where the development is reasonably necessary for the purposes of agriculture within the unit."

Michael will almost inevitably be keeping chickens on the land as well as horses. If there are 50 chickens (including chicks) the holding needs to be registered with DEFRA as agricultural land - as it is being used for agriculture (and is an agricultural unit). The site was a former dairy farm and there is absolutely nothing to stop it from being used agriculturally. The Council needs to take into account the agricultural use of the land in its decision making. It is simply a fact that most Gypsy / Travellers keep both horses and chickens.

The residents of Kettoningham would be much better in asking the Council and its elected representatives why there has been a failure to identify a five year supply of land for the district Gypsy and Traveller community through a Development Plan Document (this is a policy failure that they should lay at the door of their elected representatives) rather than identify a variety of what appear to be flawed reasons why the development should not be allowed. It is understood that the Council has submitted at least two development plan documents to the Secretary of State and that these have both been identified as failing to meet needs.

The only real issue that the proposal raises is if the caravan on the land is either acceptable or unacceptable. There will be a mixed use of the land for agriculture, keeping of horses and providing residential accommodation for a Gypsy / Traveller who is also a farmer.

Yours faithfully.
Stuart Hardwicke Carruthers

Date: 12 April 2015 at 13:52  
Subject: gates  
To: stuartcarruthers@gmail.com  

Sent from my iPad
25/02/2015
Ref: Michael Austin

To Whom it may concern

I can confirm I have known Michael for at least 5 years firstly when he worked with his father at Weston Road Car Sales, Weston Road, Norwich, and then when he got his own car sales site at Value Cars of Felthorpe, The Street, Felthorpe aprox 2 years ago. Since he started working at Felthorpe I have also got to know his Partner Jessica and they have both said when they start a family (which happened last year) they would like to get a piece of land in the country and settle down, which now he has got the piece of land it will be nice to see this happen as I class them more as friends now rather than just a business associate. I have always found them to be very honest and trustworthy and when we started our new business venture April last year he was one of the first people I approached to start dealing with us and I had no problems in offering him a monthly credit account straight away. Whenever I go to his garage it is always clean & tidy so if he does get the piece of land in question I’m sure that will be kept the same way and if it was next to where I lived I would not have a problem with Michael moving and living there.

Yours sincerely,

[Signature]

Paul Elwood
Re: Michael Austen
Value Cars of Felthorpe.
Norwich.

Dear Sir or Madam,

I am writing a short note as a character reference for Michael.

I have known him for 5 or 6 years and have found him to be a very upstanding and honourable person. We have a very good business relationship.

He is a young man with a young child and wants to progress in business to support his partner and young son.

I have been in business for over 25 years and I have found Michael to be one of the most honest people I deal with.

Yours Faithfully,

Rob Dixon
Field Cottage
Eccles
Norwich
NR12 0SW

ref: 2015/0075 Planning application for land at Ketteringham
    NR18 9RU

Design and Access statement

For the land off High Street, Ketteringham. Purchased by Romany Gypsy Michael Austin.

Michael's Status is dealt with separate documentation. I have been looking at possible land for him these last 6 months. He has horses and 'drives' them, so he required a stable block as well as a base for his young family.

This land is ideal. It has the stabling he requires and is using. It has a concrete area to wash the horses, after the drives. It has electricity and a water supply. The land is already laid out for grazing and fenced in. He has erected a new gate, which is included in the application. He was unaware this needed planning permission.

The amenity block will be of similar wood and is will be built directly behind the stable block, so shielded from the road and
neighbours. The static will be in front of the block and again shielded from view. The footprint of the block is small and blends in with the wooden stabling. The tourer is for 'travelling' purposes as he continues to travel to fairs to purchase horses and for 'work', as he runs a very successful garage and buys and sells cars. His work 'low loader' truck will stay at work and no work will be conducted from this small site. Indeed the truck advertises his work and is 'displayed on the forecourt'.

He has paid for the new fencing bordering the next door neighbours property. They wished for a lower fence so they could view the horses. This application has been discussed with them and they have raised no issues.

The site is perfect for access for the A11 which he travels on regularly for work. His wife is already registered at a Eaton surgery, they had their first child last November.

The nearest shops, doctor and play group are all at Eaton, these are 3.5 miles away. The nearest garage is nearer at Thickthorn on the A11. I consider this a sustainable location.

The family are presently separated since the birth of the baby. Michael lives in a trailer at the garage whilst his wife has returned to her mother near Eaton, but this temporary arrangement is wholly unsuitable for a young baby. Living in a poorly heated tourer, hemmed in and with no washing facilities is certainly not appropriate for a young baby.

Ketteringham is a very small parish which I think is preferable to a larger parish, for this type of application. They have introduced
themselves to all the neighbours and visited the village hall which is almost but not quite opposite.

The couple are attending to their horses daily so people are getting to know them. This is ideal as neighbours realise that even a Gypsy family need a home.

Finally, this is a single pitch application, with a small footprint in a small parish, by a local Gypsy family.

This application needs to be viewed against the lack of a 5 year supply of possible land for Gypsy occupation, by your council.

Candy Sheridan. sheridancandy@gmail.com 07899723177

Gypsy Council Status Letter

I am of the firm understanding that Michael Austin is a Romany Gypsy. His family name is Gilmour from his mother, who is first cousin to the Leveridge’s. This family are well known as they have sites in S Norfolk, N Norfolk and Broadland Council areas.

He has been raised as a Gypsy and trained as a boxer and excellent horse dealer. He and his father established the successful car dealership 'Value Cars' in Felthorpe. This is now entirely his.

He is well known on the Gypsy horse drives that so many of the local Gypsy families enjoy.

There is a change in emphasis on Status and the definition of being a 'Gypsy in planning reasons'. More emphasis is now being
placed on Gypsies continuing to 'travel' for work and 'cultural reasons'.

I am part of the Gypsy Professional Network that actually brief MP's, Ministers and civil servants on Gypsy issues.

Whilst being hugely unhappy with this change of emphasis, as it means that the 'elders', children and mothers who settled as they require 'health' and 'education', could be discriminated against. We have undertaken legal advice on this.

Michael Austin fulfils this new emphasis, as he travels for 'cultural reasons' to the horse fairs and for 'work' in buying and selling in cars across E Anglia and beyond.

His application for a single personally named pitch must be viewed with full Gypsy Status.
Appendix 8

Ms Sheridan’s Design and Access Statement

In Ms Sheridan’s design and access statement she makes some erroneous assumptions.

1. At the time of writing her statement which says she has been looking for land for Mr Austin for 6 months. Ms Sheridan later said that Mr Austin had met the previous owner of the field at a horse drive. However, Mr Austin had already purchased the said land on 1 August 2014.

2. Ms Sheridan considered the land to be ideal. She is unaware of the true condition of the land, unlike local residents who know the issues on the site.

3. Ms Sheridan claims Mr Austin paid for the fence between the field and his neighbours. He only paid half as the other half was paid for by the residents of Number 5 High Street.

4. His neighbours have raised issues and they are available to view online.

5. Mr Austin’s girlfriend is not his wife although they have a child together. She lives in settled accommodation close to the UEA. His girlfriend has said she will not live in a caravan and will stay in her own flat located close to the UEA and near Wilberforce Road.

6. Mr Austin and his girlfriend stayed for a short time only in his touring caravan at his business premises.

7. Mr Austin did not introduce himself to residents. Instead he erected over large gates that indicated to locals that he wanted nothing to do with them. Although he said he has been to the village hall, he had not been inside until an EBM Parish Council meeting.

8. Ms Sheridan said that Mr Austin’s first cousin was John Leveridge. Mr Leveridge later, at the Planning Meeting on 29th April 2015, changed that claim to be a second cousin to Mr Austin. However, Mr Austin does not have any second cousins as demonstrated by his family tree.

9. Mr Austin has a horse and cart and drives them locally. His cart is in a state of disrepair and has not been used for a long time. There are other people in Hethersett who own carts such as Mr Austin’s and they are not travellers or gypsies.
10. Mr Austin has travelled very little as his Facebook pages reflect and because he has a 6 day week second hand car business to run as well as three children to have access to – his new son plus two other daughters.
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AMENDIX 9

PLANNING APPLICATION
Information in support

Gypsy Status

Application Address: Land at Ketteringham
NR18 9RU

June 2015

Compiled by: Gypsy Council (GCECWA)
Candy Sheridan

Postal Address:
Field Cottage,
Eccles
Norfolk
NR12 0SW

Tel: 07859723177
Email: sheridancandy@gmail.com
Further information on Michael Austin (Romany Gypsy) for Planning application at Kettersingham (SNDC)

At the last Planning Committee Meeting (29th April 2015) the Councillors requested further proof of the applicant's Gypsy Status in 'planning terms'.

For the purposes of Planning Policy for traveller sites, Gypsy / Travellers are identified as being:

"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."

Michael Austin is an ethnic Romany Gypsy. He is related by blood to the Leveridge's who have sites passed by three Norfolk Councils (NIND, Broadland and yourself at SNDC). A letter of support was supplied, and Tony Cooke (lead officer for Gypsies and Travellers) confirmed this.

There is a 'presumption' based in Planning Law, and through legal channels that Gypsy's have a 'cultural aversion to bricks and mortar', live longer, and are much happier and are certainly healthier in caravans with land around them. By returning to this 'way of life' many are able to openly express themselves as the ethnic minority, that they are.

Michael Austin was born into a family that is of mixed race. His mother is a Gypsy, whilst his father is from the settled community. Michael Austin lived in a house for the first fourteen years of his life. However, he was taken by his mother travelling for about six months of every year of these fourteen years. Michael Austin left Broadland High School at 14 having been identified as a Traveller, and went to work with his father, and was trained in 'car dealing'. Michael continues to attend all the Gypsy Fairs (Appleby, Stow, Wisbech, Pettsborough and Kenilworth), and does so with his partner Jess, and their young son Ruben.

In 'Planning Terms' the applicant must demonstrate that they are nomadic.

Nomad is identified by the Oxford Dictionary as being a noun, and means 'a member of a community that moves with its animals from place to place'.

Gypsy / Travellers since the 16th Century have found it progressively difficult to be able to move freely from place to place in England and Wales, due to the 'commodisation' of land, and have been required to settle since the 1940s to access common good benefits (i.e. health, education, welfare) provided by the system of social organisation adopted after the Second World War. It is entirely arguable that any Gypsy / Traveller awarded planning consent ceases to be a Gypsy / Traveller once they secure a settled base. However, the Gypsy community maintain their cultural identity through the Gypsy Fairs. They are no longer able to move freely apart from to these Fairs. The Gypsy / Traveller community is one that you have to be born into to be a member and its members are recognised to experience difficulties in accessing services of common good.

Michael Austin is a well known 'horseman' in the Gypsy community, he has been taught to 'drive' his horses and attends the Gypsy Drives that run regularly. It was on such a local drive that he met the previous owner of the field he now owns. Michael is nomadic, and has an aversion to living in houses. Land owned by Gypsy / Travellers tends to be sold only to members of the Gypsy / Traveller community.

Over the last ten years Michael Austin has lived in a caravan. This was between 2005 – 2010 on his father's land at Sorston. This can be confirmed by the next door neighbour PC Keith
Lambert (1123) based at Wroxham Road Police station. PC Lambert is also a local parish Councillor at Sprowston and is happy to confirm this living arrangement. He has known Michael over many years.

Following his death in his family Michael was forced to leave Sprowston and lived in a caravan at Feltshouse for two and a half years until being required to move. Michael then stayed on land owned by friends in a caravan in the Ringland area, until purchasing the land in Ketteningham. These moves account for the last 10 years and have simply reinforced Michael’s need and desire to live in a culturally appropriate accommodation.

The application must of course be viewed against your Council’s lack of a 5 year supply of suitable land for Gypsy sites. As the Council have not identified suitable land Gypsy / Travellers have to source it themselves. This your officers have already stated is a suitable site.

This remains an obvious site for all the right reasons for a Gypsy/Traveller site. Low impact, water and electricity already in place and hard standing and stables. Any Planning Inspector would, and has on many occasions, accepted my input and evidence that I have provided here. Neither a ‘parish’ or a ‘Council’ can alter National Planning Guidance on Gypsies and Travellers. This must and will come from Parliament and will occur over a long consultation period and process. All parties must adhere to what remains in place now. .

This application remains for one single pitch for a man who is a Romany Gypsy and needs a base so that his young son can be brought up in a culturally acceptable way, and not be excluded from services of common good. There are hundreds of families who could be offered this land, who cannot locate such suitable land. I have a personal waiting list of over 100 such families and this would be ideal for any of them, especially with its close proximity to the A11.

The land will and should be developed for Gypsy / Travellers occupation. If required it can be sold to families who also meet the definition of nomadic in Planning terms. Any future applicant if there is to be one, will be well known to the Norfolk Gypsy service. But Michael remains very clear that this is ideal for him and his young family.

There are now very few truly ‘nomadic Gypsies’ as there are no stopping places or enough transit sites to actually operate this ‘lifestyle’ from. Those that are truly nomadic normally come into conflict with the settled community. Viewing this application from the ‘single word of nomadic’ does it no justice. It must be set against the 1994 legislation that encouraged Gysies to locate and find land for sites, against the lack of provision from this council of such identifiable land and a clear five year land supply.

Also weight must be given to the few numbers that have progressed through the planning process and of course the huge ‘unmet need’ still not catered or even factored in by this and other Councils.

This application must be viewed from ‘Planning Merit’ and weight must be given to the following points:

- It is a suitable site next to your own ‘Development Boundaries’.
- It has no Flood risk or drainage issues.
- It has services within 3 miles and the applicant has local connections.
- There are no objections from any ‘agencies or consultees’

This issue of Gypsy Status has been fulfilled.

Cindy Sheridan
Gypsy Council
Appendix 10

Ms Sheridan's Status Statement

1. It can be demonstrated from the Register of Births, Marriages and Deaths that Mr Austin is not what he claims to be i.e. a Romany gypsy related to Leveridges or Massingham's. Romany gypsies do not have children outside of marriage and often marry cousins.

2. Mr Austin cannot have an aversion to bricks and mortar as claimed because he has been living in them until the 6th June when he moved on to the field. He has stayed with his mother and girlfriend during the time he acquired the field until his recent occupation on 6th June 2015. See his Facebook Page Appendix 4. Regardless of the fact that he told the Planning Department that he was living there from around February, locals know that he has not as he left the field every night.

3. Mr Austin's mother is well known to own a camper van and to travel to the continent for shopping purposes. Mr Austin attended Old Catton Middle School and Sprowston High School. He may have been an irregular attender at school as those who know him say he was bullied. He possibly accompanied his mother on her trips to the continent.

4. Mr Austin has only owned one horse prior to buying the land which can be validated through his Facebook pages.

5. The previous owner of the land, Mr Christopher Randell, is a cousin of two local people. He owns a large house in Swanton Morley and his parents are millionaire land owners themselves. Mr Randell is a horse enthusiast but certainly not a gypsy or a traveller.

6. Mr Austin does not lead a nomadic lifestyle rather one that moves between his parents homes. It is acknowledged that he needs somewhere to have joint custody of his son but deciding to become a "traveller" to attain this goal should not be seen as a valid means of achieving this.

7. Please see Appendix 2 for his reported movements and Appendix 4 for his Facebook images.

8. He has visited an Appleby horse fair in 2014 and another in Kenilworth where he stayed for less than 24 hours. However, non travellers and non gypsies attend these events, Mr Austin being one of them.
Gypsy Council's response to
Ketteringham Residents
Group report

by PD Consultants UK LTD
(www.theprivatedetective.com)

Re Michael Austin
Planning Application
2015/0075

Candy Sheridan
Gypsy Council
sheridan.candy@gmail.com

PD Consultant's disclaimer:

"Information contained may be INACCURATE or OUT OF DATE"

Therefore although the KRG paid for this 'report' it should not carry any undue weight in Planning Terms.

The planning system is not 'driven and should never been unduly influenced' by 'paid consultants'. Otherwise the system is only for the wealthy.

There must remain a level playing field so all members of society receive a fair hearing.

My report corrects the main mistakes in the Ketteringham Residents report. The report is verbose and is based on the KRG view and opinions of who is a Gypsy and who is not.

The report focuses on 4 main areas of evidence:

1) Michael Austin's alleged places of residences.
2) Michael Austin's family tree.
3) Selective Face Book 'evidence'

PLACES OF RESIDENCY:

Michael's Mother

6 Tansy Close Norwich NR6 6DS
2003 to 2005

This property is Michael's mother's house. She sold it in 2003. So these dates are invalid. Michael
lived at this property for a short period whilst a child. He continued to visit his mother at this address as any son would.

7 Lintock Road, Norwich NR3 3NU
2007-2008

Michael's mother Denise Austin never lived at this address.
Michael has no connections with this address and never even visited this address.

7 Tansy Close Norwich NR6 6DS
2005 to 2012
and again after March 2015

This is Michael's mother's house and continues to be her home. She was allocated this property in 2009 by Norwich City Council and her tenancy started that year and not 2005.

Michael never lived at this address and was never registered here. He is allowed to visit his mother and continues to do so.

The Private Detective Firm neglects to identify the years Denise Austin lived in Great Yarmouth.

Michael's Father

67 Corbet Ave, Norwich NR7 8HS
2012 TO 2014.

Where the evidence offered is a google photo of his van as evidence of him living at his father's address. The Residents photograph appears to be dated July 2008.

My statement uses PC Lambert from Wroxham police station as further evidence as he was a neighbour through those years.
His father then goes on to state that it was his own friends that took Michael in at Ringland where he lived in his caravan, again my time line is correct and accurate.

Michael's Friend

31 Peckover road Norwich NR4 7BL
2013

This property belongs to a friend of Michael and he did stay here with Jess to try and repair their relationship. She did not want to live in a caravan and he duly returned to one. They were not at this address very long.

The so-called evidence of ‘bricks and mortar’ dwelling is completely inaccurate.

EVALUATION OF THE FAMILY TREE

Gypsy history is always difficult as so many were not registered or indeed saw the need for such ‘officialdom’

This expensive exercise undertaken and paid for by the KRG is flawed at the very beginning.

Michael's mother is from a Traveller background as a Gilmore. On her birth certificate her father's name remains blank. Her father was from the well known Lee family who travelled the old working routes from Wales, through the Midlands, down to Spalding and Wisbeach and through Norfolk and down into Kent. This route was still being used by huge numbers of Travellers when Michael's mother was born.

Her DOB is incorrect. On her birth certificate she was born in 1957 and her letter supports this fact.

There is much evidence supplied about the Freezer's family tree but they are not blood related to Michael or his mother.

The Neal's were Travellers and appear in the Leveridge's family tree. I cannot supply this at this stage as the family are away but will do with their permission for inclusion at the meeting.

Michael's great-nanny did indeed marry Stanley Leveridge or Leveridge as they were then known. Only in Norfolk did the Leverage's become Leveridge's, courtesy of a Norfolk teacher's spelling.

The statement that it would be ‘easy to mistake the Neal/Leveridge connection is incorrect.

Gypsy families only have their name this often becomes their ‘passport into the community’. On first greeting any other community member we all say who we are, who we are related to and what area we have connections with. We have Irish Boswell’s, English Boswell, we have Romany Gypsies West and Welsh who have great grannies from Eire and so on. Many families did not get to register their children but all families were told their family tree and this oral history continues today.

Michael’s mother is very clear about who she is, who she is related to and her only sorrow is seeing the wrong facts up on your council website. In her letter she explains why the past is so upsetting to her and all her extended family.
The other errors are Eliza Sophia and George F. Gilmour had 3 children not 2.

Michael J. Gilmour does not live at Bowthorpe as sadly he died 12 years ago and his son Mario has found this information again unchecked on your council website very upsetting.

Michael does indeed have a sister.

SELECTIVE FACEBOOK EVIDENCE:

The report has been padded out with pages of FB photos, which of course is certainly an infringement of Michel’s privacy and personal life, but more importantly cannot be taken as hard serious evidence.

It is not worth my time or energy addressing each photo shot, but just suffice to say that:

Yes, he did go to school, even Gypsies must attend school. He left Sprowston and Broadland schools due to poor attendance.

Yes he has been to Appleby Horse Fair at least 15 times.

Yes everyone watches their back up there as the horses trot at 30 mph and don’t stop too easily.

No he does not state he is a Gypsy on his FB page that would be very bad for business and it is common practice for ethnic Gypsy’s to not identify themselves.

Yes he is entitled to go on holiday and what better way to celebrate his 30th birthday then a boxing match in Las Vegas!

APPENDIX B OF THE KRGR

My Design and Access Statement:

1) Yes, I can categorically state that I had looked for land for Michael for six months as we were introduced by his cousin Sonny Leveridge. Although I cannot see why this is an issue.

2) Yes, this land is ideal, it is next to the council’s own development boundary, it has hard standing water and electricity. Plus a stable block for his horses. The issue here is surface water disposal and poor drainage affecting neighbours land, Michael’s land will not add to these issues. The Council does not have a five year supply of housing land.

3) Michael did indeed pay for half the fence costs although not all the fences were his responsibility.

4) Yes, the neighbours were on excellent terms with Michael right up to the word Gypsy and application were stated.

5) The marital state of Michel and Jess is not relevant to the planning application.

6) Jess did stay for only a short time in the caravan at the garage, which again is irrelevant.

7) Michael did introduce himself to all the residents and has been banned from attending any
meetings at the village hall.
8) The family tree is incorrect.
9) The state of his cart is irrelevant.
10) His FB photos are not evidence of any thing. His business is indeed open 6 days a week but he spends time away sourcing and collecting cars. He does have staff to call on.

APPENDIX 10 OF THE KRGR
MY GYPSY STATUS STATEMENT

some corrections:
(1) R only Gypsies have and do have children out of wedlock.
(2) Michael has clearly demonstrated his aversion to "Bricks and Mortar"
(3) Michael's mother is not applying for planning and is entitled to travel.
(4) The number of horses Michael has is irrelevant.
(5) The previous owner of the land is irrelevant and he is certainly not a community member.
(6) Michael's Facebook page is not evidence of any kind.

CONCLUSION:
(1) I cannot see why this report was not simply handed over as requested so that all these corrections could have made before you as a council loaded this up on your website.
(2) The errors in this report have caused huge personal issues to Michael, his mother, his father, his sister, his cousins and the Leveridge family.
(3) The family tree is incorrect, I will be able to supply a correct one for the meeting, but not today as the family in question are away.
(4) The places of residences are incorrect.
(5) The Facebook information is irrelevant.
(6) Paying for information does not mean it is accurate.
(7) I stand by my statements and wish for this application to be heard at the July meeting. All sides would benefit from a early decision.

Candy Sheridan
Denise Caroline Auslin

As I was growing up I was led to believe that George Freazer was my father but when my mother gave birth to my eldest sister she told me we actually had different fathers. She told me that back in her youth she had an affair with a traveler she met and they dated for some time. When she fell pregnant she never saw him or set eyes on him again. She still stayed in touch with the Leveridge family who were his relations. I was brought up between two different sides to my family. I still to this day travel and socialize with the family. I am very angry that the Ketteringham Residents Group have disturbed my family history and I wonder if they have any skeletons. I wouldn’t mind if there information was factual or unsubstantiated. Michael and I have traveled extensively and even when he visits me now he would prefer to stay in my motor-home if i would let him. He now I feel needs to be settled and that is why he purchased this land. Please could you approve his application to give him the stability he needs so he can have access to his three children with somewhere for them to stay with him.

DC Auslin
Hi

Ms Sheridan has had problems with her email. Attached is a copy of Appendix 2 to her report

Stuart H Carruthers

---------- Forwarded message ----------
From: Candy Sheridan <sheridan.candy@gmail.com>
Date: 13 July 2015 at 21:42
Subject: Fwd: Good morning to you both
To: Robert Webb <rwebb@s-norfolk.gov.uk>, Chris Trett <ctrett@s-norfolk.gov.uk>, Helen Mellors <hmellors@s-norfolk.gov.uk>
Cc: Stuart Carruthers <stuartcarruthers@gmail.com>, michael austin <$4mich@live.com>,
    lmickleborough@s-norfolk.gov.uk

Appendix 2:

I am writing to confirm that Michael lived at my address in a caravan between 2005 and 2010. Occasionally he would leave and go off to friends at Marsham and other places. The people he stayed with who lived at Ringland were actually friends of both of us. My ex mother in law was Eileen Feezer nee Gilmore. Over the years we had many conversations regards Denise's natural father and she told me he was a Traveller and his surname was Lee. Denise was always off traveling and much to my annoyance taking Michael with her, for weeks and occasionally months.

His schooling did suffer and at 14 he left to work with me and go traveling with his mother

Michael Austin senior