

**ANGUS COUNCIL**

**CIVIC LICENSING COMMITTEE – 13 FEBRUARY 2025**

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

**REPORT BY DIRECTOR OF LEGAL, GOVERNANCE & CHANGE**

**1. 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.

**2. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICIES**

**2.1 ECONOMY**

- An inclusive and sustainable economy.

**PEOPLE**

- We will work collaboratively for and with our citizens to keep them safe in resilient communities.

**PLACE**

- Safe, secure, vibrant and sustainable communities.

**3. RECOMMENDATIONS**

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)

#### 4. BACKGROUND

- 4.1 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") requiring operators wishing to have residential accommodation on a site to apply for a licence. One change implemented in particular was the requirement that applicants for residential site licences must be considered fit and proper persons to be granted a site licence.
- 4.2 An application has been received for a residential caravan site licence from Michael Delaney in respect of Nursery Lane Caravan Park, Brechin. The maximum number of caravans proposed to be stationed at any one time for the purposes of residential use is 17. A copy of the application and site plan of the Park is attached as **APPENDIX 1** to this report.
- 4.3 The Environmental Health, Consumer Protection, Building Standards, Housing and Development Standards Services of the Council were consulted on the application. Comments have been received from all consultees and are detailed in **APPENDIX 2** to this report.

#### 5. LEGAL IMPLICATIONS

- 5.1 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.
- 5.2 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).
- 5.3 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 Model Standards in relation to Mobile Home Sites with Permanent Residents in December 2018. This document can be found at:

<https://www.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2018/12/model-standards-residential-mobile-home-site-licences/documents/00543527-pdf/00543527-pdf/govscot%3Adocument/00543527.pdf>

## **6. FINANCIAL IMPLICATIONS**

- 6.1 There are no financial implications for the Council arising from this report.

## **7. RISK MANAGEMENT**

- 7.1 There are no risks to the Council arising from this Report.

## **8. ENVIRONMENTAL IMPLICATIONS**

- 8.1 There are no direct environmental implications for the Council arising from the recommendations of this Report.

## **9. EQUALITY IMPACT ASSESSMENT, HUMAN RIGHTS AND FAIRER SCOTLAND DUTY**

- 9.1 In dealing with the application, the Committee will have regard to any human rights and/or equalities issues in relation to the applicant and any objectors.

## **10. NOTIFICATION**

- 10.1 The applicant has been notified of the terms of this Report. They have also been advised of their entitlement to attend the meeting should they wish.

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List of Appendices

Appendix 1 – Copy of application form and site plan

Appendix 2 – Consultee responses to the application.