



Appendix B
Park Home Site Licensing - Historic Breaches
Standards 2015

1. Introduction

The Mobile Homes Act 2013 brought about a significant reduction in the role and influence that Park Homes Site Owners could have in the sale and transfer of park homes. As such there is less scope for them to be able to address historic breaches upfront of a sale or transfer which could result in the new owner of a park home being unfairly penalised if they were unaware of the need to remedy a breach until after they had purchased the park home.

The 2011 Historic Breaches Policy has therefore been updated to these standards to remove the instances where breaches are to be remedied at point of sale or transfer.

It is important to note that these standards only relate to breaches caused by the retrospective application of site licence conditions. New breaches will be dealt with in the normal manner using the powers of the Caravan Sites and Control of Development Act 1960 where appropriate.

2. Breaches relating to outbuildings, timber sheds and other combustible garden structures

Where the location of a timber shed, outbuilding or other combustible structure is within the fire separation space it should be removed. Where there is imminent risk of fire then remedial works must be carried out within 3 months (or shorter prescribed period if deemed necessary) of notification by the Council to the site owner.

Where the Council determines that no significant risk of fire exists and access by the emergency services to all elevations of a park home is not impeded then the breach should be remedied when the park home is removed or replaced such as when it has been deemed as being at the end of its life due to its condition.

In any other situation the breach should be remedied by 1st April 2016 (this date was set in the 2011 Policy to provide 5 years notice).

Reason

To ensure, where there is no imminent risk, that breaches relating to sheds, outbuildings, other garden structures are removed at an appropriate time. The second hand value of sheds is very low and therefore the removal of such a structure will have a negligible impact on the value of the home.

3. Breaches relating to porches, extensions and other additions to a park home

Any porch, extension, or other addition to a park home that is in breach of the site licence conditions relating to the legal definition size requirements or spacing standards must be removed or altered to rectify the breach within the timescales stipulated in the summary shown in section 8 below. This also applies where a park home without an addition described above exceeds the legal definition size requirements.

Where the Council determines that no significant risk exists and the spatial distances exceed the minimum provided for by the models standards the breach is to be remedied when the park home is removed or replaced such as when it has been deemed as being at the end of it's life due to it's condition.

Reason

To ensure any breaches in site licence conditions relating to the legal definition size requirements or spacing standards from porches, extensions, and other additions are rectified at an appropriate point in time for each pitch while minimising the upheaval for an existing resident.

4. Breaches in separation distances between adjacent park homes

Where the breach on the spacing is minor and the intrusion into the separation zone is no greater than that allowed under the Model Standards 2008, or where the Council deems that no significant risk from spread of fire exists such a breach may be permitted to exist without the need to carry out any remedial works until the park home is removed or replaced such as when it has been deemed as being at the end of it's life due to it's condition.

In all other cases the breach in site licence conditions regarding the separation between adjacent park homes must be rectified within the timescales stipulated in the summary shown in section 8 below.

Where it is not possible to move or relocate a park home to comply with the site licence conditions, the Council will consider alternatives to compensate for any fire safety issues resulting from the breach

Any alternative works must be accepted/recognised solutions and approved by both the Council and the Fire Safety Officer**.

Reason

These standards will ensure spacing breaches are addressed at an appropriate point in time whilst minimising the impact for existing residents.

The inclusion of the clause allowing approved alternative works will cover situations where it is not practical or possible to relocate an existing park home.*

The inclusion of standards relating to minor breaches would negate the need for remedial action where the breach does not constitute any risk that is no greater than the addition of an enclosed porch as permitted under the current model standards.

5. Breaches relating to the distance between park homes and the site boundary

Where the breach is minor and the Council deems that no significant risk from spread of fire exists such a breach may be permitted to exist without the need to carry out any remedial works until the park home is removed or replaced such as when it has been deemed as being at the end of its life due to its condition.

In all other cases the breach in licence conditions regarding the distance of a park home from the boundary must be rectified within the timescales stipulated in the summary shown in section 8 below.

As with section (4) above, the Council will consider alternatives to compensate for any fire safety issues resulting from the breach.

Any alternative works must be accepted/recognised solutions approved by both the Council and the Fire Safety Officer**.

It should be noted that the level of risk may change as a result of change of use on the other side of the boundary fence, which may result in a change in the requirement to remedy the breach.

Reason

As with section (4) above these standards will ensure breaches in the condition relating to the distance between park homes and the site boundary are addressed at an appropriate point in time whilst minimising the impact for an existing resident.

The inclusion of the clause allowing approved alternative works will cover situations where it is not practical or possible to relocate an existing park home.*

6. Breaches relating to the distance between park homes and roads/communal car parks

Where the breach is minor and the Council deems that no significant risk exists such a breach may be permitted to exist without the need to carry out any remedial works until the park home is removed or replaced such as when it has been deemed as being at the end of its life due to its condition.

In all other cases the breach in licence conditions regarding the distance between the park home and the road or communal car park must be rectified within the timescales stipulated in the summary shown in section 8 below.

As with section (4) above where it is not possible to move or relocate a park home to comply with the site licence conditions, the Council will consider alternatives to compensate for any risks resulting from the breach.

Any alternative works to resolve the breach must be accepted/recognised solutions and approved by the Council**.

Reason

These standards will ensure breaches in the condition relating to the distance between park homes and roads and communal parking areas are addressed at an appropriate point in time whilst minimising the impact for an existing resident.

The inclusion of the clause allowing approved alternative works will cover situations where it is not practical or possible relocate an existing park home.*

7. Replacement Park homes, sheds and other structures

All new park homes, sheds, porches and other structures must comply with the site licence conditions. This includes where any such structure is a replacement of an existing structure that is deemed to be an historic breach under the site licence conditions.

Reason

This is to ensure all new structures are in compliance with the site licence conditions at the time of their construction/installation and that an existing breach is not carried over to any new structures.

8. Summary

The following table summarises the timescales in which an appropriate remedy should be in place for the various breaches of conditions covered by these standards. This is only an “at a glance guide” and therefore please refer to the text in the above sections for more detail.

Condition breached	Required timescale for remedy		
	Imminent risk	Risk	No significant risk
Combustible garden structures	3 months or less	1 st April 2016	End of life of unit
Porches extensions etc	3 months or less	1st April 2016	End of life of unit
Separation between units	3 months or less	1st April 2016	End of life of unit
Fences between units	3 months or less	1 st April 2016	End of life of unit
Distance between units and site boundary	3 months or less	1st April 2016	End of life of unit
Distance between units and roads and communal car parks	3 months or less	1st April 2016	End of life of unit

** Where it is not possible to move a park home to rectify a breach on one side without incurring a new breach or exacerbating an existing breach in the spacing standard on the other side of the park home.*

Where moving or relocating a park home is likely to have a marked detrimental effect on its structural integrity as a result of the stresses placed upon it during its relocation.

Although park homes are defined as mobile structures they do settle over a period of time. Relocating a park home that has been static for some time will result in flexing that can weaken its structural integrity which would otherwise be satisfactory if it remained in situ.

Without including flexibility to consider alternatives to relocating a park home that is in breach of this standard such a home would be rendered

worthless where it is not practical or possible to relocate it. Park homes are a major financial commitment for their owners and the prospect that their property has no financial value will materially effect their reasonable enjoyment of their home. The inclusion of alternatives to relocating an existing park home provides flexibility whilst ensuring that safety issues are addressed.

*** Breaches will be considered on a case by case basis. If it is deemed that the breach represents an imminent risk then remedial works will be required to be carried out within 3 months (or shorter prescribed period if deemed necessary) of notification by the Council to the site owner*