

ANGUS COUNCIL

SPECIAL CIVIC LICENSING COMMITTEE – 23 APRIL 2019

NEW APPLICATION – RESIDENTIAL CARAVAN SITE
MONARCH OF THE GLEN PARK, BRECHIN ROAD, MONTROSE

REPORT BY SERVICE LEADER – LEGAL AND DEMOCRATIC

ABSTRACT

The purpose of this report is to present a new application for a residential caravan site licence under the Caravan Sites and Control of Development Act 1960 which requires to be determined by the Committee.

1. RECOMMENDATION

It is recommended that the Committee consider and determine an application for a caravan site licence in terms of the Caravan Sites and Control of Development Act 1960, in terms of one of the following options:-

- (i) to grant the application;
- (ii) to grant the application subject to the Model Standards for Residential Mobile Home Site Licences produced by the Scottish Government and any additional conditions;
- (iii) to determine that the Committee is considering refusing the application; in which case notice must be given to the applicant stating that:-
 - a) the licensing authority is considering refusing the application and its reasons for doing so; and
 - b) the applicant has the right to make written representations to the authority before the date which is specified in the notice (such date to be at least 28 days after the date on which the notice is given)

2. REPORT

- 2.1 This Committee, at its meeting on 6 April 2017 considered a report in relation to changes in respect of the licensing of residential caravan sites (Report 446/17 refers). This report described the changes to the Caravan Sites and Control of Development Act 1960 (“the 1960 Act”) and, in particular, the requirement that applicants for site licences must be considered fit and proper persons to be granted a site licence. All current caravan sites licensed for residential occupation must re-apply for a new licence under the new legislative requirements.
- 2.2 An application has been received for a residential caravan site licence from Torryburn Investments Limited in respect of the Monarch of the Glen Park, Brechin Road, Montrose. The maximum number of caravans proposed to be stationed at any one time for the purposes of residential use is 38. The site plan of the Park is attached as **Appendix 1** to this report.
- 2.3 The Environmental Health, Consumer Protection, Building Standards, Housing and Development Standards Services of the Council were consulted on the application.
- 2.4 The Environmental Health Service has advised that a good level of compliance was noted at their visit; the only matters requiring attention being:-

The box housing the electrical consumer unit for the communal lighting and gate circuits is in a state of disrepair and requires to be replaced. The Applicant advised that he had already contacted his electricity supplier in respect of this as the work involves temporarily disconnecting their cables and this can only be done by them.

The applicant's attention was drawn to the new requirement to establish whether the site is at risk from flooding and the subsequent measures that may have to be adopted.

- 2.5 The Building Standards Service has advised that there is currently no Building Warrant for an extended drainage system within the caravan park. A retrospective application (Completion Certificate Where No Warrant Was Obtained) was received in 2010 but this was subsequently refused and no further applications have been received. A letter was issued in 2016 in follow up which mentions enforcement but no enforcement action has been taken. Therefore, no Building Warrant or Completion Certificate exists for a portion of the drainage serving caravans which is an offence under section 8 of the Building (Scotland) Act 2003.

In response to the above, the applicant has advised that they did query the drainage position with the seller when they purchased the property in 2018. They were advised that the seller confirmed that in terms of the drainage, the properties on the park have had mains drainage since the park was built in the 1960s, the number of units had reduced from 58 down to 37 and although they have upgraded some of the pipework they have not added any additional drainage which would have required further building warrant. The applicant advises that they had no knowledge of the drainage position beyond what they had been told. The applicant is getting in touch with its architect/building control to try and establish the position and what, if anything, is required to resolve any outstanding building control position at the site.

The Building Standards Service has advised that the applicant has been in touch with their office and is responding to the applicant's queries.

- 2.6 In relation to planning, the Development Standards Service has advised that they are satisfied that the land subject of this application has planning permission for use as a residential caravan site. The planning permission does not limit the number of caravans that can be located on the site and it does not limit or control the period of occupation.

3. LEGAL IMPLICATIONS

- 3.1 Part 1A of the Caravan Sites of Control of Development Act 1960 regulates the licensing of caravan sites with permanent residents. Section 32D of the 1960 Act provides that a local authority may issue a Part 1A site licence if—
- (a) the applicant is, when the Part 1A site licence is issued, entitled to the benefit of planning permission for the use of the land as a relevant permanent site otherwise than by a development order, and
 - (b) the authority is satisfied—
 - (i) that the applicant is a fit and proper person to hold a site licence;
 - (ii) in the case where an applicant is not a natural person, that the individual who holds the most senior position within the management structure of the relevant partnership, company or body is a fit and proper person in relation to a site licence;
 - (iii) that any person to be appointed by the applicant to manage the site is a fit and proper person to do so; and
 - (iv) in the case where a person to be appointed by the applicant to manage the site is not a natural person, that any individual who is to be directly concerned with the management of the site on behalf of that manager is a fit and proper person to do so.

- 3.2 Section 32D of the 1960 Act provides that before refusing to issue or renew a Part 1A site licence, the authority must give to the applicant a notice stating that—
- (a) it is considering refusing the application and its reasons for doing so; and
 - (b) the applicant has the right to make written representations to the authority before the date which is specified in the notice (such date to be at least 28 days after the date on which the notice is given).
- 3.3 Section 5(1) of the 1960 Act provides, that a site licence issued by a local authority in respect of any land may be so issued subject to such conditions as the authority may think it necessary or desirable to impose on the occupier of the land in the interests of persons dwelling thereon in caravans, or of any other class of persons, or of the public at large. In additions, section 5(6) of the 1960 Act provides that the Scottish Ministers may from time to time specify for the purposes of this section model standards with respect to the layout of, and the provision of facilities, services and equipment for, caravan sites or particular types of caravan site; and in deciding what (if any) conditions to attach to a site licence, a local authority shall have regard to any standards so specified. The Scottish Ministers issued new Model Standards in relation to Mobile Home Sites with Permanent Residents in April 2017.

4. FINANCIAL IMPLICATIONS

- 4.1 There are no financial implications arising from this report.

REPORT AUTHOR: David Thompson, Manager – Legal Team 1

EMAIL DETAILS: LEGDEM@angus.gov.uk