

## Urgent Action Appeal

### UNITED KINGDON: Forced Eviction of Dale Farm

17 August 2009

Dear friends,

More than 100 families living in chalets, mobile-homes and caravans in the largest Romani Gipsy and Irish Traveller community in the United Kingdom, at Dale Farm, Crays Hill and nearby Hovefields, Essex County, are facing imminent forced eviction. Approximately 1,000 people have been residing on the estate for more than seven years, including many children. The community has been resisting forced evictions attempts by **Basildon District Council (BDC)** since May 2005 when it voted to clear a large part of the settlement. Although all residents hold land ownership titles, sections of the site had no planning permission and Basildon Council has subsequently refused all attempts to regularise the situation, preferring the enforcement option.



Dale Farm community

Enforcement orders have been served by Basildon Council requiring plot owners to remove their homes, although previously much of the site had been licensed as a large scrap-yard from 1978 until 2001. After the BDC voted to take direct action, the residents sought a judicial review of this decision and won in the High Court. This judgment was overturned by the Court of Appeal in January 2009 and an appeal to the House of Lords was denied in May. Despite the fact the UK Government has told Basildon it is required to provide land for a minimum of 62 additional pitches by 2011, no alternative site have been made available by Basildon District Council to which the residents can lawfully move.

The wishes of the residents are to remain where it is and not to be split up. There is a strong communal ethic, with the elderly being cared for by the younger generation and small children protected. No one, young or old, wants to be accommodated in bricks-and-mortar housing. Romanies and Travellers feel that having lost the possibility to follow the old nomadic life-style, it is essential to the preservation of their culture and ethnicity to keep Dale Farm community intact.

In line with the Housing Act 1996, it is incumbent on the BDC to consider the claim of the occupants to not be evicted as the families threatened with forced removal have no place to go.

The community is therefore seeking your support to urge the Basildon Council to:

- Put on hold the forced eviction of the Dale Farm community and engage in meaningful consultation discussions with the residents and their representatives for the purpose of seeking to achieve an amicable solution;
- Consider both the possibility of a) issuing planning permission to allow their permanent residence on their present properties; or b) utilising the 4 million Euro set aside for the eviction to provide an alternative area to which the residents can relocate;
- Respect and protect the housing and property and family rights of the Dale Farm community, and in particular the rights of the children.

### **Suggested Action**

Please send an appeal letter by e-mail or fax to the addresses listed below requesting the Basildon Council to act on this issue. Sample letters and further background information are provided below.

**To:**

**Basildon District Council**

Mr. Bala Mahendran, Chief Executive  
Basildon Centre  
St. Martins Sq, Basildon, SS14 1DL, UK  
Tel:+44 1268 533333  
[bala.mahendran@basildon.gov.uk](mailto:bala.mahendran@basildon.gov.uk)

**CC:**

**Department for Communities and  
Local Government**

Mr Peter Bates  
Zone 7/J9  
Eland House  
Bressenden Place  
London SW1E 5DU  
[peter.bates@communities.gsi.gov.uk](mailto:peter.bates@communities.gsi.gov.uk)

**Commission for Equalities and Human Rights**  
Mr. Sean Risdale  
Policy Advisor,  
3 More London, Riverside Tooley Street  
London, SE1 2RG  
Tel: +44.20 3117 0235  
[Sean.Risdale@equalityhumanrights.com](mailto:Sean.Risdale@equalityhumanrights.com)

**Bcc:**  
Centre on Housing Rights and Evictions  
(COHRE)  
Email: [leticia@cohre.org](mailto:leticia@cohre.org)

Dale Farm Housing Association  
[dale.farm@btinternet.com](mailto:dale.farm@btinternet.com)

Kindly bcc a copy of your letter to COHRE and Dale Farm Housing Association so we can monitor the responses. Please note to bcc (blind carbon copy) and not cc.

## Sample Letters

### Sample 1

Dear Mr. Bala Mahendran, Chief Executive of Basildon District Council,

#### **Re: Negotiation instead of Evictions**

I have heard of the problems affecting the Dale Farm community who fear they will be removed from their pitches and homes, so their land can be cleared and converted into a green belt zone. I/We ask the Basildon Council to halt all eviction plans in the area and take immediate steps to facilitate a fair and peaceful negotiation with the residents. I/We believe this conflict can be resolved peacefully if the community is given the opportunity and time necessary to conduct fair negotiations and to express their needs and desires and the Basildon Council fulfil its requirement under spatial planning to provide a minimum of 62 pitches by 2011.

I have every confidence that the human rights enshrined in UK Law will be fully observed in resolving this matter.

Yours sincerely,  
[Name]  
[Address]  
[and/or Organisation]  
[Country]  
[Email]

### Sample 2

Dear Mr. Bala Mahendran, Chief Executive of Basildon District Council,

**Re: Allow for fair negotiations between the parties in the Dale Farm land dispute in Crays Hill, Essex**

I/We am/are writing to express our/my deep concern over the apparently imminent forced eviction of residents from the Dale Farm community in Essex. I/We appeal to you to allow sufficient time for Dale Farm residents to engage in meaningful negotiations in a fair, peaceful and transparent manner.

On 20 July the Department for Communities and Local Government informed Basildon Council that the District authority is required to provide sufficient land for 62 (sixty two) additional pitches. A great deal of public money and effort could be avoided in the fulfilment of this duty by simply granting planning permission for the 52 (fifty two) unauthorised pitches already in existence at Dale Farm. By adopting such a remedy, BDC would meet the necessary provision at no cost to the tax payer, and with less difficulty than might be encountered in finding other locations in or outside the district.

The United Kingdom is a State party to the International Covenant on Economic Social Cultural Rights (ICESCR). Under Article 11 (1) ICESCR, all authorities in the UK are therefore obliged to refrain from the practice of forced evictions, and to prevent homelessness. Evictions can only be justified under very exceptional circumstances. These include, among others, the conduct of meaningful consultation with all those affected and adequate compensation for the loss of homes and land.

I/We am/are convinced that this dispute can be resolved peacefully if the community is given the opportunity and time necessary to conduct fair negotiations. Taking time to reach a peaceful agreement between the parties in this case will clearly demonstrate the Basildon Council's consideration for its citizens and respect for human rights and the rule of law.

I/We therefore urge you to intervene in this matter and to ensure that no evictions take place, and instead peaceful negotiations are established with the residents of Dale Farm until an acceptable agreement for relocation and/or compensation is reached.

Respectfully yours,  
[Address]  
[And/or Organisation]  
[Country]  
[Email]

Kindly bcc a copy of your letter to [leticia@cohre.org](mailto:leticia@cohre.org) and to [dale.farm@btinternet.com](mailto:dale.farm@btinternet.com) so we can monitor the responses. Please note to bcc and not cc.

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**Background**

Dale Farm, in Crays Hill, Essex, is the UK's largest 'Travellers' community, consisting of nearly a hundred separate properties, lying well outside the village and made up of extended family plots or yards. Most are owned by Travellers of Irish heritage, although some Romani families also own yards. The estate is divided in two sections, the front part (about 45 plots) has planning permission; while the back part (52 plots) despite numerous applications and appeals, has been refused planning consent. The Council's main argument has hinged on the statement that the placing of caravans and mobile homes on the site is "inappropriate development", which is harmful to the Green Belt and should not be approved except in very special circumstances. Although BDC has taken into account some of the residents'

personal circumstances – such as individual health issues and attendance of school (but has been unaware of others), we noticed it has failed to give full attention to the residents’ special needs and rights as a minority ethnic group, such as the importance to live in a community and in the company of their extended families. Basildon District Council has argued that it is not possible to rezone the area as the impact upon the Green Belt by reason of the inappropriateness of the development continues to weigh against permitting Dale Farm to remain.

However, the planning history of the area has shown that the site had been used without planning permission since early 1990’s for a variety of industrial uses. In 1992 BDC issued Enforcement Notices against various unauthorised commercial activities that were being pursued on the site. Part of the land at the east side of the site was previously the subject of two temporary consents for the breaking of motor vehicles, sale of vehicle parts and dealing in scrap metals. This use ceased following the vacation of the land by the business proprietors in 2001.

When the unauthorised development of the application site first came to the Council’s attention in September 2003, the land to the east of the site had been used as a scrap yard from 1978 until 2001 under a permission granted by the Council to be used as such. If an exception was allowed for the scrap metal yard, surely an exception can be made for a vulnerable minority group to continue to live there, particularly given that many of them have already been through traumatic experiences of forced eviction.

In May 2005, the BDC voted to take direct action, setting aside some three million euro for an eviction and demolition operation. Residents sought a Judicial Review of this decision and won in the High Court. This judgment was overturned by the Court of Appeal on 22 January 2009. An appeal to the House of Lords was denied on 14 May 2009. After extensive research into the needs of Travellers and Gypsies in the UK, on 20 July the Department for Communities and Local Government informed BDC and the Gipsy Council that the District Council is required to provide sufficient land for 62 (sixty two) additional pitches. This requirement can be easily met by BDC if it decides to grant planning permission for the 52 (fifty two) unauthorised pitches already in existence at Dale Farm.

As mentioned before, the main desire of the families is to not move from Dale Farm; they wish to get planning permission for permanent residence to continue living in the site they privately own.

**For additional information or queries, please contact:**

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Centre on Housing Rights and Evictions (COHRE)  
Mobile: +44.7733021801  
Email: [leticia@cohre.org](mailto:leticia@cohre.org)

Grattan Puxon  
Dale Farm Housing Association  
Email: [dale.farm@btinternet.com](mailto:dale.farm@btinternet.com)