

APPLICATION TO VARY SITE LICENCE CONDITIONS WESTWOOD AND GLENDENE MOBILE HOME PARK

1 INTRODUCTION

- 1.1 Haulfryn Group Limited holds a caravan site licence in respect of Westwood and Glendene Mobile Home Park. The site licence includes a condition which restricts the maximum number of homes on the site to 150.
- 1.2 An application has been received from Haulfryn Group Limited to vary the licence, to increase the maximum permitted number of caravans on the site to 158.

2 CURRENT SITUATION

- 2.1 The conditions attached to the caravan site licence for Westwood and Glendene state that the total number of residential caravans on the site shall not exceed 150 at any time. A copy of the existing site licence is at **Appendix 1**.
- 2.2 A plan of the site is at **Appendix 2**.
- 2.3 Westwood and Glendene Mobile Home Park has planning permission that does not limit the number of caravans that may be located on the Park.

3 CURRENT APPLICATION

- 3.1 The application and plan are at **Appendix 3**. The application is for 8 caravans to be placed onto three distinct areas of the site. The first is an area currently known as Glendene Green (identified as The Villas on the application plan). The second is part of Westwood Greens (identified as The Green on the application plan). The third is the site occupied by Westwood Bungalow (identified as Bungalow on the application plan).
- 3.2 Glendene Green and Westwood Greens are currently open spaces of grass. Haulfryn Group Limited proposes situating three park homes in each of these locations. Westwood Bungalow is a brick bungalow, which Haulfryn Group Limited intends to demolish to provide space for two additional park homes. Photographs of the three sites on which the applicant proposes to place the new homes are at **Appendix 4**.

4 HISTORY

- 4.1 Prior to 1994 Glendene Green was substantially larger and included the area now known as The Villas.
- 4.2 In 2000 Haulfryn Group Limited applied to increase the number of homes on the site from 144 to 149 through the addition of 5 new homes to Westwood Greens. This was refused by the General Purposes and Licensing Committee on the grounds that the amenity space for the residents needed to be safeguarded and their quality of life maintained. An appeal by the applicant was heard at the Magistrates' Court and was dismissed, with costs awarded to NFDC.
- 4.3 In 2003 Haulfryn Group Limited applied to increase the number of homes on the site from 144 to 150 through the addition of 6 new homes to an area to the east of the site. This was refused by the General Purposes and Licensing Committee on the

grounds that the siting of additional caravans would restrict the amenity land available to existing residents, and that existing open space needed to be safeguarded in order to protect the quality of life of existing residents. They also considered that the proposed location of the caravans was inappropriate as it was susceptible to flooding. An appeal by the applicant was heard at the Magistrates' Court and was allowed, as Magistrates concluded that to restrict the development of this land would be unduly burdensome. Consequently the site licence was amended to permit the current maximum of 150 homes on the site.

- 4.4 In 2014 a single home was placed on part of Westwood Greens. At that time there were 149 homes stationed on the site, and this development did not require a change to the licence as it increased the total number of caravans on the site to 150.

5 RELEVANT LEGISLATION/STANDARDS

- The Caravan Sites and Control of Development Act 1960
- Model Standards 2008 For Caravan Sites In England

- 5.1 Under section 5 of the Caravan Sites and Control of Development Act 1960, a local authority may attach such conditions to a site licence as it considers 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.

- 5.2 The conditions which the local authority may impose include (but are not limited to) conditions:

- (a) for restricting the occasions on which caravans are stationed on the land for the purposes of human habitation, or the total number of caravans which are so stationed at any one time;
- (b) for controlling (whether by reference to their size, the state of their repair or, subject to the provisions of subsection (2) of this section, any other feature) the types of caravan which are stationed on the land;
- (c) for regulating the positions in which caravans are stationed on the land for the purposes of human habitation and for prohibiting, restricting, or otherwise regulating, the placing or erection on the land, at any time when caravans are so stationed, of structures and vehicles of any description whatsoever and of tents;
- (d) for securing the taking of any steps for preserving or enhancing the amenity of the land, including the planting and replanting thereof with trees and bushes;
- (e) for securing that, at all times when caravans are stationed on the land, proper measures are taken for preventing and detecting the outbreak of fire and adequate means of fighting fire are provided and maintained;
- (f) for securing that adequate sanitary facilities, and such other facilities, services or equipment as may be specified, are provided for the use of persons dwelling on the land in caravans and that, at all times when caravans are stationed thereon for the purposes of human habitation, any facilities and equipment so provided are properly maintained.

- 5.3 The local authority should not attach to the licence conditions which are unduly burdensome to the site licence holder.

- 5.4 In applying any conditions to a site licence the local authority is required to have regard to any model standards specified by the Minister for Housing and Local Government. The current Model Standards were issued in 2008.
- 5.5 The Model Standards 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.
- 5.6 The 2008 Model Standards include the following provision regarding communal recreation space: "Communal Recreation Space - On sites where it is practical to do so, suitable space equivalent to about one tenth of the total area of the site shall be allocated for recreational purposes, unless in the local authority's opinion there are adequate recreational facilities within a close proximity to the site."
- 5.7 Explanatory notes attached to the 2008 Model Standards state, in relation to model standard 14:

"This standard should only be applied if the local authority is satisfied that it is both practicable to provide recreation space on the site and there is insufficient recreation space off the site in the near locality.

It will only be practicable to provide such space on the site if there is sufficient open space which is available and it is possible to safely use that space for recreation. The standard requires the local authority to consider the need for recreation space; it does not require it to consider the need for recreation facilities, although the local authority may consider that need as part of a licence condition. The larger the site the more recreation space or spaces may be needed. On small sites there may be no need for space at all. In deciding whether it is practicable to provide the space the authority should also consider the site layout, the availability of private open spaces (e.g. within the pitch), the availability of other amenities on the site (e.g. club houses) and the age and number of residents on the site.

On site recreation space may be considered unnecessary if there is sufficient suitable space available off site within close (walking) distance of it. The space must, however, be freely accessible by the public, such as a municipal park, commons land, and greens or any part of the countryside to which the public have a right to walk."

6 CONSULTATION WITH RESIDENTS

- 6.1 On 30 September 2015, following receipt of the application to amend the site licence, the Council received a petition, with 140 signatures from residents objecting to the variation of the licence.
- 6.2 On 7 October 2015 the Council sent a letter to all residents, inviting their comments on the application to vary the site licence. The Council received 62 written responses to this consultation, and some residents contacted the Council by telephone to express their views. A few respondents contacted the Council more than once.

Of the written responses received, 60 objected outright to the proposal. The main objection was the loss of valued green space. Residents described how the loss of green spaces would be of significant detriment to their enjoyment of the park.

- 6.3 Of the 2 residents that did not object outright, one did not object to the proposal, but proposed measures to ensure the privacy of residents. The other resident objected to the development of Westwood Greens but did not object to the development of Glendene Green. However, the resident considered that three homes on Glendene

Green was too many but that an alternative of two homes in that location would help retain a sense of openness.

- 6.4 A number of residents expressed support for the existing residents of the Bungalow, who they felt were being forced out. However, none of the responses suggested that the Bungalow should be retained for the benefit of residents of caravans on the site. One comment suggested that both bungalows on the site could be redeveloped instead of the green space.
- 6.5 In addition to the loss of green space, representations received by the Council fall into the following broad categories
- Gradual loss of other amenities including clubhouse and benches;
 - Possible accidents on the roadways;
 - Loss of parking space and additional demand;
 - Increased traffic movements;
 - Additional load placed on the existing electrical supply;
 - Value of homes;
 - Additional load placed on the existing sewerage system;
 - Land drainage and subsidence;
 - Possible affect on water pressure;
 - Disruption during building works;
 - Application did not consider impact on residents; and
 - Expectation the green space would remain.
- 6.6 A summary of all the residents' representations is attached at **Appendix 5**.

7 OFFICER'S VIEWS ON THE PROPOSED VARIATION

- 7.1 The proposal is to place 3 caravans on part of Westwood Greens (The Green), 3 caravans on Glendene Green (The Villas) and 2 more on a piece of land currently occupied by Westwood Bungalow. This would result in a significant reduction in the area of green open space on the site.
- 7.2 The approximate area of the whole site and green spaces within it have been calculated using New Forest District Council Forestmap. The entire Westwood and Glendene site covers an area of 52,000m². There are a number of areas which may feasibly be used by residents for recreational purposes. These areas are as follows: i) Forest Walk (380m²) is a footpath running along the North Western boundary of the site; ii) the land running along the front of 26, 27 and 28 Westwood Park (453m²); iii) the land below 1 The Green (320m²); and iv) the strip of land adjacent to the oak tree at the entrance to Glendene Park (224m²). The sum of this land totals an area of 1377m². When added to the grass areas proposed for development (1800m²), the total area of land currently available for recreational purposes is 3177m². This is 6.1% of the total area. The proposed loss of Westwood Green and Glendene Green would reduce the overall recreational land by 3.5% to a total of approximately 2.6%. Therefore, the current provision of recreational space is less than 10%, and would be significantly reduced if the proposals are accepted. The location of the spaces referred to above are shown in **Appendix 6**.
- 7.3 The Act requires that, when deciding what (if any) conditions to attach to a site licence, the authority must have regard to the model standard conditions. The current model standards require that 10% of the total area of a site should be allocated for recreational purposes where practical. The variation proposed would reduce the available recreational space on the Park from approximately 6.1% to 2.6%.
- 7.4 The proposal would mean the loss of the two main (usable) areas of the site that are laid to grass. These open grass areas are currently available on the Park for the use

of residents. Residents use these spaces for recreational activities and social gatherings. The proposal would remove Glendene Green and leaves only a small part of Westwood Greens. This is small in comparison and is unlikely to be used for a social gathering because of its size (approximately 21 x 14 metres).

- 7.5 The Park is located on the B3055 road. The residents are predominantly elderly and through reduced mobility may be less able to travel to off-site recreational space. The nearest public open space is in New Milton, at Ballard Water Meadows which is approximately 0.7 miles from the Park if walked. For some residents this distance is too far to walk and requires crossing two roads that can be busy. It is therefore considered that there are not adequate recreational facilities within a close proximity to the site.
- 7.6 Westwood & Glendene is a large site with 150 mobile homes. The existing homes each have their own small garden area. However, the individual gardens are not large enough to accommodate a gathering of more than a few people.
- 7.7 Westwood Greens and Glendene Green are attractive spaces which give the park an open feel, which is significant to the character of the park. If these green spaces were lost, the character of the park would be significantly altered.
- 7.8 Over a number of years there has been a gradual erosion in the amount of available recreational space on the Park. This has come about as a result of the addition of new homes to the site. Examples include Forest Walk in 2003 and 1 The Green in 2014. Another amenity was the clubhouse (a brick building) demolished earlier this year and the land used to site a new mobile home.
- 7.9 When attaching conditions to a site licence, The Caravan Sites and Control of Development Act 1960 requires that the local authority must have regard to the model standards. The 2008 Model Standards state that, where practical, suitable space equivalent to about one tenth of the site shall be allocated for recreational purposes, unless there are adequate recreational facilities within a close proximity to the site. Whilst it would not be practical to require that 10% of the site be allocated as recreational space (as the available space is already less than this) it is considered practical to continue to provide the existing level of recreation space on site, as the space is already there and being used by residents.
- 7.10 The plan submitted by Haulfryn Group Ltd shows that one of the new homes will be positioned in an area adjacent to Westwood Greens, which is currently designated for visitors' parking. If alternative visitor's parking is not to be provided, the development will mean that 6 visitors' parking spaces will be lost. A site visit on 16 November 2015 found 5 out of the 6 parking spaces in use. It has not been possible to establish whether sufficient parking spaces would remain to meet the needs of residents and their visitors. However, it may be noted that many residents on the site are elderly, and likely to be visited in their homes by family and carers.
- 7.11 Residents expressed concern about the increase of traffic on the narrow site roads. This has been considered in relation to the existing licence conditions that set minimum road widths. The roads are considered wide enough to comply with these requirements and it is considered that the increase in traffic is unlikely to be of significance.
- 7.12 Residents expressed concern about the effect the proposal will have on property values. This was of most concern to owners with properties overlooking the green spaces. Haulfryn have offered to buy back at market value the homes of those affected by the development if they do wish to sell as a result of the development

going ahead and also to forgo the 10% commission that is normally due to the site owner on a park home sale.

- 7.13 In considering what conditions to attach to a licence, the Council should consider the interests of persons dwelling thereon in caravans, or of any other class of persons, or of the public at large. It is not considered that the public at large or any other class of persons would be affected by the variation sought by the applicant, although in the Officer's view the interests of persons dwelling on the park in caravans would be affected.
- 7.14 The Council should not impose conditions on a licence which are unduly burdensome. Haulfryn Group is running a commercial enterprise, and they will wish to maximise revenues from the site. However, any development must take into account the impact on residents of further development. Given that the loss of Westwood Green and Glendene Green would, in the Officer's view, be significantly detrimental to the residents of the site, it is not considered that it would be unduly burdensome to require Haulfryn Group Ltd to retain Glendene Green and Westwood Green for the recreational benefit of the existing residents of the site and for amenity purposes.
- 7.15 The Council has not seen any evidence that the proposed variation would have any bearing on the following matters which were raised by some residents: the problems with sewage, the potential problems with additional load placed on the existing electrical system, poor water pressure, inadequate street lighting, poor land drainage.
- 7.16 In considering the application for a variation of the site licence, the Council cannot take into account concerns about the existing residents of the Bungalow being required to leave their home. It is not considered that the demolition of the Bungalow and the siting of two new park homes on that space would be detrimental to the interests of residents dwelling in caravans on the site. However, it is considered that the impact of siting of 3 additional caravans on each of Westwood Green and Glendene Green would be significant and therefore Officers consider that the application to vary the site licence should be rejected.

8 APPEAL

- 8.1 Should the General Purposes and Licensing Committee refuse to vary the site licence conditions as applied for, the site licence holder may appeal to the First-tier (Property Chamber) Residential Tribunal.

9 FINANCIAL IMPLICATIONS

- 9.1 There are no financial implications to the Council as a result of this report.

10 ENVIRONMENTAL IMPLICATIONS

- 10.1 The only environmental implication is a reduction in the area of the land given over as green space on the site.

11 CRIME AND DISORDER IMPLICATIONS

- 11.1 There are no direct crime and disorder implications arising from this report.

12 EQUALITY & DIVERSITY IMPLICATIONS

12.1 There are no equality and diversity implications arising from this report.

13 RECOMMENDATION

13.1 That the Committee refuses the application from Haulfryn Group Limited for an increase in the maximum number of caravans which may be sited on the Westwood and Glendene Mobile Home Park, on the following grounds:

Westwood Green and Glendene Green are of significant amenity value to the residents of the site. The two greens are used for recreational purposes, and give the park an open feel which enhances the character of the park. The nearest off-site recreational space is 0.7 miles away (on foot) and involves crossing two busy roads, and it is not practical for elderly residents with reduced mobility to walk this far to access recreational space.

If park homes are placed on Westwood Green and Glendene Green, the amount of open space on the site will be reduced to approximately 2.6%, which is insufficient on such a large site.

For further information contact:

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Background Papers:

**Caravan Sites and Control of
Development Act 1960**
**Model standards 2008 for
caravan sites in England**