

Moveable Dwellings Policy

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Introduction

Moveable dwellings, (caravans, tents and “Park Homes”), can provide temporary accommodation for holiday purposes or more permanent accommodation.

In a holiday context the moveable dwelling may belong to the tourist and be brought with them, placed on a site, and removed when they return to their usual abode. Alternatively the moveable dwelling, usually a caravan in this instance, may be placed on a site for a season and rented out to tourists as holiday accommodation.

Moveable dwellings, again normally caravans, may be used as permanent accommodation. This is often the case where an existing “bricks and mortar” dwelling is being renovated or built and the use of the moveable dwelling may cease after a short period. More recently high specification mobile homes have been sited in estate type developments. Whilst being classed as moveable dwellings to all intents and purposes they provide permanent accommodation, usually for elderly households, and appear similar to bungalows. Such units are commonly known as Park Homes.

Breckland Council recognises the importance to the tourist industry of having suitable, well managed, sites for the placing of moveable dwellings and for the need to allow the siting of such dwelling as alternatives to “bricks and mortar” dwellings in appropriate circumstances.

Through a mix of licencing, advice and enforcement Breckland Council will ensure appropriate levels of management are applied to tourist sites to secure the health safety and welfare of visitors. Similarly where moveable dwellings are used for permanent accommodation Breckland Council will use it's powers to ensure compliance with the legislation and the mitigation of nuisances.

Gypsy and Traveller issues are subject to a separate policy.

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Aims of the Policy

The aims of the policy are:

To licence caravan, camping and park home sites subject to Planning Permission

To apply such conditions as appropriate to those licences to ensure good management and safe operation of the sites

To monitor the operation of non-licenced sites

To use enforcement powers to bring about the cessation of use of unlicenced sites or unsuitable moveable dwellings.

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Strategic Context

All enforcement, regulatory and advisory activity carried out by Breckland Council's Private Sector Housing Team is the under the auspices of Acts of Parliament; Rules and Orders made thereunder; and Guidance, both statutory and advisory, issued by the appropriate National Authority. These, collectively, give either a duty or power to the function.

Primary legislation – Public health Act 1936
The Caravan Sites and Control of Development Act 1960
Environmental Protection Act 1990

Secondary legislation – None

BVPI – None

PSA – None

Written policy – Yes

Tents, vans, sheds or similar structures used for human habitation are covered by The Public Health Act 1936 for statutory nuisances, (enforceable through the Environmental Protection Act 1990, *ibid*). Provision of that Act relating to filthy and verminous premises or articles or to verminous persons also apply as if those structures were a house or building. These provisions also cover overcrowding and insanitary conditions.

The provisions of the Housing Act 2004 regarding housing conditions, the Housing Health and Safety Rating System, (HHSRS), do not apply to moveable dwellings.

A Local Authority may make Byelaws for promoting cleanliness in, and the habitable conditions of, tents, vans and sheds used for human habitation and generally for the prevention of nuisances in connection therewith. Breckland Council has elected not to make any such Byelaws.

The Public Health Act 1936 also gives powers to regulate the use of moveable dwellings and the use of land for the stationing of moveable dwellings. These provisions relate to all forms of moveable dwelling other than caravans as defined in The Caravan Sites and Control of Development Act 1960, *ibid*. These powers involve the issuing of licences under section 269 for the use of land as a camping site and such conditions as the Local Authority sees fit can be attached to the licence. Certain exemptions are contained in the Act covering agricultural use, short life sites, personal use and use of sites by certain organisations.

The Caravan Sites and Control of Development Act 1960 covers caravans as defined in the Act. This means any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted. Tents are specifically excluded.

The Act primarily covers the use of land for the stationing of caravans rather than the condition and use of individual caravans which is covered in the Public Health Act 1936.

Once Planning Permission has been granted for the use of land for the stationing of caravans then a licence must be issued under this Act. Equally if Planning permission is not granted, or not required, then a licence cannot be issued.

Conditions may be attached to a licence and the Secretary of State has made Model Conditions, covering different uses, (i.e. permanent occupation, touring holiday and non-touring holiday), which may be adopted by Local Authorities. Breckland Council has adopted these Model Conditions as it's conditions and has also adopted a set of conditions applicable to single caravan sites.

Exemptions, as with the Public Health Act 1936, also apply to this Act.

The Environmental Protection Act 1990 allows for the taking of action against a person who, by whose act, default or sufferance, allows a nuisance to arise, or continue.

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Evidence Base

The planning applications list will be scrutinised for applications relating to caravan or camping sites. These will be examined and comments made.

Once Planning Permission has been granted on such applications confirmation will be given by the Planning Department.

Publications issued by exempted organisations, e.g. Camping and Caravan Club of Great Britain, will be scrutinised to ascertain what exempted sites are operating in Breckland's district.

Officers will examine the district, from time to time, to detect any the siting of any caravans.

A public register will be maintained of all licenced sites.

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Operation

1) Advice and guidance

Officers will give advice and guidance to individual requests and will make comment on planning applications passed to Private Sector Housing from the Planning Department. Such advice will include the need for a licence and the applicability of licence conditions. Site visits will be made, if requested or deemed appropriate, before the awarding of a licence to ensure compliance. Copies of licence conditions will be available prior to a licence being issued.

2) Enforcement

Once Planning Permission has been granted for a caravan site a licence must be issued under the Caravan Sites and Control of Development Act 1960. A licence will also be issued under the Public Health Act 1936 for sites for tents although not a mandatory requirement. There is no provision to make a charge for the issuing of a licence under either the Public Health or Caravan Sites and Control of Development Acts.

Every site for more than one caravan/tent will receive at least one inspection visit per year. The site will be checked for compliance with the licence conditions. Where there are contraventions the site operator will be advised and given a period to comply. If at a subsequent visit it is found that the conditions are not complied with it is open to the Council to prosecute on that basis.

Sites which are operating under an exemption will be checked that more caravans or tents are not on the site than are permitted under the exemption. Where contraventions are found they will be reported, in the first instance, to the organisation holding the exemption. Should contraventions continue the site would be deemed to have forfeited the right to operate under an exemption and they will be invited to apply for Planning Permission and a licence.

Individual action will be taken on insanitary, overcrowded or unsafe moveable dwellings under the Environmental Protection Act 1990.

A public register will be maintained of all licenced sites. This will be available for inspection, without charge, at all reasonable hours.