

ANGUS COUNCIL

SPECIAL CIVIC LICENSING COMMITTEE – 3 JULY 2019

NEW APPLICATION – RESIDENTIAL CARAVAN SITE
TAYOCK CARAVAN PARK, BRECHIN ROAD, MONTROSE

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 Robert George Wilson in respect of Tayock Caravan Park, Brechin Road, Montrose. The maximum number of caravans proposed to be stationed at any one time for the purposes of residential use is 27. 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:-

Following the application for a Residential Caravan site licence under the new licensing regime for sites with permanent residents. An inspection of the site was carried out on 24 May 2019 by Environmental Health staff in order to assess the conditions at the site against the new residential mobile homes model standards.

The site has been operated as a caravan site for a considerable period of time and is currently licensed for 27 residential caravans, 36 static holiday caravans and 0 tourers. The site is in generally very well run and we have no history of complaints however some minor non-compliance with the new model standards was identified.

The main issues identified during the inspection are as follows;

Roads

One way roads should not be less than 3m and 2 way roads should not be less than 3.7m wide unless passing places are provided.

The majority of roads were of adequate width and above 3.7m wide, however the road dividing the residential area from the holiday area was found to be 2.8m and 2.9m when measured. I believe that there is currently no one way system in place. This section of road could easily be used one way only by introducing a no entry system from the office end. The rest of the road network is adequate for a 2 way system.

Spacing

The distance between any 2 units should generally not be less than 6m

The majority of caravans appeared to be adequately spaced apart from between caravans 4 and 5 which was measured at just below 6m at 5.35m.

Storage of Gas

There was a large number of gas bottles being stored out with the secure area and quite a lot of foliage was noted around the gas compound. I would suggest that the owners review the current gas storage arrangements and the quantity of gas bottles being stored at any one time. Foliage and overgrowth should be trimmed back. Reference should be made to current LPG gas cylinder statutory requirements, standards and Codes of Practice.

These matters will be raised directly with the site operator in order to achieve compliance with the required standards. In terms of the granting of a new site licence these matters are not considered to warrant an objection from this service.

2.5 The Building Standards Service has advised that their records are limited to 25 years and can find no issues in relation to this site over this time. From the information they can find it may be the site drainage was constructed over 25 years ago and therefore we would take no interest in this. Therefore, they have no comments to make on this application.

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.