

ANGUS COUNCIL

SPECIAL CIVIC LICENSING COMMITTEE – 3 JULY 2019

NEW APPLICATION – RESIDENTIAL CARAVAN SITE
NURSERY PARK CARAVAN SITE, BRECHIN

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 Ian McIntosh in respect of Nursery Park Caravan Site, Nursery Lane, Brechin. The maximum number of caravans proposed to be stationed at any one time for the purposes of residential use is 14. 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 response is attached as **Appendix 2** to this report.

2.5 The Building Standards Service has advised:-

A Building warrant is required for any drainage serving a caravan. I have checked our records dating back 25 years and can find no evidence of a Building Warrant for any drainage to serve the caravans. If the applicant can provide any information to help with the search it would be welcomed but as it stands there does not appear to be a Building Warrant or Completion Certificate in place for the drainage to any of the caravans. If this is the case a 'Completion Certificate Where No Warrant was Obtained' should be applied for and granted by Building Standards.

However, we would take no interest if the drainage was installed more than 25 years ago.

In addition to the above a Building Warrant to change the use of a Lounge Bar to a snooker room (reference 00/00766/COU) was granted but No Completion Certificate was ever submitted. We will require clarity on whether the works went ahead and if works are completed a 'Letter of Comfort' will require to be applied for.

2.6 In relation to planning, the Development Standards Service has advised that they have reviewed the planning history of the site and note that a number of planning permissions have been granted that allow the use of the land as a caravan site. Those permissions do not restrict periods of the year when caravans can be stationed on the land for human habitation. The land has planning permission for use as a relevant permanent site.

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

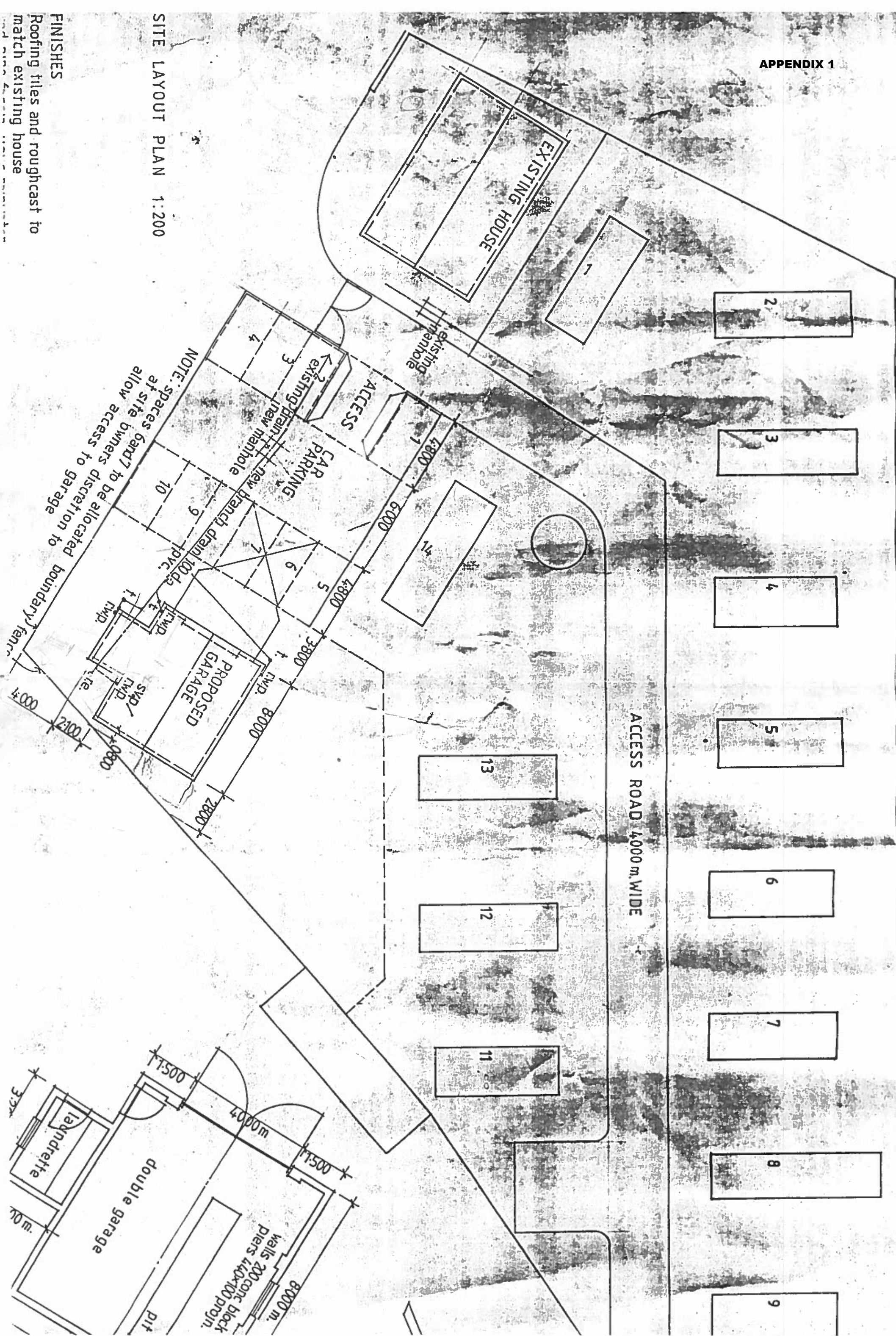
particular types of caravan site; and in deciding what (if any) conditions to attach to a site licence, a local authority shall have regard to any standards so specified. The Scottish Ministers issued new Model Standards in relation to Mobile Home Sites with Permanent Residents in April 2017.

4. FINANCIAL IMPLICATIONS

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

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APPENDIX 2 TO REPORT 223/19

SPECIAL CIVIC LICENSING COMMITTEE – 3 JULY 2019

ECP REPORT - Caravan Inspection Report

Applicant: Ian McIntosh (Snr)

Address: Nursery Park Caravan Site, Nursery Lane, Brechin DD9 7ET

Date of application: 18 April 2019

Date of Inspection: 29 May 2019

The application is for 14 caravans, however there are 16 onsite. One is used as a play area for the applicants grandchildren (checked) another is in a poor state of repair and not used as boxed in by debris. The last inspection was carried out on 5 May 2017 and no major issues were identified.

On May 29 2019 an inspection was carried out by Martin Petrie, Environmental Health Officer in line with the Scottish Governments new model standards, the finding of this is presented below.

Amenity

The distances between all caravans were found to be 6m.

Roads, Gateways and Traffic Routes

There is one short roadway through the site it was found to be 4m wide, and seemed to be in reasonable condition. A turning head was also present.

Pedestrian Routes

Each caravan did have a foot path connecting to the road but there were no communal footpaths, the road is used by pedestrians instead.

Bases and Hard Standings

No issues detected.

Supply and Storage of Gas

Is supplied by means of gas cylinders. There was a designated locked area for the storage of these, and they were chained up.

Electrical Installations

The electrical installations were last checked On 21 March 2014. Mr McIntosh realises that a safety inspection is due and is in the process of trying to arrange this.

Oil Storage Tanks

N/A

Water Supply

Mains

Drainage and Sanitation

Not checked but no issues obvious

Flooding

N/A

Lighting

Adequate working artificial lighting present (checked)

Domestic Waste

Not checked

Notices and Information

No licence displayed, but this will be replaced once new licence is obtained.

Site Maintenance

Not checked, caravans old and run down but no obvious issues at the time of visit.

Additional Structures and Alterations to Existing Structures

N/A

Mobile Homes Let by the Site Licence Holder for Permanent Accommodation

Not specifically checked

Parking

There was sufficient parking on site.