

DRAFT PLANNING AND PUBLIC PROTECTION CARAVAN SITE REGULATION PROCEDURES



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1. INTRODUCTION

Denbighshire is a popular tourist destination. This is reflected in the data on visitor numbers and by the amount and range of tourist accommodation it maintains.

A large proportion of the available tourist accommodation is made up from holiday caravan sites. Denbighshire has some 6000 static caravan pitches ranging from some very large sites along the coast to smaller, rural sites in land.

Many of the holiday caravan sites in the County are long established, family run businesses. They are very well managed and provide excellent accommodation for visitors to the County. They operate strict controls on how they sell a holiday caravan to a customer and ensure that all their relevant planning and licensing conditions are adhered to.

There are, however, some sites which may be operating outside of the relevant regulatory and accepted business processes.

As part of its Economic Ambition work the Council has recognized the hugely important contribution holiday caravan sites have on the Denbighshire economy. The sites employ local people and attract visitors to the County.

To this end, it is vitally important that the holiday caravan sites are supported and regulated to protect the public and ensure a fair trading environment.*(P&PP Service Priority)

In order to contribute to the corporate priority a project designed to better support and regulate holiday caravan sites was developed. The procedures within this document form a part of the overall project. The corporate project has the following key elements:

- **Creation of a corporate address/mapping database for caravans in the County**
- **Better and more coordinated recording of service access requests (from persons giving a caravan as their address) by all relevant Officers**
- **Officers challenging service access requests from persons giving a caravan as their address**
- **Reporting of service access requests from persons giving a caravan as their address to the Planning and Public Protection Service (P&PP)**
- **Creation of P&PP Regulatory Procedures for Caravan Sites****
- **Further joint working with the British Holiday and Home Park Association (BHHPA) in order to promote best practice**
- **Business support and advice for holiday caravan sites needing to regularize uses or wishing to expand**

2. REGULATORY APPROACH

There are a number of issues on certain holiday caravan sites which the Council and its Members are keen to address. These issues have been identified as being best addressed, in part, by a targeted and consistent regulatory approach.

The main issue is to try to ensure that the **holiday caravans within the authorized sites are being used for the holiday purpose they were placed there for**. Evidence suggests that there are some people who are, and have been, using holiday caravans as their main or sole residence. This activity may have been taking place for some years in breach of trading standards, planning and licensing controls.

The aim of the new regulatory approach will be to prevent any new cases and to tackle, through appropriate and proportionate regulation, recent cases (those where evidence of a possible breach is available from the previous 12 month period).

The **prevention** of new cases will be addressed in the following ways:

- Joint working with the BHHPA and sharing of best practice
- Where possible, closing off access to Council Services
- Targeted campaign to advise and warn potential purchasers of holiday caravans in Denbighshire as to how they should use them
- Well publicized enforcement action against park owners who miss-sell holiday caravans and who flout planning and licensing controls

The **regulation** of new, or recent, cases will be done through a coordinated regulatory approach involving the pro-active audit of holiday caravan sites in the County (see “Project”) and the reactive response to Council service access requests or other intelligence.

Pro-active audit of holiday caravan sites – “Project”

The “Project” will be managed and run by the Project Group made up of relevant Officers from the P&PP Service.

Officers from the P&PP Service will carry out systematic audits of holiday caravan sites in the County. The purpose of this exercise will be as follows:

- To ascertain and record current caravan selling procedures, contracts and site rules.
- To check and record caravan numbers and types and cross reference with existing planning/licensing controls.
- To check and record caravan site layout and cross reference with existing planning/licensing controls.
- To cross reference recent Council Service access records with caravan owner and park owner records.

Which sites will be audited?

All holiday caravan sites in Denbighshire will eventually be audited as above and appropriate action taken. The first phase of the “Project” will focus on the 5 sites used in the original pilot study in 2015.

How will sites be audited?

The holiday caravan sites will be audited through a coordinated site inspection process by Officers from P&PP, relevant document checks and interviews with caravan and park owners.

What will happen after the audit?

On completion of the audit process a short report will be produced by the relevant P&PP Officer. This report will contain the following information:

- Does the site have up to date and acceptable holiday caravan sales procedures and BHHPA standard contracts in place?

- Are the numbers, types and layout of holiday caravans in accordance with the planning and licensing consents/conditions?
- Were any Health and Safety issues identified?
- Has clear evidence been obtained to show any holiday caravan is being used as a person's sole or main residence?
- Recommendation – this will set out the recommended regulatory requirements, if needed.
- The site will be scored and given a risk rating.

This report will then be inputted into the relevant database and any relevant correspondence produced.

Reactive response to Council Service access requests

Other Council Services which receive requests for service from a person, or persons, giving a caravan, or suspected caravan, as their address will pass on the caravan address (and any other information they are permitted to) to the P&PP Service.

This can be done via the planning@denbighshire.gov.uk address or by telephone to 01824 706727.

The Officer in P&PP who receives the information will input this into the relevant Caravan Site database and e-mail the “Project Group”. The Group will then decide whether the caravan site in question requires a full “audit” (if one not already being undertaken) or if other investigations are required specific to that caravan address.

In all cases the “Project Group” will need to agree what action, having regard to all information compiled on a specific site/caravan, is required. (See section Regulatory Procedures)

3. REGULATORY PROCEDURES

In order to address identified breaches on holiday caravan sites a set of regulatory or enforcement procedures are required. These procedures need to have regard to both Welsh Government guidance on enforcement (see Planning Technical Advice Note 9 – Enforcement of Planning Control) and the Council’s own Better Business for All project.

As set out above, both the pro-active project and reactive work will generate a mix of potential trading standards, planning and licensing breaches. Agreed procedures are required in order for Officers to operate a fair and consistent approach to these.

The procedures have been separated into the following categories:

CATEGORY A – RESIDENTIAL OCCUPATION BREACH

CATEGORY B – OTHER PLANNING BREACH

CATEGORY C – OTHER LICENSING BREACH

CATEGORY D – TRADING STANDARDS BREACH

CATEGORY E – OTHER

These categories will now be explained in more detail.

CATEGORY A – RESIDENTIAL OCCUPATION BREACH

This is where through evidence of Council Service access or other evidence it can be shown a caravan is not being used for holiday purposes (*defined as someone spending the “majority” of the year in the holiday caravan).

Regulatory Options

- a) **DON'T PURSUE** - If breach likely to have been in existence for over 12 months write to caravan owner and park owner with Warning Letter 1. Then consider No Further Action (NFA).

- b) **PURSUE** - If breach within last 12 months write to caravan owner and park owner with Warning Letter 2 – Planning Contravention Notice (PCN). From there take relevant planning and/or licensing action if breach not resolved.

CATEGORY B – OTHER PLANNING BREACH

This is where it can be shown that the caravan site is not operating in accordance with the relevant planning permission and/or conditions thereon. This could be that the site is larger than that approved, the numbers of caravans on site do not correspond with the approved plans, conditions are being breached or any other planning discrepancy.

Regulatory Options

- a) **DON'T PURSUE** – If the breach is likely to have taken place beyond the requisite enforcement time scales (4 or 10 years) or is so minor it causes little or no harm. NFA.
- b) **PURSUE** – If the breach is likely to have taken place within the relevant time scales consider whether expedient to enforce or to seek regularization. Send Warning Letter 3 for enforcement and then serve notices as required on caravan and/or park owner. Send Warning Letter 4 for regularization options.

CATEGORY C – OTHER LICENSING BREACH

This is where it can be shown that the caravan site is not operating in accordance with the relevant site license and/or conditions thereon. This could be in relation to caravan separation distances, gas bottle storage or any other relevant license discrepancy.

Regulatory Options

- a) **DON'T PURSUE** – If the breach is minor and not harmful write to caravan owner or park owner with Warning Letter 5. Consider NFA.
- b) **PURSUE** – If the breach of the license is significant write to caravan owner or park owner with Warning Letter 6 identifying how to remedy and time scales. If unresolved consider prosecution or revocation of license.

CATEGORY D – TRADING STANDARDS BREACH

This is where it can be shown that the sales practices of the relevant caravan park owner are clearly in breach of Trading Standards legislation. This could be in relation to the way caravans are advertised for sale, the way contracts are written or any other trading standards discrepancy.

Regulatory Options

- a) **DON'T PURSUE** – If the breach is so minor consider sending Warning Letter 7 with any relevant trading standards advice note.
- b) **PURSUE** – If the breach is significant send Warning Letter 8 and consider prosecution or other remedy.

CATEGORY E – OTHER

This is where it can be shown that there are other regulatory issues at the caravan site. This could be in relation to food safety, community safety or any other issue which the Council has jurisdiction over.

Regulatory Options

- a) **DON'T PURSUE** – If the breach is so minor and not harmful consider sending Warning Letter 9. NFA.
- b) **PURSUE** – If the breach is harmful alert the relevant Officer/team in the Council and take appropriate action.

In all of the above scenarios Officers from the P&PP Project Group shall record all actions against the relevant caravan address on the database with “bring-up” dates identified. **Clearly, not all standard letters will apply where multiple breaches are evidenced.**

The Project Group will meet monthly to ensure progress with relevant cases takes place and updates are provided. These updates will be circulated to appropriate Service Managers and Heads of Service to ensure the repercussions of potential action is understood.

4. PERFORMANCE INDICATORS

In order to ensure that the work undertaken can be recorded and measured the following performance indicators have been set.

Site Audit

To undertake, record and produce relevant site audit report for a minimum of 5 caravan sites in a 12 month period from the start date of the Audits. To give each site a risk rating and address issues appropriately through Regulatory Procedures.

Breaches

To resolve relevant planning, licensing and trading standards breaches within 6 months of any completed audit.

Joint Working

To hold a minimum of 1 Caravan Conference per year and a minimum of 2 Caravan Forum meetings per year.

To issue all holiday caravan sites in Denbighshire with an agreed Best Practice Document by Jan 2017.

5. ACTION PLAN

Insert agreed Action Plan. This will set out the agreed Audit Schedule and actions thereon

APPENDICES

WARNING LETTERS

Warning Letter 1 – It appears from our investigations that you may not have been using your holiday caravan for holiday purposes. This is likely to be in breach of the planning and licensing conditions for this site.....You should cease the use of the holiday caravan for permanent residential occupation (see definition attached). Failure to do so may result in the Council taking formal enforcement proceeding against you and could result in you miss-selling the caravan should you seek to sell in the future.....

Warning Letter 2 – As above but include PCN.

Warning Letter 3 – It appears from our investigations that your holiday caravan site is not operating in accordance with the relevant planning permission by reason of ____(*insert reasons)____. Please find enclosed a Breach of Condition Notice.....This breach is unacceptable and is unlikely to be supported should a planning application be submitted to regularize. Prior to serving a formal enforcement notice you are requested to cease the unauthorized use/remove the unauthorized structures.....

Warning Letter 4 – as above but suggest a planning application/certificate of lawfulness be submitted to regularize the breach identified.

Warning Letter 5 – it appears from our investigations that your holiday caravan site is not operating in accordance with the relevant license condition by reason of ____(*insert reasons)____. This should be remedied by taking the following action.....

Warning Letter 6 – As above but explain we are likely to prosecute or look to revoke license.

Warning Letter 7 – Same as 5 above but with Trading Standards advice/guidance.

Warning Letter 8 – Same as 6 above but with relevant Trading Standards threat.

Warning Letter 9 – Same as 5 above but provide relevant Service advice/guidance to remedy.

LIST OF DOCUMENTS REQUIRED

- **CARAVAN USAGE GUIDANCE NOTE**
- **TARGETTED VISIT CHECKLIST**
- **H&S GUIDANCE NOTE – With input from NWFS, NWP**
- **COMMUNICATION STRATEGY, JOINT PR WITH BHPA**
- **STANDARD ENFORCEMENT NOTICES – PLANNING/LICENSING**