

# A QUICK GUIDE TO CARAVANS FOR PLANNERS

## 1 Dual Controls - Planning and Site Licensing

The use of land for caravans and other “moveable dwellings” was first regulated under S.269 of the Public Health Act 1936. In 1960 the Caravan Sites and Control of Development Act 1960 replaced the 1936 Act in relation to caravans, although other moveable dwelling such as tents remain subject to that legislation.

The 1960 Act introduced a licensing requirement for caravan parks which runs in parallel with - but is separate from - the planning process. In some respects the two means of control overlap, but the fundamental distinction is that planning deals with whether or not the use of land for the purpose of a caravan site is acceptable - having regard to material planning considerations - whilst the licensing system imposes a wide range of developmental and operation controls over the layout and format of the site and its day to day management and operation.

These licensing requirements are set out by the Secretary of State in Model Standards which “.. represent those standards normally to be expected as a matter of good practice on caravan sites. They should be applied with due regard to the particular circumstances of the relevant site, including its physical character, any relevant services, facilities or other amenities that are available within or in the locality of the site and other applicable conditions”. These are guides which can be varied by the authority, depending upon individual circumstances, but cannot be varied away from the Model Standards to a point where they are considered ‘unduly burdensome’ on the caravan site operator.

The established convention (as originally clarified by Lord Denning during the 1960’s) is that the planning permission deals with the effect of the site on the surrounding area, whilst the licence deals with the internal arrangement of the site itself.

In the main you cannot lawfully operate a caravan site without both a planning permission and a site licence. The planning consent cannot fetter the implementation of licence conditions. Equally the licence conditions cannot be used to impose planning limitations.

Compliance with site licence conditions is mandatory and failure to comply with the condition of a site licence is an offence and liable to prosecution. Development that is required by the site licence has permitted development rights by virtue of Schedule 2 Part 5 Class B of the GPDO.

The various Model Standard conditions define everything from the required density, form of layout, spacing requirements, dimension of site roads etc through to fire safety, electrical wiring, gas compounds, litter etc. These conditions vary by type of caravan site and there are distinct standards for Touring Caravan Parks, Holiday Caravan Parks and Residential Mobile Home Parks.

Therefore to operate a caravan park you need planning permission for the use of land as a caravan site and then a site licence issued by the Environmental Health Department which establishes the form of the development within that area. The planning permission may limit the mode and period of use of the land and the site licence will be issued commensurate with the most appropriate Model Standards for that particular land use.

## 2 What is a Caravan Site?

A ‘caravan site’ is “.. land on which a caravan is stationed for the purposes of human habitation and land which is used in conjunction with land on which a caravan is so stationed”.

### 3 What is a Caravan?

The term 'caravan' is defined in the Caravan Sites and Control of Development Act 1960 as being:

*"..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.."*

This definition was supplemented by Section 13 of the Caravan Sites Act 1968 to include a specific definition for so called twin-unit caravans which should be:

- (a) *Composed of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps or other devices and;*
- (b) *When dis-assembled, physically capable of being moved by road from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer)*

Provided that when assembled:

- (a) *Its length (exclusive of any drawbar) does not exceed 60 feet (18.288m);*
- (b) *Its width does not exceed 20 feet (6.096m);*
- (c) *The overall height of the living accommodation (measured internally from the floor to the lowest level of the ceiling at the highest level) does not exceed 10 feet (3.048m)*

The dimensions referred to here have been modified again recently in Model Standards 2008.

### 4 How are Caravan Sites defined in Land Use Terms?

The granting of a planning permission involving caravans requires the change of use of land rather than permission for the erection of buildings. Caravans are chattels for planning purposes. So, a straightforward permission granting "Use of land for the stationing of caravans" will permit the stationing of a 'caravan' on the land unrestricted as to its use.

A caravan remains a caravan if it satisfies one or other of the statutory definitions and a can therefore be used to fulfil a variety of different functions within the permitted caravan site.

Taking the open ended land use description above, any type of 'caravan' could be sited on the land for any period and any mode of use.

It is the limitations imposed on the mode of use and period of occupation of the caravan site (the land) that distinguish the various types of caravan site, rather than the physical structure of the caravan itself.

**There are in fact no differently defined 'caravans' in law, but differently defined caravan sites.**

### 5 Caravan Sites in Use

What has happened over the years is that the caravan industry has created different types of caravan unit to better satisfy the various modes of use and limitations imposed on the use of the land.

Touring caravan parks for example are often only granted permission for the stationing of caravans for a specified seasonal period with requirements to have the site cleared at other times. There may also be restrictions on the length of stay for any one caravan during the season itself.

In such cases the type of caravan stationed on the site tends to remain in its road legal form for ease of operation. The Highways Acts limit trailer size and this tends to control the form of the caravan considered suitable for towing behind a vehicle on a regular basis.

Holiday caravan parks have grown up since the 1960's with caravans that remain on site all year round, but are only occupiable for a defined season. Early on, the type of caravan remained in a form that would generally be considered by the general public as a touring caravan. However, the industry evolved a form of caravan designed to satisfy the statutory definition but better suited to remaining on the caravan site for long periods of time – the holiday caravan or 'static' caravan was born. This trend went hand in hand with a move away from toilet blocks toward fully serviced pitches.

Where caravans were lived in residentially a more advanced caravan was developed that would remain in situ on the caravan site and was designed to suit full-time occupation as a home. A further evolution was the twin-unit caravan which has become a common type of caravan unit on residential caravan parks and legislation in the 1968 Act dealt with the definition of this type of unit (as set out above). That is not to say however, that all 'twin-units' are residential in use.

Residential caravans tend to be occupied as a persons' only or main residence; as distinct from a holiday occupancy, where the caravanner has their only or main residence elsewhere.

However, there would be nothing at all wrong in law with using a twin-unit caravan, designed to the residential use specification, on a touring caravan park, save for the fact that in reality the proposition would be wholly impractical. Equally, touring caravans could be used on a holiday or residential caravan park; there are many holiday caravans of the twin unit variety on holiday parks, particularly those designed to replicate timber cabins/lodges. Clearly the park operator will seek to optimise the potential of the caravan site by attracting the most appropriate type of unit to his site given the permitted use.

It is quite common to see touring caravan type units used on pitches within a holiday caravan park. These may be used in a short or long-term holiday mode; the latter often referred to generally as 'static tourers'. Holiday caravans are equally to be found on residential parks, although increasingly less common as standards rise.

Once the mode of use of the caravan site is established in planning terms then the relevant Model Standards are applied so that any 'caravan' situated on that caravan site complies with the appropriate fire safety and other standards.

To repeat the point, the type of caravan is immaterial so long as its use is in accordance with the permitted use of the land in terms of period of occupancy and mode of occupation.

## 6 Nomenclature

There is a nomenclature issue that needs to be appreciated as the industry has endeavoured to move away from the technical definitions in the interests of perception and marketing.

A caravan site may also be referred to as a Caravan Park; Holiday Park; Static Holiday/Caravan Park; Holiday Home Park; Touring Caravan Park; Residential Caravan Park; Mobile Home Park; Home Park; or Park Home Estate.

A touring caravan is generally just that, but a holiday caravan can be referred to commonly as a 'static' caravan; Holiday Home; Holiday Lodge. A residential caravan is commonly also referred to as a mobile home or park home.

## 7 How are caravan parks considered in Policy Terms?

Principal guidance on the role and development of caravan parks was originally contained in the Good Practice Guide on Tourism (2006) which also provided example conditions relating to seasonal and holiday occupancy. These were established from decades of experience and many appeal cases over the years. Whilst now withdrawn, the guidance provides a helpful grounding to this sector of the tourism market.

The NPPF provides no specific guidance but holiday parks are evidently part of the economy and are generally located outside of settlement boundaries. Paragraphs 14 and 28 are therefore pertinent to holiday park proposals.

Residential caravans have for many years been overlooked in their use within the housing market. However, following statements by the Government in March 2016, the need for and opportunity to provided for this sector of the housing market should now be included in SHLAA assessments.

Caravan site for the provision of sites for Gypsies or other persons of nomadic habit are considered separately.

This is a very quick snap-shop but if you have any specific questions then do please contact me. I also attach a quick photo-guide to the different type of caravan you may come across.

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**HOLIDAY CARAVANS**



**Typical 'Static' Holiday Caravans**



**Timber clad caravans (often referred to as a chalet or 'Lodge')**



**Typical Twin-unit static caravan**



**Twin-unit 'lodge' style caravan**

**RESIDENTIAL CARAVANS**



**Typical Residential Caravans**



**Residential caravans are mostly, but not exclusively twin-units nowadays**

**TOURING CARAVANS**



**Typical Touring Caravans**

