

ANGUS COUNCIL

SPECIAL CIVIC LICENSING COMMITTEE – 3 JULY 2019

NEW APPLICATION – RESIDENTIAL CARAVAN SITE  
THRUMS CARAVAN SITE, MARYTON, BY KIRRIEMUIR

REPORT BY DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES

**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 George Burke and Isaac McKenzie in respect of Thrums Caravan Site, Maryton, by Kirriemuir. The maximum number of caravans proposed to be stationed at any one time for the purposes of residential use is 16. 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:-

I am pleased to report that a satisfactory level of compliance was noted at this time, the only matters requiring attention were as follows:

1. An inspection of the electrical installation by a suitably qualified person is now overdue.
2. A manhole in plot 5 is broken and requires to be suitably replaced to prevent injury to persons accessing this area.

I have advised the applicant of the above matters in writing, however I do not envisage either being an impediment to the grant of a new licence.

2.5 The Building Standards Service has advised:-

In reference to the above application for a residential caravan site license application I respond as follows:

- I note Planning Permission was granted in 1992 for the 'Residential Caravan Site (Renewal of consent)' which means the caravan drainage has been in place in excess of 25 years so we have no issues with the original drainage installation on the site.
- We have received application 08/00408/ALT on the 4th April 2008 for 'Upgrading of Drainage System' which was subsequently approved on the 23rd June 2008. The application appears to be for the drainage layout to be altered from serving 27 caravans down to 15 caravans. No start date was received for this and no inspections requested and the application expired on the 23rd June 2011. We are therefore not aware if these drainage works have been carried out. If they have been carried out we will require 2 retrospective extension to warrant applications so we can carry out a suitable site inspection along with witness a necessary drain test at that time. Only then would we be in a position to accept a Completion Certificate. However, if the works were never carried out we have no further comment or concerns to make.

2.6 In relation to planning, the Development Standards Service have confirmed that the land has planning permission for use as a residential caravan site. Planning conditions limit the number of caravans to 16 units.

### 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](mailto:LEGDEM@angus.gov.uk)