HCS 28
National Assembly for Wales
Communities, Equality and Local Government Committee
Holiday Caravan Sites (Wales) Bill
Response from: The Caravan Club

HOLIDAY CARAVAN SITES (WALES) BILL
SUBMISSION OF EVIDENCE FROM THE CARAVAN CLUB

1. The Caravan Club welcomes the opportunity to provide evidence on the Holiday Caravan Sites (Wales) Bill. As Europe's premier touring organisation, The Caravan Club currently represents one million caravan, motorhome and trailer tent owners and their families, 60,000 of whom live in Wales. The Club has more than 200 large touring caravan sites and 2,500 Certificated Locations (small touring sites with a maximum of five pitches), providing approximately eight million 'pitch nights' per annum across the UK. The Club itself is a successful £100 million turnover business providing a wide range of services and activities for its members who wish to pursue caravanning as a recreational activity. In Wales, our 18 touring sites and 280 Certificated Locations provide two million tourist 'bed nights' per annum, with the annual off-site spend by visitors of over £21 million contributing to local economies.

2. The Club's Sites and Certificated Locations are only for those who wish to pursue caravanning as a recreational activity, with the maximum stay being 21 days on one of The Club's touring sites and 28 days on a Certificated Location. These are operated under the Exemption Certificate granted to The Club under the 1960 Caravan Sites and Control of Development Act (the 1960 Act).

Schedule 1 - Specific Concerns

3. We note that the draft Bill states at Part 1, Paragraph 3(4), that 'Schedule 1 provides for certain sites not to be holiday caravan sites for the purposes of the Act'. In that Schedule, we note that sites **owned**, supervised and approved by exempted organisations, along with meetings organised by exempted organisations, are included at Paragraphs 4, 5 and 6. Whilst we understand that the Bill is not intended to affect the status of exempted organisations, the change in terminology at Schedule 1, Paragraph, 4 from 'Sites occupied' (under the 1960 Act) to 'Sites owned' (under the proposed Bill) offers no reassurance, because it introduces uncertainty and requires interpretation (as emphasised by the need to define 'owner' in the Introduction to the Bill), because many of the sites occupied by exempted organisations are leased, not necessarily owned. In addition, our Paragraph 4 exemption is used for holiday rallies by our members for periods of between 120 hours and no more than 28 days with the permission of the landowner. In all cases, The Caravan Club occupies and supervises these sites, but does not necessarily own them.

4. The reference to 'holiday' caravans and sites at Schedule 1, Paragraph 5(1), also sees an unnecessary change in terminology from the 1960 Act. Whilst the 1960 Act's provisions remain in force, the wording in the Bill could lead to a requirement for two certificates, i.e. for one for holiday caravans under Paragraph 5(1) and another for recreational purposes under Paragraph 5(2), along with all the confusion it would cause.

5. The wording adopted in Paragraph 5(3) is also inappropriately open-ended and capable of a variety of interpretations. A list of properties for which certificates have been issued each year should be sufficient in line with the 1960 Act, because the aim should be only to identify which sites are exempt.

6. Consequently, we would ask for Schedule 1 to be the same as the 1960 Act, which has served exempted organisations well for 54 years, or simply refer to it. At the very least, we would wish to see a reversion to the word 'occupied'.

General Observations

7. Notwithstanding the aforementioned, we should like to offer some further observations on the Bill as currently drafted.

8. The Bill appears to place further impositions on all site owners and not just the unscrupulous ones; moreover, it appears to seek to deal with what is a planning issue through the site licensing route. As with most forms of control, there can be unintended consequences, not least as it could encourage resentment, particularly from the smaller commercial touring parks, of those that have licensing exemptions. Those smaller commercial touring parks are now included in the draft proposals, yet we understood that when the Bill was first conceived, the intention was to address issues around those allowing the year-round use of holiday homes as a main residence. We feel sure that many of the small commercial touring parks operate in a similarly seasonal manner to The Caravan Club, which, for example, sees us with only two sites open all year, only for touring and for no more than 21 days at a time.

9. The Bill would also be detrimental to Welsh tourism. With the current limited levels of consumer demand for touring pitches, the operating costs for commercial sites would rise, which could lead to the generation of less income and potentially less scope for re-investment in improvements to maintain and enhance the standards on sites. This, in turn, could lead to reduced visitor spending and local economic benefit. We also suggest that Wales, being more than 2 hours' driving time from major population centres, is particularly dependent upon seasonal touring pitch lettings, which in turn are more ecologically and economically sustainable, because caravan owners can travel to and from sites in smaller cars or even by public transport.

10. We suggest that there is no substantive need for further legislation that includes holiday caravan sites, where by definition they are for holiday use only and occupied by those who are least likely to be disadvantaged in any way under the current system. The existing legislation is already quite adequate in this regard.

11. The Act introduces new concepts of a 'holiday caravan' and a 'holiday caravan site'; however, caravans are already adequately defined under S29(1) of the 1960 Act, S13 of the 1968

Act and (in terms of how the layman views them) the Road Traffic Act. Some choose to maintain that provided a structure can be placed on a trailer rather than having its own wheels, then it still constitutes a caravan. This provides too wide an interpretation. Under case law, a caravan is not regarded as a building but rather a use of land (viewed against the tests of size, permanence and attachment). Accordingly, to be capable of becoming established, this use has to be uninterrupted for at least 10 years. Moreover, under existing case law, its use, whether that is for holiday purposes or a permanent residence, is a matter for the planning authority to control by imposing appropriate planning conditions.

12. The proposed definition of 'holiday caravan' contains nothing to differentiate it from the existing definition of 'caravan'. Part 4 of the Bill seeks to achieve clarity by attaching a length of occupancy requirement of more than 6 weeks, or requiring that the occupiers have entered into an agreement within the scope of Part 4, but in any event stipulating that harassment by the park operator will also trigger the application of this legislation.

13. A significant sector of the caravan site market consists of offering pitches on a seasonal or annual basis. For sites that are open all year, clearly it is difficult for local planning authorities to identify with absolute precision whether they are at risk of having unintentionally acquiesced to certain pitches becoming established as all year residences, as opposed to the caravans being used purely for recreational purposes. Rather than impose provisions via site licensing, which will place considerable burdens upon operators and require prying into occupiers' private affairs, thus undermining the relationship between operators and occupiers, operators could simply be required to notify the planning authority at any time during the next 12 months if any caravan pitches (as opposed to caravans in order to reflect the planning relevance) have been occupied for equal to or more than a full calendar year. If they fail to do so, the relevant calendar year's occupancy shall be deemed to be incapable of being taken into account for the purposes of the 1991 amendment to S171 of the Town & Country Planning Act 1990 (relating to planning uses becoming established after 10 years' uninterrupted enjoyment).

14. Site licensing is already adequately dealt with under the 1960 Act. Similarly, licensing authorities are free to apply Model Standards or their own criteria. If the legislature feels it should be more prescriptive, then this can be quite adequately dealt with by revising Model Standards.

15. With regard to Part 1, Paragraph 16, whilst licensing authorities should be entitled (and indeed required – thus reflecting the annual licence fee) to inspect sites once a year, it would be iniquitous for the goal posts to be capable of being altered even at 5-yearly intervals. This highlights the subtle difference between breaching conditions which have been entirely suitable in the past and, on the other hand, potentially rendering a business inoperable or unviable because the licensing authority wishes to change the conditions. It is arguable that this should not even be possible upon a change of owner as this would be an unreasonable restraint on the transfer of businesses and undermine their value. It could be argued that a review of the licence conditions could be triggered by the implementing of planning permission for carrying out physical development. In this way, traditional sites would continue to have a place, but operators wishing to develop their sites would need to comply with the authority's latest standards. This would give operators the option of not developing any further.

16. The enforcement provisions under threat of prosecution are particularly harsh and are bound to discourage new entrants to the market. This is on top of the difficulties in obtaining planning permission for improving existing sites and especially for developing new ones.

17. Part 3 appears to load the operator with the burdens that are currently placed upon the local planning authority. It is not conducive to fostering the on-site harmony that is so important; furthermore, it is also unrealistic in holding any expectation that the proposed arrangements would save any time or expense on the part of Licensing or Planning Authorities.

18. Part 4 is also particularly harsh in relation to letting pitches or operator-owned holiday caravans for more than 6 weeks. Paragraph 55(5) does not show any consideration of the consequences of the licensee potentially not being bound by the terms of the agreement, which presents a legal nightmare. The provisions contained in Paragraph 56, particularly (3)(d) and (e), seem excessive and hardly appropriate for little more than a 6-week letting to someone who is, after all trying to get away from the rigours of their normal life, just to get a little relaxation. The reference to an arbitrator in Paragraph 58 would be daunting for the majority of complainants. This conjures up a quasi judicial and costly process, whereas the emphasis should be on swift and uncomplicated dispute resolution based upon knowledge and experience. Any reference should be to an 'arbitrator acting as independent expert'.

19. In Part 5, Paragraph 60, we hesitate to suggest a tightening of the proposals, but to make (3) effective against the less scrupulous operator, 'or permits' should be inserted after 'the person does'.

20. Notwithstanding our recognition of Mr Millar's objectives with this Bill, The Caravan Club has concerns over the Bill as currently drafted and, at the very least, would wish to see the wording of Schedule 1 amended to mirror the 1960 Act to avoid any unintended consequences. We must re-emphasise that we value our exempted status and the privileges it allows our members to enjoy, because we are a responsible organisation that encourages and promotes recreational activities. Importantly, our exempted status does not absolve us of the need to obtain planning consent for the physical development elements of our sites for which normal planning policies apply.

Yours faithfully

Martin Stringer

Executive Secretary
THE CARAVAN CLUB
East Grinstead House, East Grinstead, RH19 1UA
+44 (0)1342 336791
+44 (0)7552165862
www.caravanclub.co.uk