# Traveller family wins human rights case to stay at Kent coach park



A family of travellers in Kent has secured a landmark legal victory, allowing them to remain at a former park-and-ride site, the Wigmore Coach Park, which they occupied in July 2023. This ruling comes after Medway Council issued an eviction notice, claiming plans to sell the land, despite having initially permitted the family to stay for three months under certain conditions. The judge adjudicated that the council had infringed on the family’s human rights, having failed to demonstrate any genuine intention to sell the area.

Speaking to MailOnline, Julie White, a member of the family, expressed her elation at the judgement, likening it to winning the lottery. However, the group's victory is tempered by the reality that their status at the site remains precarious, without granting them permanent residency rights. Oldy Herring, 67, the eldest family member, described the prolonged struggle against the council as a "fight of our lives," reflecting a deep-rooted need for stability and acceptance.

The family's journey is emblematic of a broader issue faced by travelling communities across the UK. Despite legal frameworks intended to protect their rights, many local authorities, including those in Kent, continue to fall short in accommodating the needs of these communities. Recent statistics show that in 2021, 5,405 individuals in Kent identified as Gypsy or Irish Traveller, presenting a pressing need for suitable housing provisions. Advocacy groups have highlighted ongoing challenges, particularly as legislation allowing councils to evict travellers from unauthorised encampments has exacerbated their housing insecurity.

As they await the verdict of an appeal associated with a rejected planning application, the travellers have voiced concerns about the implications for their children's mental health. Their current living conditions, reliant on generators for electricity and temporary measures for sanitation, are described as far from ideal. Marie Conde, another resident, articulated fears about the potential disruption to her children’s education, emphasising that the car park represents their first real opportunity to feel settled.

In an echo of their assertion that they have adhered to the council’s initial stipulations—ranging from maintaining cleanliness to avoiding anti-social behaviour—the family contests the rationale behind the eviction order. This aligns with a recent ruling in another case in Ramsgate, where the Court of Appeal invalidated a local council's directive to evict a group of Irish travellers due to improper procedural practices. Such legal precedents reinforce the importance of lawful notice in eviction proceedings and highlight the vulnerabilities faced by travelling families throughout the region.

Despite their determination, the future remains uncertain for the Wigmore Coach Park occupants. Medway Council has expressed disappointment at the court’s decision and is deliberating on how to proceed. Cllr Louwella Prenter, portfolio holder for housing and homelessness, underscored the temporary nature of the site's usage, insisting that it was never intended for permanent residency.

As the family's fight for a stable home continues, they represent a growing voice calling for recognition and respect for the rights of travelling communities. The case not only illustrates the struggles faced by one family but also reflects the systemic neglect of the traveller population in local government policies. The hope now rests on broader legislative changes that will ensure better protections and access to essential services for all who identify as part of the travelling community.

## Reference Map:

* Paragraph 1 – [[1]](https://www.dailymail.co.uk/news/article-14743717/Traveller-family-WIN-car-park-battle-council-human-rights-Kent.html?ns_mchannel=rss&ns_campaign=1490&ito=1490)
* Paragraph 2 – [[1]](https://www.dailymail.co.uk/news/article-14743717/Traveller-family-WIN-car-park-battle-council-human-rights-Kent.html?ns_mchannel=rss&ns_campaign=1490&ito=1490), [[2]](https://www.kentonline.co.uk/thanet/news/travellers-bid-for-judicial-review-to-stay-at-site-rejected-270263/)
* Paragraph 3 – [[3]](https://www.solicitorsjournal.com/sjarticle/the-rights-of-travellers-facing-eviction-from-public-land), [[5]](https://www.gardencourtchambers.co.uk/events/free-webinar-the-need-for-lawful-notice-prior-to-eviction-of-travellers-so-v-thanet-an-important-case-study), [[6]](https://www.gardencourtchambers.co.uk/news/supreme-court-rules-wide-injunctions-have-negative-impact-on-gypsies-and-travellers-ability-to-pursue-traditional-nomadic-way-of-life)
* Paragraph 4 – [[2]](https://www.kentonline.co.uk/thanet/news/travellers-bid-for-judicial-review-to-stay-at-site-rejected-270263/), [[4]](https://www.localgovernmentlawyer.co.uk/litigation-and-enforcement/400-litigation-news/53626-court-of-appeal-quashes-council-direction-requiring-travellers-to-leave-site), [[5]](https://www.gardencourtchambers.co.uk/events/free-webinar-the-need-for-lawful-notice-prior-to-eviction-of-travellers-so-v-thanet-an-important-case-study)
* Paragraph 5 – [[1]](https://www.dailymail.co.uk/news/article-14743717/Traveller-family-WIN-car-park-battle-council-human-rights-Kent.html?ns_mchannel=rss&ns_campaign=1490&ito=1490), [[6]](https://www.gardencourtchambers.co.uk/news/supreme-court-rules-wide-injunctions-have-negative-impact-on-gypsies-and-travellers-ability-to-pursue-traditional-nomadic-way-of-life)
* Paragraph 6 – [[1]](https://www.dailymail.co.uk/news/article-14743717/Traveller-family-WIN-car-park-battle-council-human-rights-Kent.html?ns_mchannel=rss&ns_campaign=1490&ito=1490), [[3]](https://www.solicitorsjournal.com/sjarticle/the-rights-of-travellers-facing-eviction-from-public-land), [[7]](https://www.localgovernmentlawyer.co.uk/litigation-and-enforcement/311-litigation-features/54138-housing-case-law-may-2023)

Source: [Noah Wire Services](https://www.noahwire.com)

## Bibliography

1. <https://www.dailymail.co.uk/news/article-14743717/Traveller-family-WIN-car-park-battle-council-human-rights-Kent.html?ns_mchannel=rss&ns_campaign=1490&ito=1490> - Please view link - unable to able to access data
2. <https://www.kentonline.co.uk/thanet/news/travellers-bid-for-judicial-review-to-stay-at-site-rejected-270263/> - In July 2022, a group of Pavee Traveller families residing at the Port of Ramsgate had their bid for a judicial review to remain on the site rejected. The families had been living there since May 2021, facing unsanitary conditions and health concerns. Thanet District Council had previously been ordered to provide a site and facilities for them due to welfare grounds, but eviction attempts were made, leading to the legal challenge. The council stated that no further action would take place at that time due to an appeal being lodged.
3. <https://www.solicitorsjournal.com/sjarticle/the-rights-of-travellers-facing-eviction-from-public-land> - This article examines a significant case concerning the rights of travellers facing eviction from public land. In April 2023, the Court of Appeal found in favour of a young traveller fighting eviction. The case involved a group of Irish travellers facing eviction from their temporary stopping site in Ramsgate, Kent, following Thanet District Council’s decision to direct their removal from Ramsgate port. The article discusses the legal implications and the need for proper notice before eviction proceedings.
4. <https://www.localgovernmentlawyer.co.uk/litigation-and-enforcement/400-litigation-news/53626-court-of-appeal-quashes-council-direction-requiring-travellers-to-leave-site> - The Court of Appeal quashed a council direction requiring travellers to leave a site in Ramsgate, Kent. Thanet District Council had failed to give notice to a Pavee Traveller and her family that it had withdrawn consent for them to stay on land at Ramsgate Port before issuing a direction demanding they leave. The court found that the council's notice was unlawfully issued, highlighting the importance of proper notice before eviction proceedings.
5. <https://www.gardencourtchambers.co.uk/events/free-webinar-the-need-for-lawful-notice-prior-to-eviction-of-travellers-so-v-thanet-an-important-case-study> - This free webinar, held on 25 July 2023, examined the legal issues arising in the Court of Appeal case R (On the application of SO) v Thanet DC [2023] EWCA 398, which concerned the eviction of Irish Travellers from Ramsgate Port. The speakers discussed the legal aspects of the case, including the costs argument, and the potential wider implications for the eviction of Gypsies and Travellers from tolerated sites.
6. <https://www.gardencourtchambers.co.uk/news/supreme-court-rules-wide-injunctions-have-negative-impact-on-gypsies-and-travellers-ability-to-pursue-traditional-nomadic-way-of-life> - The Supreme Court ruled that wide injunctions prohibiting Gypsies and Travellers from camping on public land have a negative impact on their ability to pursue their traditional nomadic way of life. The case involved local authorities seeking injunctions against unauthorised camping on public land. The court recognised the effect such injunctions have on the ability of Gypsies and Travellers to live their traditional nomadic way of life, especially due to the lack of caravan site provision.
7. <https://www.localgovernmentlawyer.co.uk/litigation-and-enforcement/311-litigation-features/54138-housing-case-law-may-2023> - This article discusses recent housing case law, including the Court of Appeal's decision in R. (on the application of SO) v Thanet DC [2023] EWCA Civ 398. The court held that a council’s notice seeking to evict travellers from a temporary site was unlawful as it had not withdrawn its temporary consent to their occupation. The case highlights the importance of proper notice and consent in eviction proceedings involving travellers.