

COMMITTEE	DWYFOR AREA COMMITTEE
DATE OF MEETING	15 October 2015
TITLE	Monitoring and Enforcement of Caravan Sites
AUTHOR	Dafydd Wyn Williams, Head of Regulatory (Interim)
CABINET MEMBER	Cllr. Dafydd Meurig
PURPOSE	To provide the context for monitoring work and enforcement of caravan sites.

1. BACKGROUND

- 1.1 On 2 December 2014, a report was submitted to the Communities Scrutiny Committee setting out information for members as to how the work of monitoring caravan sites, mainly from the Planning and Environment Service's perspective, is undertaken.
- 1.2 The question of how the Planning Service monitors caravan sites has been brought to light over the past two and a half years, mainly due to planning applications for extending the holiday season on static caravan sites from 10 and a half months to 12 months. It must be emphasised that these applications for extending the holiday season were solely for holiday use, which were in essence applications for an additional 6 weeks a year for holiday use. Any planning permission for these applications included planning conditions that restricted the use of the caravans to holiday use only, and the need for the operator / owner of the site to keep a register of the caravan users.
- 1.3 Despite the above, the concern by Members was that approving these applications would lead to people permanently living in caravans that would as a result have a negative effect on communities. Although planning control conditions the use of the caravans, there was concern regarding how the Service would monitor and ensure that the planning conditions were being enforced when it was necessary to do so.
- 1.4 In light of the preparatory meeting for the Communities Scrutiny Committee it seems that the key matters raised by Members confirmed the concerns that have already been mentioned. These include concerns involving how the Service ensured that sites comply with the planning permission and relevant conditions despite the lack of resources in terms of staff. As well as this, enquiries were made about how the Service enforced in relevant cases, and questions were raised about the monitoring work on caravan sites that is being undertaken by the Planning and Environment Service.

2. MONITORING AND ENFORCEMENT OF CARAVAN SITES

- 2.1 With around 400 caravan sites in Gwynedd including the area of the Park, which has over 14,000 static caravans (around 11,000 in the Gwynedd planning authority area)

and over 5,000 touring caravans, it must be acknowledged that monitoring and enforcement on caravan sites is a huge task.

- 2.2 The Members are quite right to raise concerns about the lack of staff resources within the Planning Service to monitor every caravan site in the Gwynedd planning authority area. The reality is that there have never been sufficient resources in place to complete this task, remembering also that enforcement matters associated with caravan sites are only one element of the Enforcement Unit's work.
- 2.3 Considering the above, it is necessary to acknowledge that there are two sorts of enforcement work which includes reactive enforcement work and proactive enforcement work.
- 2.4 The Service has a duty to investigate complaints received that allege that there is a case of breaching planning regulations. Therefore, in cases involving caravan sites, the Service will investigate complaints in accordance with the standard arrangements and requirements of the Council's Planning Enforcement Policy. If Members or the public have concerns about a specific site, they should contact the Planning Service.
- 2.5 In terms of proactive planning enforcement work, the Service is under no obligation to undertake this type of work. Even so, it is considered that this type of work is good practice and therefore as a Service, over the years we have been undertaking proactive monitoring work. There are advantages with proactive work in comparison with reactive work, as it contributes to realising the Council's priorities and facilitates working arrangements in general. In terms of caravan sites, proactive monitoring can establish a positive working relationship with site owners/operators, who will be aware that monitoring happens regularly and would therefore understand the need to comply with planning rules.
- 2.6 Since the beginning of 2014, the Council has approved an Enforcement Strategy which has established a framework for the proactive and reactive work of the Service's Enforcement Unit. As a result of this, we now have a formal framework for implementing the proactive work, with one of the identified tasks including undertaking annual monitoring work on 20 caravan sites.
- 2.7 In light of the original concerns by Members that were confirmed in the preparatory meeting of the Communities Scrutiny Committee at the beginning of December 2014, the monitoring work on caravan sites for winter 2014 mostly focused on monitoring caravan sites that have had planning permission to implement a holiday season of 12 months.
- 2.8 It must be emphasised that the objective of the monitoring work is to monitor compliance with the planning permission as well as all the relevant planning conditions. Therefore, this work is not restricted solely to monitoring compliance with the condition that restricts the use of the caravans to holiday use and the need to keep a register.
- 2.9 It must be emphasised that the Council's planning enforcement powers are powers to be used with discretion. Initially, before considering any sort of formal enforcement steps, there must be robust evidence that the breaching of planning control has occurred. There is a legal definition of what a caravan is, and there are

also rights to use land as a caravan site, or to site a caravan, without having to submit an application for planning permission. At times, rights such as these along with the fact that we are dealing with the use of land, can make it difficult to obtain robust evidence to prove whether regulations have been breached or not. In such cases this could mean the need to re-visit sites and the use of formal notices in order to collect evidence.

- 2.10 If there is evidence of breach of planning controls, the decision of whether to undertake enforcement steps or not is made in the context of the requirements of the Gwynedd Unitary Development Plan, the Gwynedd Planning Enforcement Policy and national Planning Policies and Guidelines, to consider whether taking enforcement steps would be in the public interest.
- 2.11 Historically it must be noted that enforcement cases involving someone living in a caravan, have been in relation to individual caravans being located on land, rather than living in a caravan within a caravan site.

3. THE PROACTIVE MONITORING WORK 2014/15

- 3.1 Up to 31 August 2015, 15 sites have received planning permission for 12 months' holiday use. In addition to this, there are planning applications currently under consideration to extend the holiday season on two other static caravan sites. Four of the sites with planning permission are located within the Arfon area, and the remaining sites are located within the Dwyfor area. Most of the sites have received planning permission for 12 months' holiday use within the last two years. Although 15 sites have received planning permission for 12 months' use, only five sites have implemented the permission as of yet.
- 3.2 The reasons given by operators of some of the sites for not implementing the 12 months use include:-
- *That most of the sites need to close for a period over the Winter to enable them to undertake maintenance work;*
 - *That the owners of the large caravan sites did not intend to implement the planning permission at this time, but that the option exists for them to do so in the future if they so wish..*
- 3.3 In terms of the sites that have already implemented the 12 months permission, it is believed that acceptable evidence exists on the whole to show that they comply with the requirements of the planning conditions. It is intended to revisit these sites during January / February 2016, during the 6 week period in which they would have been closed prior to receiving the permission for a 12 month season.
- 3.4 Subject to the availability of appropriate staff resources, the aim is to continue to prioritise these sites during the coming years due to the broader advantages of this proactive work. However, it must be emphasised that continuing the proactive monitoring work for the future is completely dependent on sufficient staff resources.

4. ESTABLISHING A BASELINE

- 4.1 The Planning and Environment Service has been closely collaborating with the Council's Public Protection Service and discussions have also been held with the

Snowdonia National Park's Planning Officers. The discussions have mostly been on the work of establishing a baseline for identifying the current planning and licensing situation on Gwynedd's caravan sites.

- 4.2 The planning duties for Gwynedd Council are of course shared, with the National Park having planning duties in the Park's area. In terms of licensing duties the Public Protection Service has responsibility for all of Gwynedd.
- 4.3 It is believed that any work of establishing a baseline needs to be practical and fit for the purpose, given the lack of staff resources that we have for undertaking this work. Taking that into consideration, the aim is that the Planning and Environment Service will complete 'desktop' work to collate all the information regarding caravan sites in the Gwynedd planning authority area, to facilitate the process of responding to enforcement complaints and proactive monitoring work. Following recent discussions, the Park are already undertaking similar ongoing work on the sites in the Park. This will therefore be the baseline not only for planning but also for licensing, as it will facilitate the process of checking licences against the relevant planning permission. In the long run, it is considered that establishing the baseline will positively contribute towards planning and prioritising the proactive monitoring work for the future. For the Gwynedd planning authority area, it is intended to complete this work in terms of planning within 12 months, depending on staff resources.

5. FURTHER WORK

- 5.1 An intention of the Planning and Environment Service, as well as the Public Protection Service, is to establish more formal arrangements for dealing with matters involving caravan sites, and collaborate when it is appropriate to do so.
- 5.2 Further to this, the Planning and Environment Service has been in discussions with the Council's Finance Department, in terms of information about caravans that are taxed as permanent living accommodation. The aim of the Service will be to examine this information over the next months to see if there are any cases of breaching planning control. It is necessary to remember that there are cases where there is permission for a manager / warden to live in a caravan on-site, as well as cases where there is a certificate of lawful use for residential use. Therefore, the fact that a caravan is taxed for residential use does not necessarily mean that there is a case of breaching planning regulations.

6. CONCLUSIONS

- 6.1 With the reactive enforcement work, the proactive monitoring work that includes monitoring sites with 12 month holiday seasons, the work of establishing a baseline and the further work, it is believed that this is appropriate and proportionate to what is necessary for the work in this specific field. The cuts that are on the horizon must also be kept in mind, and therefore there is a possibility that it may not be possible to undertake the proactive monitoring work for the future.