

Residential Caravan Site Licensing Review 2016/17

Purpose

This report reviews the progress made in relation to Residential Caravan Sites and issues arising in the first year of operation of the new Residential Caravan Site Licensing framework. It also identifies the scale of residential caravans in BCKLWN and the challenges this presents.

Conclusions

1. The Council has a clear framework for residential caravan site licensing including site conditions, fees policy and the approach towards enforcement
2. The Fees Policy was introduced for 2016/17. This has been implemented and will be reviewed annually.
3. Annual inspections have been undertaken, and will be completed by end of financial year.
4. Historic breaches are being identified and are being addressed with site owners
5. The number of licensed sites has increased from 41 to 67 between 2014 and 2016
6. Priority for action is risk based but especially relates towards caravans being rented for residential purposes
7. A system of identification of rented caravans has been established involving HB, Council Tax, housing needs and housing standards teams
8. Lack of planning permission is a significant issue and close working has been established between planning enforcement and housing standards to attempt to address this issue
9. KLWN appears to have more residents living in residential caravans and more sites than any other Council in England and Wales
10. In spite of the sheer scale of previously known residential caravans, sites are being discovered on a weekly basis and the 'to do' list is getting longer
11. Officers believe that there are more sites yet to be discovered given experience in last 2 years
12. To tackle this issue effectively, the council will continue to investigate into unlicensed and newly discovered sites within a risk based approach
13. The feasibility of aerial surveillance will be investigated to assess with identification of sites

Overview

Anyone who wishes to place one or more caravans on land for residential purposes requires planning permission to do so (subject to permitted development rights).

Once planning permission is granted, the land owner needs to apply for a residential caravan site licence with a few exceptions (see background information at end of this report).

The Council has a duty to grant a site licence incorporating conditions designed to protect the health and amenity of residents and the wider public

Although the legislation dates back to 1960, the Mobile Homes Act 2013 introduced new powers including the ability to serve compliance notices to improve conditions where site

licence conditions are not being met, the need for the Council to consider management and maintenance arrangements when considering a license or transfer of a license and the ability to charge for activities relating to the administration of site licensing.

The Council endorsed a comprehensive approach on Residential Caravan Site Licensing in 2015, following consultation, to address all these issues including a fees policy.

Scale and nature of issues in BCKLWN

ONS data highlights that KLWN has the highest number of households living in caravans – or other mobile or temporary structures – in England and Wales. It records 5.9% comparing with 0.4% of households across England and Wales.

In July 2014, 94 sites were known to the Council. Of these 41 sites were licensed and 5 were exempt from licensing

Hence, this left 48 **sites** to be investigated and regularised – albeit not all sites had planning permission or certificate of lawful use.

To add to the immense task, a review in August 2014 suggested that a further potential **466** residential caravan **sites** may exist in the Borough. This was investigated through data matching and desktop analyses and identified 84 sites worthy of further investigation.

In keeping with Government guidance, the Council focusses priority on poorly managed, badly run sites.

Site identification and inspection is primarily focussed on those sites which contain caravans which are let for residential purposes. Single family owned and occupied sites are considered to be less of a risk and will not be subject to an annual site inspection...

The use of council tax, housing register and options data was utilised to determine those caravans which are being rented for residential purposes.

As Officers have visited and been alerted to sites, they have discovered even more previously unknown sites – often without planning permission.

The very rural nature of the area means sites are not immediately visible.

Difficulty in accessing housing, especially where a household has a poor housing history of rent arrears or anti-social behaviour, creates a demand for such accommodation. The relatively low cost of caravans (often purchased second hand) together with demand and availability of housing benefit creates an opportunity for landlords to achieve good returns on their investment – although not always good quality accommodation or adherence to planning legislation. Often caravans are being let for residential purposes which were originally designed and manufactured for seasonal leisure use only.

Licensed sites

The number of licensed sites has increased from 41 in 2014 to 67 in 2016. A further 4 license transfer applications have been dealt with.

A programme of scheduled inspections to 10 park home sites will have been completed by 31 March 2017. This will continue on an annual basis.

On some sites there have been historic breaches of conditions. Officers have dealt with these in accordance with the approach endorsed by Cabinet but allowing time for remedial works to take place. There has been a need to take a balanced view given that site and home owners have invested in their homes and accommodation but a consistent one that accords with the council's approach and endeavours to safeguard residents e.g. in relation to fire safety. This risk based approach balances the need to apply conditions consistently but at the same time being pragmatic and mindful of practical and financial constraints.

A licence cannot be given until such time as planning permission or a certificate of lawful use is in place. This has necessitated close working between planning and housing departments and is the main reason why some sites have not yet been licensed.

Unlicensed sites

When an unlicensed site is found, checks take place on ownership and planning status. This is not a straightforward task and may involve consideration of planning enforcement or application for planning or certificate of lawful use.

In a number of cases planning will take the enforcement lead regarding unauthorised sites. There are many more cases where site owners will be required to obtain a certificate of lawful use before making an application for a site licence.

At present there are a number of sites that are subject to planning enforcement with circa an additional 25 sites awaiting further investigation. Often these investigations can be complex and require co-operation of a number of teams across the Council.

The future

Given experiences in last 2 years, it seems that the number of caravan sites identified will increase.

Further analysis of the desktop data (which identified 84 sites) needs to be reviewed – a number of sites may have been identified or discounted in the last 18 months. Ongoing analysis of HB data will continue to provide a solid foundation for investigations in the immediate future. However, this data source will be withdrawn over time with the introduction of Universal Credit.

Identification of caravan sites can be difficult as they can be well concealed in rural areas.

Given practical, financial and staffing resources, the most realistic way to carry out a detailed survey of caravans may be by aerial surveillance such as UAV (unmanned aerial vehicles) as is being increasingly used in agriculture. Feasibility needs to be determined but a potentially a trial in a specific area could be undertaken.

Identifying new sites would enable the Council to identify those without planning permission and site licences. This would enable the imposition of suitable conditions to protect the health, safety and welfare of residents and the wider public.

Whilst there would be some income derived, the Council needs to keep under review the prioritisation of resources employed and timescales to continue this work.

Failure to address the issue of unregulated residential caravans could act as an incentive for others to create new sites in an uncontrolled manner and potentially put health, safety and welfare of residents if not lives at risk

Background information

The report to Cabinet on 3 November 2015 sets out the framework for RCSL for BCKLWN. It includes site licensing conditions, fees policy and the Council's approach towards enforcement. It is available on the Council website and intranet.

Exemptions

Summary of exemption from licensing under the Caravan Sites and Control of Development Act 1960:

- The use of land within the curtilage of a dwelling house if the use is incidental to the enjoyment of the dwelling A single caravan sited for not more than 28 days in any 12 months
- Up to three caravans on a site of not less than 5 acres for a maximum 28 days in any 12 months
- The use of land by an exempt organisation
- The use of agricultural/forestry land to accommodate seasonal workers (so long as the units are not occupied all year round)
- The use of land for travelling show-people
- The use of land owned and/or occupied by the authority or county council (including gypsy and traveller sites)

Statistics

	2014 (July)	2017 (January)
Gypsy & Travellers Sites		
Licensed	30	51
Unlicensed (lawful)	21	8
Unlicensed (not lawful/no CLU)	11	12
Applications pending	4	4
Other sites		
Licensed	11	16
Unlicensed (lawful)	1	19
Unlicensed (not lawful)	3	
Applications pending	1	
Exempt	5	5
Subject to investigation	7	36
Investigated not licensable	0	9