

## APPLICATION TO VARY SITE LICENCE CONDITIONS FLEUR DE LYS PARK

### 1 INTRODUCTION

- 1.1 Fleur de Lys Park is a licensed caravan site. Mr C and Mrs K Fitzgerald hold the caravan site licence which provides at condition 1(a) that the total number of residential caravans on the site shall not exceed 11 at any time.
- 1.2 There are currently eleven occupied caravans on the site.
- 1.3 A copy of the existing site licence (including a plan of the existing layout) is at **Appendix 1**.
- 1.4 Photographs of the site are at **Appendix 2**.
- 1.5 Fleur de Lys Park has planning permission that does not limit the number of mobile homes that may be located on the Site.

### 2 CURRENT APPLICATION

- 2.1 The applicant initially applied on 16 November 2014 to alter the site licence conditions to enable the placing of an additional home on the site. The original application is at **Appendix 3**. The application was found to be insufficiently detailed to allow its determination, and the Council requested further information from the applicants.
- 2.2 On 14 October 2015 the Council received a letter and plan from Tozers Solicitors, representing the applicants. This letter addressed requests from the Council for further information and detail about the proposal to site an additional caravan on the site. A copy of this letter, and the attached plan, is at **Appendix 4**. It is this application which now falls to be determined.
- 2.3 The variation sought by the applicants is to amend conditions 1 and 3 as follows: -
1. (a) The total number of caravans on the site shall not exceed 12 (twelve) at any time.
  - (b) Caravan standings shall be located on the site positions indicated by a numbered rectangle on the approved plan attached reference 6294, provided by the site owner.
3. Whilst any caravan is stationed on the site:
- (a) Except in the case mentioned in sub paragraph c) below every caravan must be spaced at a distance of no less than 6 metres from any other caravan which is occupied as a separate residence.
  - (b) no caravan shall be stationed within 2 metres of any road or communal car park within the site or more than 50 metres from such a road within the site.
  - (c) Where a caravan has been fitted with cladding from Class 1 fire rated materials to its facing walls, then the separation distance between it and an adjacent caravan may be reduced to a minimum of 5.25 metres.”

### **3 HISTORY**

- 3.1 In May 1999 a previous owner of Fleur de Lys Park applied to place an additional home on the site, to increase the total number of homes on the site to 12. This application was refused. However, it was noted at that time that there was an inaccuracy in the site licence, and the Council issued an amended licence in December 1999, which made clear that the total number of park homes permitted on the site was 11.
- 3.2 The then owner appealed to the Magistrates' Court against the Council's decision to issue the amended licence, but his appeal was dismissed.

### **4 RELEVANT LEGISLATION/STANDARDS**

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

- 4.1 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.
- 4.2 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.
- 4.3 The local authority should not attach to the licence conditions which are unduly burdensome to the site licence holder.

- 4.4 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.
- 4.5 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. SPACING BETWEEN CARAVANS**

- 5.1 The proposed new home would be positioned 5.25 metres from the existing home on plot 14.
- 5.2 The variation sought by the applicants would permit any caravan on the site (including but not limited to the proposed new home in the centre of the site) to be 5.25 metres from an adjacent caravan, provided that it is clad with class 1 fire rated materials to its facing walls.
- 5.3 The 2008 Model Standards provide as follows: -  
"2(i) Except in the case mentioned in sub paragraph (iii)...every caravan must where practicable be spaced at a distance of no less than 6 metres (the separation distance) from any other caravan which is occupied as a separate residence.  
...  
(iii) Where a caravan has retrospectively been fitted with cladding from Class 1 fire rated materials to its facing walls, then the separation distance between it and an adjacent caravan may be reduced to a minimum of 5.25 metres."
- 5.4 The Explanatory Note in the Model Standards provides that the 6 metre separation distance is recommended for 2 reasons:
- Health and safety considerations; and
  - Privacy from neighbouring caravans.
- 5.5 The existing site licence provides, at condition 3(a), that whilst any caravan is situated on the site it shall not be less than 6 metres from any other caravan. Condition 3(c) provides that in the case of the caravan stationed on plot 6 only, this shall be situated not less than 5.25 metres from the home on plot 7, and not less than 6 metres from the home on plot 5; and that it must be fitted with cladding from class 1 fire rated materials to its facing walls.
- 5.6 The specific provision relating to the caravan on plot 6 was included when a new home was placed on the site to replace a narrower home which was previously on the plot. At the time the Council became aware of this matter, the wider replacement home had already been purchased by the new occupiers of plot 6. It was decided to amend the licence to permit this smaller separation distance in relation to this specific home. This was a unique circumstance and as a result the site licence permits a reduced separation distance for this home only.

## **6 CONSULTATION WITH RESIDENTS**

- 6.1 In December 2014, after receiving the original application to site an additional home on the site, the Council wrote to all residents on the site to invite their comments on the application.

6.2 There are eleven homes on the site. One home (on plot 6) is occupied by the applicants. The Council received responses to its consultation from the occupants of nine of the ten remaining homes. Of these nine responses, all object to the application to place an additional home on the site.

6.3 Below is a summary of the representations made by residents:

Driving/parking/vehicles:

- The new home would create a blind spot, which would increase the risk of an accident.
- Entry and exit to the car parking spaces of numbers 3, 4, 7 and 11 would be made unsafe.
- Residents would need to reverse into a neighbour's parking space to turn, or to reverse off site.
- Vehicles manoeuvring closer to homes would cause fumes to enter those homes.
- Loss of additional parking space for visitors
- Access for emergency and delivery vehicles would be restricted.
- There would be no safe walkway, on which residents would be separated from moving vehicles.

6.4 Loss of open space:

- The existing spacious area in front of the existing park homes would be lost.
- The open space is valued and the proposal would leave the park feeling very cramped.
- The new home would result in the loss of the view across the park and the spacious atmosphere would be diminished.

6.5 Other matters:

- A number of residents referred to the 2000 decision of the Magistrates' Court, rejecting a previous application to increase the maximum number of caravans on the site to 12.
- Residents of number 12 raised concerns about the access to the front of their home being restricted.
- The resident of number 14 objected to the loss of the area which she currently uses for parking.
- Residents were concerned that the value of their homes would be reduced.

6.6 The applicants were asked to respond to concerns raised by residents. Their response to these concerns are contained in the letter from Tozers solicitors at **Appendix 4**.

## **7. OFFICER'S VIEWS ON THE PROPOSED VARIATION**

**Impact on all existing park residents:**

7.1 All existing homes on the Park are located around, and have a view of the central, open, gravelled area. Vehicles currently travel over this area to access the parking areas of other homes on the park, and it enables cars to be manoeuvred with ease. The proposal is to place a new home in this central area.

7.2 All residents of the park currently benefit from the open, central area, which is critical to the character of the park and which affords a visual amenity to residents. The proposal would mean the loss of this main central area of the park and the new home would be seen from all existing homes. This would be of particular significance to the

residents of numbers 3, 4, 12 and 14, as the proposed new home would significantly obscure or block entirely their views of any remaining open space.

#### **Impact on the home on plot 14:**

- 7.3 Currently, the occupant of plot 14 parks in the wide bay outside her home. The proposal is to remove this bay, and to provide plot 14 with its own dedicated parking space. There is no detail in the plan regarding a means of access or path from the home on plot 14 to the proposed new parking space.
- 7.4 The plan suggests that a fence will run at a diagonal angle along the front of plot 14, to separate plot 14 from the patio of the new home. The letter from Tozers says that there will be no alterations to pitch 14 except for the provision of the new parking space, which is outside the plot as currently configured. However, comparing the proposed new plan (at **Appendix 4**) with the existing plan (**Appendix 1**) and photographs (**Appendix 2**), it appears that the curved, kerbed area to the south west of the plot would be lost to the new parking space. This is proposed without the support of the current resident of the home on plot 14.
- 7.5 The new home would be 5.25 metres from the existing home on plot 14. The patio of the new home will extend into the separation distance between the new home and the home on plot 14, and the rear door and any rear windows of the new home would face plot 14. The fence will run along the boundary between the patio and plot 14, and will be a close boarded fence of approximately four feet in height, plus a trellis of two feet. The plan does not provide a measurement for the distance from the new fence to the home on plot 14. However, even at its furthest point, it is apparent from the plan that the fence will be closer to the home on plot 14 than to the new home. This suggests that at its furthest point the fence will be not more than 2.6 metres from the home on plot 14. At its closest point, it appears that it will be significantly closer, possibly around one metre.
- 7.6 It is the Officer's view that the new fence, which will be a total of 6 feet high, will have a significant impact on the amenity of the resident of plot 14. The home currently has views across the park. Should the proposed new home and fence be situated as proposed, the resident of plot 14, when looking from the windows to the front of their property, will have a view of the fence, which at its closest point may be little more than one metre from their window. To the extent that they can see through the trellis, their view will be of the new home, just 5.25 metres distant.
- 7.7 The patio of the new property will be, at its closest point, little more than one metre from the home on plot 14. As the close boarded part of the fence will be approximately 4 feet in height, persons on the patio would be able to see through the trellis to the windows of the home on plot 14. Equally, the occupant of the home on plot 14 would be able to see through their windows into the new patio. The windows and doors to the front of plot 14 will face the rear windows and door of the new home, and even with the fence in situ the residents of each home may be able to see into the other. The proximity of the new home and its outside space would have a significantly detrimental impact on the privacy of the occupiers of both plot 14 and the new home.
- 7.8 Officers also note that the new home would sit to the south of the home on plot 14, and it will block some of the light currently enjoyed by plot 14.

- 7.9 Officers recognise that the home on plot 6 has permission to be 5.25 metres from the adjacent home on plot 7. Officers further recognise that the model standards provide that a Council may decide that the separation distance may be reduced to 5.25 metres where a home is retrospectively fitted with class 1 fire rated materials. However, in the officer's view the permission in relation to the home on plot 6 was given on the grounds that this would cause the least disruption to existing residents on the site (in that existing caravans would not have to be moved to accommodate the new, wider home). In the officer's view the provision in the model standards that a home may be 5.25 metres from an adjacent home where it is retrospectively fitted with fire cladding should not be viewed as providing a general permission for the separation distance to be reduced from 6 metres as a matter of course. The condition requiring a separation distance of 6 metres has been imposed to protect the health and safety of the residents of these homes (as it helps to prevent the spread of fire), and to protect their privacy. The separation distance of 6 metres should be maintained where this is practicable, unless it is shown that a smaller separation distance would have no impact on the privacy or health and safety of residents.
- 7.10 It is considered practicable for the site owners to maintain the required separation distance of 6 metres for all homes (save where specific provision has been made for the home on plot 6). If a new home cannot be placed on the site without breaching the existing condition regarding separation distance, then in the officer's view it should not be placed on the site.

### **Impact on the home on plot 12**

- 7.11 The separation distance between the new home and the home on plot 12 would be 7 metres. The applicants' solicitors state that the existing plot of number 12 will not be changed. A new footpath will run alongside the eastern end of the new home, to join the existing footpath through the front garden of plot 12. The existing garden will be fenced, with a close boarded fence of approximately four feet, with a trellis of 2 feet. This fence will, at its furthest point, be approximately 6 metres from the home on plot 12. There will be no windows in the new home, at the eastern end (which faces plot 12).
- 7.12 Officers do not consider that the proposed new home would have a significant impact on the privacy of the residents of plot 12. The only persons likely to be using the new footpath will be the residents of number 12 and their visitors. However, officers consider that the new home and fence would have a detrimental impact on the visual amenity of plot 12. The home currently has an uninterrupted view across the park. This would be replaced with views of the fence, and the new home.

### **Car parking for plot 14 and the new home**

- 7.13 The existing site licence requires by condition 7(a) that a suitably surfaced car parking space should be provided for each caravan standing. Each space must be readily accessible and of minimum dimensions 5 metres x 2.5 metres. The application does not state that the applicant requires this condition to be varied. However, the applicant states that the two new car parking spaces (for home 14 and the proposed new home) would be 4.8m x 2.4m and 4.6m x 2m, as a minimum. It is therefore apparent that this would require the variation of condition 7(a) to permit the reduced dimensions. By way of comparison, a Ford Focus is 4.358 metres long and 2.01 metres wide. A Ford Focus would therefore not fit within a parking space which is 2 metres wide. It would fit within the 2.4 metre parking space, but with little room for manoeuvring into and out of the space. Condition 7(a) of the site licence is imposed to ensure that each plot has a useable car parking space. Parking spaces

of the size proposed by the applicant are impractical, and officers do not consider it appropriate to amend the site licence to permit car parking spaces of these dimensions. It is noted that the new home cannot be placed on the site without removing the area which is currently used for parking by the occupier of plot 14.

### Other matters

- 7.14 Given the concerns raised by residents regarding the problems of access to the site by emergency vehicles, a letter was sent to Hampshire Fire and Rescue Service, enclosing a copy of the plan and seeking their comments. They raised no concerns about access to the site.
- 7.15 Residents have raised concerns about vehicles having problems manoeuvring out of their parking spaces. The proposed minimum road width inside the entrance is 3.7 metres which is the minimum allowed by the licence for two way traffic. The road width along the central part of the site is proposed as more than 8 metres. Where parking spaces are at right angles to the road this provides cars with adequate space for access and egress. Whilst access and egress to car parking spaces for some plots will become more difficult, it is not considered that this would be of significant detriment to the residents of the site.
- 7.16 Residents commented that the proposal would create a blind spot around at the corner of the proposed home. In the officer's view, whilst the existing view across the park will be reduced, the amended road layout would not create a dangerous blind spot.
- 7.17 Chris Elliott, the Council's Head of Planning and Transportation was asked to comment on any impact the proposed new home might have on the physical character and amenity of the site for existing residents, but not more widely on planning issues. He made the following comment:
- "This small caravan park is roughly square in shape and extends to just over 0.2 hectare of flat land. It is enclosed by well-defined hedge boundaries and is accessed from an adopted highway to the north across an area of land adjacent to the Fleur de Lys public house. The 11 existing mobile homes are arranged fairly evenly around the boundaries of the site which results in a gravelled open area in the centre of the site. This area is critical to the character and amenity of the park because, notwithstanding the relatively high density of site coverage by the existing homes, it creates a character of openness which all of the homes benefit from because they look out onto it.*
- It is my opinion that the 12th unit proposed would be seriously detrimental to the appearance of the park and the amenities of its occupiers. It would detract from the spacious character created by the existing open area and would be particularly detrimental to the amenities of the occupiers of units 12 & 14 (as numbered on the application plan) because it would interrupt their open outlook onto the central area."*
- 7.18 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.

7.19 The Council should not impose conditions on a licence which are unduly burdensome. The applicants are 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 the central open area 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 Mr and Mrs Fitzgerald to retain this space for amenity of all existing residents of the site, and to protect the privacy of the resident of plot 14.

## **8. FINANCIAL IMPLICATIONS**

8.1 There are no financial implications as a result of this report.

## **9. ENVIRONMENTAL IMPLICATIONS**

9.1 The only environmental implication is a reduction in the area of the land given over as open space on the site.

## **10. CRIME AND DISORDER IMPLICATIONS**

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

## **11. EQUALITY & DIVERSITY IMPLICATIONS**

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

## **12. RECOMMENDATION**

12.1 That the Committee refuses the application from Mr and Mrs Fitzgerald on the following grounds: The central, gravelled area gives the park an open, spacious feel and is key to the character of the park. Siting an additional home in this space would leave the park feeling cramped, and would be of real detriment to the visual amenity that the central space offers to all residents. The detrimental impact on amenity would be particularly significant for the residents of plots 12 and 14. The new home would have a significant impact on the privacy of the resident of plot 14. The parking spaces proposed for plots 14 and the new home would not comply with the minimum dimensions required, and would be impractical. It is not appropriate to amend the conditions to enable the site owners to reduce the separation distance between mobile homes on the site to 5.25 metres, because the existing condition requiring a separation distance of 6 metres has been imposed for the health and safety, and privacy of persons dwelling in caravans on the site.

<b>For further information contact:</b>	<b>Background Papers:</b>
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