

APPLICATION TO AMEND SITE LICENCE CONDITIONS AT FLEUR DE LYS CARAVAN PARK

1. RECOMMENDATIONS

- 1.1 That if the Committee decides to approve the application to increase the number of caravans on the Fleur de Lys Park to 12, it does so subject to the following condition being added to the site licence conditions:
- 1.1.1 The new caravan (number 2) is permissible on the site subject to the following:
- The existing pitch for Caravan 14, including the curved curbed area to the front is retained.
 - A concrete slabbed or similar footpath is created to connect the foot of the stairs of Caravan 14 with the roadway to the west of the pitch.
 - The new caravan (number 2) shall be a minimum of 2 metres from the roadway, including to the south,
 - The parking space for Caravan 11 is adjusted to enable a vehicle parking at the adjacent caravan, number 12, to safely manoeuvre into and out of its parking space without passing less than 2 metres from the new Caravan (number 2).
 - A parking space for Caravan 14 is to be provided on the site which complies with site conditions.
 - All the above works must be completed within 28 days of the issue of the amended site licence and thereafter to be continuously maintained in accordance with the requirements of this Condition.
- 1.2 However, should the committee determine that having considered the legislation, guidance, information in this report, and information provided at Committee, that the provision of the additional caravan detrimentally affects the amenity of the residents on the Site, and/or poses a risk to the health and safety of residents and visitors, then the application should be refused.

2. INTRODUCTION

- 2.1 Fleur de Lys Park is a licensed caravan site in the New Forest District. The licence limits the maximum number of residential caravans permitted on the site to 11. A copy of the site licence and conditions is contained at **Appendix 1**.
- 2.2 The site is situated in the village of Pilley near to Lymington. It is roughly square in shape and is bounded by a footpath to the west, open fields to the south, and disused agricultural buildings to the east. The site is accessed via an entranceway to the north from Pilley Hill across land to the side of the Fleur de Lys public house. Until August 2023 the site consisted of 11 caravans positioned around the edges of the site, with a gravelled open area to the centre.
- 2.3 An application was received on 19 December 2024 from the owners Mr C and Mrs K Fitzgerald, to increase the number of caravans on the site from 11 to 12.

- 2.4 The committee is requested to consider the application and to determine, based on information provided in this report and at the Committee meeting, whether to agree to the proposed site licence amendment and if so on what conditions, if any.

3. BACKGROUND

- 3.1 On 11 August 2023 an additional caravan was placed on the site, taking the total number of caravans on the site to 12.
- 3.2 It was added despite New Forest District Council (NFDC) informing the owners that the licence did not allow for this additional caravan and requesting they contact the department prior to placing it on the site.
- 3.3 This created a breach of the caravan site licence held by Mr C and Mrs K Fitzgerald; Condition 1(i) states that the total number of mobile homes on the site shall not exceed 11 at any time.
- 3.4 The licence holders were written to in August 2023, asking whether they intended to remove the caravan or apply to amend the site licence. Mrs Fitzgerald replied in September 2023 stating it was her understanding that the home complied with the site licence conditions.
- 3.5 Fleur de Lys Park has planning permission that does not limit the number of caravans that may be located on the site. There are therefore no planning restrictions in place, and the relevant legislation for consideration of this matter is that relating to the licensing of caravan sites.
- 3.6 On 1 December 2023 the Council served Compliance Notices on Mr C and Mrs K Fitzgerald requiring removal of the additional caravan and the reinstatement of the gravelled open area.
- 3.7 On 19 December 2023 the applicants applied to amend the caravan site licence. The variation sought is to amend condition 1(i) to read 'the total number of mobile homes on the site shall not exceed 12 (twelve) at any time'.
- 3.8 On 22 December 2023, the licence holders appealed the Compliance Notices served to the First Tier Property Tribunal.
- 3.9 On 12 February 2024, the Council responded to the licence holders' solicitor to advise it would not object to an application being made to the Tribunal for a stay in the proceedings. This was to enable the site licence amendment application to be fully considered. The Council is unaware if this happened but can confirm that no correspondence has been received from the Tribunal to date.

4. HISTORY

- 4.1 In 1999, a previous owner of Fleur de Lys Park applied to place a single additional home on the site, to increase the number to 12. This application was rejected on application and subsequently on appeal. At that time it was noted that existing caravans on the site, numbers 3, 4, 5 and 6, were positioned less than 3 metres from the boundary of the site. This is contrary to condition 1(vii) of the site licence conditions which states that caravans must be at least 3 metres from the site boundary. Whilst the breach was accepted for the lifespan of those caravans, any new

caravan brought onto the site in those locations, would be considered against the site licence conditions.

- 4.2 The location of these caravans closer to the edge of the site essentially created additional space at the centre and at the entrance to the site, which would not be available should the caravans be replaced and positioned according to the site licence conditions (unless caravan dimensions were reduced).
- 4.3 In 2014, the current owners of the site applied to amend the site licence, to increase the number of caravans on the site from 11 to 12, and to amend the separation distance between number 14 and the proposed new home from 6 metres to 5.25 metres. This application was considered by the General Purposes and Licensing Committee in December 2015, and was rejected. The Committee resolved that an additional home would affect the visual amenity of the site and have an impact upon the privacy of residents at numbers 12 and 14.
- 4.4 In April 2016 the site owners approached the Council again to gauge whether to submit a new application to amend the site licence. In this proposal, the separation distance between the proposed new caravan and number 14 had been increased from 5.25m to 5.75m. In reply, the Council's legal services advised the licence holders to think carefully before submitting a formal application, as whilst any application would be considered on its merits, it was pointed out that previous application to place a caravan in a similar location had been unsuccessful. A formal application was not received.
- 4.5 In March 2022, the site owners again contacted the Council regarding the feasibility of adding a new home to the site in the area previously refused. This followed information received from New Forest National Park Planning Authority (NFNPA) that indicated that planning permission would not be required for one additional caravan. The advice from NFNPA however, also stated that the addition of any new caravan would need to comply with the caravan site licence.
- 4.6 The site owners confirmed that the proposal to place an additional caravan on the site was unchanged from previous proposals and therefore, the Council wrote back to advise against applying due to the unchanged proposal. – see **Appendix 2**. An application was not received.

5. LEGAL POSITION

- 5.1 Caravan site licensing is controlled by The Caravan Sites and Control of Development Act 1960, as amended by the Mobile Homes Act 2013.
- 5.2 Section 3 of the Caravan Sites and Control of Development Act 1960 describes the circumstances under which a local authority may issue a site licence in respect of land to be used as a caravan site. It confirms that a licence may be issued 'if, and only if' the land has the benefit of planning permission for use as a caravan site.
- 5.3 Section 5 of the Caravan Sites and Control of Development Act 1960 enables conditions to be attached to a caravan site licence as the local authority considers necessary or desirable to impose on the occupier of the land in the interests of residents of the site, or of any other person.
- 5.4 Conditions which the local authority can impose, and which are relevant to this case include:

- section 5(a) restricting the total number of caravans which are stationed on the land;
 - section 5(c) regulating the positions in which caravans are stationed on the land for the purposes of human habitation; and,
 - section 5(d) for securing the taking of any steps for preserving or enhancing the amenity of the land.
- 5.5 The local authority should not attach conditions to the licence which are unduly burdensome to the site licence holder. To assist the local authority, when applying any conditions to a site licence, the local authority must have regard to model standards specified by the Minister. Model standards represent the standards normally to be expected as a matter of good practice on caravan sites and should be applied with regard to the particular circumstances of the site.
- 5.6 The site licence conditions attached to the licence were issued with respect to the Model Standards 2008 for Caravan Sites in England.

6. CURRENT APPLICATION

- 6.1 The current application seeks to retrospectively regularise the position created with an additional caravan placed on the site by the licence holders, as they had not applied and received approval to do this prior to installing the caravan.
- 6.2 There are strong similarities between this application and previous applications, in that the home on the site is almost the same size as previously proposed (34' x 14') and is positioned in the same area of the site.
- 6.3 The application differs from previous applications as the caravan is positioned 6 metres from number 14 (as opposed to 5.25m), and has been moved 1 metre to the east, facilitated by the owners purchasing a 1 metre strip of the front garden of plot 12. This has had the effect of slightly widening the gravelled entrance to the site as it passes the caravan.
- 6.4 Prior to its siting, all eleven homes on the caravan site surrounded an open gravelled area which vehicles travelled over to access the parking area of each home. The new home has been placed on part of this central area, directly adjacent to numbers 12 and 14. **Appendix 3** shows before and after photographs of the location.
- 6.5 The Council has been corresponding with Apps Legal Limited, who are representing the applicants, and providing information in support of the application. A scale plan of the location of the caravan on the site has been provided as **Appendix 4**, and the proposed extent of the new pitch has been provided and is shown in **Appendix 5**.

7. MATTERS TO BE CONSIDERED

Spacing between caravans and privacy

- 7.1 Site licence condition 2(i) states that (subject to exemptions) caravans are to be at least 6 metres from each other.
- 7.2 The new caravan is at least 6 metres from any other caravan.
- 7.3 The model standards 2008 explanatory notes refer to privacy of residents when considering spacing between caravans. The proposed patio/garden area of the new property will be at its closest 1.4 m from the home on plot 14. Depending upon any

fencing erected between the caravans, residents of both homes will be able to see through windows into neighbouring homes and the patio area. This could be detrimental to the privacy of the occupiers of both caravans. (See photograph 5 of Appendix 3.

- 7.4 Whilst the spacing condition is complied with, the Committee should consider whether the position of the new home relative to number 14 affords sufficient privacy to all residents.

Proximity of new caravan to roadway

- 7.5 Condition 2(ii) states that no caravan is to be less than 2 metres from a road. Photograph 6 of Appendix 3 shows the gravelled area adjacent to the new home and that access to and egress from the parking space to number 12 (to the left of the vehicle in the photograph) is seriously impeded. Parking a vehicle in the space would involve passing less than 2 metres from the new home.
- 7.6 The applicants contest that the gravelled area of the site is a roadway and that it is a "private accessway where a handful of private homes are accessed from the one and therefore, a vehicle can access the parking space by passing less than 2 metres from the new caravan. They also comment that the gravelled area in the vicinity is 9 metres wide, which is wider than typical caravan site roadways.
- 7.7 The applicants also assert that the 2-metre condition was drafted with consideration to the privacy of occupants from passers-by and not for health and safety reasons.
- 7.8 The Council maintains this is a roadway and it is appropriate to retain a 2-metre space between the caravan and areas where vehicles pass by for the health and safety of residents of the caravan.
- 7.9 Notwithstanding the above, the site licence holders have expressed a willingness to relocate the parking space allocated to number 11 if necessary.

Parking space for number 14 and retention of plot

- 7.10 The existing long-standing parking bay for number 14 is in front of the home to the east of the curved section (shown on Appendix 4). The applicant proposes that the garden / patio of the new caravan will be in this location, which will require the relocation of the parking space.
- 7.11 A new parking bay for number 14 has been proposed to be sited outside plot 14, in between the curved kerb and the new caravan. **Appendix 6** is photograph showing the proposed location.
- 7.12 Condition 2(iv)(g) states that whilst cars may be parked in the separation distance between caravans, any car must be at least 3 metres from a neighbouring caravan. The parking space as indicated does not comply with this requirement as it is less than 3 metres from the new caravan.
- 7.13 Condition 13(i) of the caravan site conditions states that 'car parking spaces shall be provided on the site for at least one private car per mobile home'. The condition does not specify where on the site the space shall be and therefore the parking space could be relocated and comply with the licence. (Although this may not be favourable with affected residents).

Footpaths

- 7.14 Condition 4(i) states that 'Every mobile home shall be connected to a road by a footpath with a hard surface which shall be maintained in good condition.'
- 7.15 The resident of number 14 currently exits the plot onto the gravelled area where the parking bay is situated. Given that it is proposed that this area will form the garden/patio of the new plot, the applicants propose to construct a new footpath from the door of number 14 to join with the roadway near to the entrance to the site as indicated on **Appendix 7**.
- 7.16 If the site licence amendment application is agreed, then the site owner should construct a footpath of slabs or similar in the indicated location.

Site access for large vehicles

- 7.17 Condition 3(i) requires roads to be designed to provide adequate access for emergency vehicles, and condition 3(vi) sets the general principle that roads are to be no less than 3.7 metres wide. The widths are based on the maximum sizes of emergency vehicles attending incidents on the site.
- 7.18 The roadway is deemed to comply with these conditions, as at its narrowest point, (between no. 3 and 4 and the new home) it is greater than 3.7 m wide.
- 7.19 It is however noted that larger vehicles may be less likely to enter the site. Residents have reported being required to manually transfer their refuse to the site entrance for collection.

Other Considerations

- 7.20 For over 40 years, residents have benefitted from the sense of openness provided by the space to the centre of the site, and the amenity that it provides. The committee may note that the addition of the extra home has had an impact upon this spacious character of the site as a whole. The new home is positioned to the west of number 12 and to the south of number 14 and has an impact on the open outlook previously enjoyed by the occupants of these caravans.
- 7.21 The new caravan may also block natural daylight and sunshine previously enjoyed within these homes and on their pitches, and the new caravan and number 14 will overlook each other.

8. CONSULTATION WITH RESIDENTS

- 8.1 All residents of the 11 licensed caravans were invited to comment on the application. This included the site owners who live on the site. The new residents of the additional twelfth home were not directly consulted with but also responded.
- 8.2 Not including the site owners, of the other 10 residents, 4 were in favour of the new caravan (although one of these had previously objected), 3 were against and 3 did not respond. Of those that did not respond, one had previously expressed support for the additional caravan. Correspondence received is included as Appendix 8 to this report.

8.3 The applicants also provided correspondence from a neighbour of the site in support of the caravan, and emails from a local estate agent giving an opinion that the new caravan had not negatively affected the value of other caravans on the site.

8.4 Comments in favour of the additional caravan included:

- the caravan did not inconvenience or affect the residents,
- the caravan adds to the aesthetic qualities of the site, is a great asset and is in an ideal location,
- the new residents are courteous, polite and friendly,
- it is not difficult to park cars, and the caravan does not interfere with or obstruct parking,
- the caravan provides needed affordable accommodation.
- the caravan did not obscure one of the respondents view.

8.5 Objections received identified two main issues concerning the loss of the open space and increased difficulty of driving on the site and accessing parking spaces. The following specific issues were identified:

8.5.1 manoeuvring vehicles:

- A blind spot is created for vehicles going around the new caravan which creates a risk of an accident,
- Difficulty getting into and out of parking spaces and the need to reverse into other spaces to complete manoeuvres,
- Difficulty of access for emergency and larger vehicles such as garden waste vehicles,
- Inconsiderate parking already demonstrated by occupiers, making it difficult for cars to access and exit the parking space for number 12,
- Concerns that vehicles entering and exiting the parking space to 12 will encroach on the 2-metre separation between the home and roadway,
- Less space for vehicles and residents, making in more hazardous for pedestrians on the site.

8.5.2 Objections concerning the loss of amenity:

- Loss of the open community feel in front of homes,
- Loss of views across the site and of the previous feeling of spaciousness

8.6 Other matters raised in residents' objections:

- Failure of site owners to consult residents about the planned addition, other than discussing site improvements,
- Questions as to whether the site owners are 'fit and proper' to manage the site,
- Claims of attempted coercion by the owners to get residents to write letters of support, including offering to allow dogs on the site,
- Claims of intimidation by the site owners,
- Objection to the relocation of current parking space for number 14
- Reduced value of homes,
- Questions over the suitability of adding the caravan without permission, and subsequently applying for permission,
- Large vehicles are no longer allowed on site so residents must carry waste to the entrance. When wheeled bins are introduced, they will have to be dragged across site,
- Loss of peacefulness – noise and shouting from the new residents,
- The current owners had previously removed a fountain at centre of site to improve vehicle access as it was considered that it impeded vehicles manoeuvring across the site,

- Possible damage to caravans by weight and vibration of vehicles passing close,
- Animosity and mistrust towards the site owners.

8.7 The applicants (site owners), who live on the site made a number of comments, which are summarised as follows; the full letter is included as **Appendix 9**.

- The home has been relocated from its original position to an updated position, which is over 6 metres from number 14,
- Letters of support have been received from some residents,
- The new caravan will help the small business the owners operate, and the upkeep of the site,
- The statement that the value of caravans has not been negatively affected,
- The new home represents affordable accommodation, and the residents pay Council Tax,
- If the caravan has to be removed the residents will apply for Council housing,
- It is acknowledged and regretted that the caravan was added without first seeking permission.

8.8 Comments of occupiers of new caravan:

- The caravan has provided a home for the family, following financial instability caused when unable to work whilst supporting young baby born with serious health issues.
- The caravan is very small and complies with the site licence,
- Interference by neighbour taking photographs of the family and the caravan, and stating to a delivery driver that there was no number 2 on the site.

9. CONCLUSIONS

9.1 Whilst many decisions with respect to caravan site licensing are administered at officer level, in the case of more complex or contentious issues, the General Purposes and Licensing Committee has delegated authority to make decisions under the Caravan Sites and Control of Development Act 1960.

9.2 Mr C and Mrs K Fitzgerald currently hold a caravan site licence for a maximum of 11 caravans at Fleur de Lys Park. They have made an application to amend the conditions of the licence to increase the number of caravans on the park to 12. The additional caravan was positioned on the site in breach of the licence conditions.

9.3 Conditions have been applied to the site based on Model Standards to control the layout, facilities, services and equipment on the site.

9.4 The additional caravan complies with the majority of the caravan site licence conditions and does not represent a breach of planning permission.

9.5 The views of residents on the site have been sought and have given a mixed response. Those in favour, considered the addition of the caravan was of little consequence to their enjoyment of the site, and is an asset to the site. Those against the additional caravan, were primarily concerned with the loss of open space, open outlook, as well as difficulty for vehicles to manoeuvre around the site and possible relocation of a parking space.

9.6 In addition, consultation with residents indicates that overall, there is acceptance of the new caravan. Of the two residents directly affected, one has objected, and one has not.

9.7 The inclusion of the additional caravan could be considered to negatively impact the overall outlook and privacy for some residents. If approved, further work would be required by the site owner for all conditions on the licence to be complied with.

10. FINANCIAL IMPLICATIONS

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

11. ENVIRONMENTAL IMPLICATIONS

11.1 A reduction around the land given over as green space on the site balanced against provision of a new home in the district.

12. CRIME & DISORDER AND DATA PROTECTION IMPLICATIONS

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

13. EQUALITY & DIVERSITY IMPLICATIONS

13.1 Should the Committee refuse the application, this will result in the loss of a home for the current residents.

14. APPENDICES

Appendix 1 – Site licence and conditions

Appendix 2 – 2022 Refusal

Appendix 3 – Before and after photographs

Appendix 4 – Scale plan of site including the new Caravan (number 2)

Appendix 5 – Extent of the new Caravan pitch (number 2)

Appendix 6 – Proposed parking space for Caravan 14

Appendix 7 – Plan showing proposed footpath for Caravan 14

Appendix 8 – Consultation responses

Appendix 9 – Site owners' letter

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Background Papers:

Model Standards 2008 for Caravan Sites in England:

<https://newforest.gov.uk/media/789/caravan-site-model-standards-2008/pdf/caravan-site-model-standards-2008.pdf?m=1594374008193>