

REPORT



REPORT OF	MEETING	DATE	ITEM NO
CONSUMER WELLBEING AND PROTECTION UNIT	PUBLIC PROTECTION COMMITTEE	16 th November 2005	4b

HURST LEA CARAVAN SITE

Public

This item is for consideration in the public part of the meeting.

Summary

The Committee at their meeting held on the 11th May 2005 resolved to refuse an application to amend condition 23 to the site licence to Hurst lea Caravan Park for a reduction in the closure period from six weeks to four weeks. Further representations have been made requesting the Committee to reconsider its decision.

Recommendation/s

In light of the further representations submitted by the site owner, the Committee are asked to reconsider whether to grant an amendment to the site licence condition 23, to reduce the closure period from six weeks to four weeks.

Executive brief

The item falls within the following executive briefs: Economy (Councillor Roger Small) and Environment (Councillor A Jealous).

Report

1. A report was presented to the Public Protection Committee on the 11th May 2005 on an application to amend condition 23, relating to the occupancy of caravans on a licensed caravan site, and the objections made to this application. The applicant wished to reduce the closure period from the current condition of 6 weeks in each year to 4 weeks.

Continued....

2. Following representations from the objectors and a lengthy debate, the Committee resolved to:-

1. Refuse the application to reduce the closure period from the current condition of 6 weeks in each year to 4 weeks for the following reasons:

- Notwithstanding the reference in the existing licence to holiday caravans, reducing the time during which caravans should not be occupied on the site would effectively legitimise the use of the site as a residential park.
- Agreeing to the application would be likely to result in similar applications being made in respect of other caravans sites in the area, which would then be difficult to resist.
- Widespread residential use of caravan parks in the area around Little Eccleston would lead to unacceptable pressure on local services and infrastructure.
- Reducing the period of closure would conflict with expected good practice in the holiday caravan industry.

2. That the Committee was minded to add new conditions to the site licence as follows:

- The holder of the licence must maintain a written record of all persons over the age of eighteen who occupy a caravan on the site for any continuous period of more than 21 days. The entry for each person must contain:

Name

The address of their only or principal home

- The holder must not allow any person who does not provide the address of their principal home, or whose only principal home is within the site, to occupy a caravan on the site for any continuous period of more than 21 days.
- The site owner must not permit delivery of post to individual caravans on the site and must not make any arrangements for post addressed to individuals occupying caravans on the site to be kept for or collected by them.

And that the holder of the licence be invited to make written representations about the proposed conditions.

3. Written representations have been made and are the subject of a separate report to Committee. The representations are set out in the four letters appended 1 to 4 to that report.

4. The site owner accepts the additional conditions, but sees them as a way of ensuring that, if allowed to reduce its period of annual closure from the current six week period to four weeks, it would be used for holiday purposes only.

5. In view of this the site owner has requested that the Committee reconsider its decision to refuse to grant an amendment to condition 23, to reduce the closure time from the current six weeks to four weeks.

6. The planning consultant representing the applicant states that `Generally speaking the season during which a caravan site may be operated has been determined as a planning condition and not by use of the site licence`.

This would accord with case law as stated in the report to the members on the 11th May. In this case the court held that the principal purpose of imposing conditions appears to have to be public health and similar considerations.

There are no planning restrictions on Hurst Lea Caravan site in relation to occupancy times.

7. In addition to Hurst Lea, there are 8 caravan sites within the little Eccleston Area, which are a mix of both holiday and residential status (in total there 456 holiday and 60 residential caravans). Under their current licence 4 of the sites are required to close for 4 weeks, 3 for 6 weeks and one with a 7 week closure period.

IMPLICATIONS	
Finance	
Legal	The site owner can appeal to the magistrates` court against the Committee`s refusal to amend the site licence condition.
Community Safety	
Human Rights and Equalities	
Sustainability	
Health & Safety and Risk Management	

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List of Background Papers		
Name of document	Date	Where available for inspection
Current Site Licence	January 2005	Council office