

APPLICATION FOR VARIATION OF CARAVAN SITE LICENCE FOR 'COTTAGE PARK CARAVAN PARK LEDBURY ROAD, ROSS – ON - WYE HR9 7BD' - CARAVAN SITES AND CONTROL OF DEVELOPMENT ACT 1950

Report By: Head of Environmental Health and Trading Standards

Wards Affected:

Ross-on-Wye

1. Purpose

To consider an application for a variation against the standard licensing condition relating to open porches and separation space, to allow a caravan on Plot 23 at Cottage Park, Ledbury Road, Ross-on-Wye to have a closed porch and to reduce the permitted separation space from 6 metres to 5.65 metres.

Background Information

2. Under Section 5(1) of the Caravan sites and Control of development Act 1960 Act the local authority has the power to issue caravan site licences with conditions the authority thinks necessary or desirable in the interests of the persons dwelling thereon in caravans or of any other class of person or of the public at large but with out prejudice to the generality of the forgoing, a site licence subject to conditions:-
- a) for restricting the occasions on which caravans are stationed on the land for the purpose of human habitation, or the total number of caravans which are so stationed at any one time.
 - b) For controlling (whether by reference to their size, the state of the state of their repair or, subject to the provisions of subsection (2) of this section any other feature) the types of caravan which are stationed on the land;
 - c) For regulating the positions in which caravans are stationed on the land for the purposes of human habitation and for prohibiting, restricting, or otherwise stationed, of structures and vehicles of any description whatsoever and of tents;
 - d) For securing the taking of any steps for preserving or enhancing the amenity of the land, including the planting and replanting thereof with trees and bushes;
 - e) For securing that adequate sanitary facilities, and other facilities, services or equipment as may be specified, are provided for the use of persons dwelling on the land in caravans and that, all times when caravans are stationed on the land in caravans and that, at all times when caravans stationed thereon for the purposes of human habitation, any facilities and equipment so provided are properly maintained.

Section 5(2) No condition shall be attached to a site licence controlling the types of caravans which are stationed on the land by reference to the materials used in their construction.

3. In October 2003 the Regulatory reviewed and agreed the current standard caravan site licence conditions.
4. Victoria Woodland Environmental Health Officer has visited the site and wrote to the site owners Mr and Mrs Smith on 24 March 2005 advising them that the porch on caravan no 23 has to be of an open type in accordance with the standard conditions. This letter resulted in Mr and Mrs Smith applying for the variation to the standard conditions.
5. On 14th September 2006 Fred Spriggs Licensing Officer attended the location where is the presence of Mr & Mrs Smith he measured the separation distance between the two units which was 5.65 metres and the separation space between the porch and the adjoining caravan was 4.75 metres.
6. This matter was listed for hearing before the Regulatory Committee on 31st October and was deferred for further discussion with the Fire Authority as it was unclear whether 'The Regulatory Reform (Fire Safety) Order 2005' applied to the site.
7. It has now been decided that it does not and therefore the standard conditions will apply. The solicitor at the hearing will provide the reasoning leading to this decision.

Variation Licence Application

8. The variation application is applying to allow an enclosed porch to remain at Plot 23 Cottage Park, Ledbury Road, Ross On Wye and for the separation space between Unit 23 & 24 to remain at 5.65 metres.

Current Licence

9. Condition 2.1 of the conditions states:
Subject to the following variations, every caravan should be not less than 6 metres from any other caravan, which are preoccupied separately and not less than 2 metres from a road. The point of measurement for porches, an awning etc is the exterior cladding of the caravan.
10. Condition 2.2 of the conditions states:
Porches may protrude 1 metre into the 6 metres and should be of the open type.

Summary of Representations

11. The Fire Authority have been consulted and have made the following comment: -
'There is no absolute answer to this - as always it is a matter of increase or decrease in likelihood of risk. I believe that the general condition of 6m

distance and open porches only being allowed to encroach on this distance is reasonable. A distance of 4.75m between a closed porch and the next caravan would present more risk of potential fire-spread by radiant heat and should therefore be avoided if practicable.'

12. Environmental Health have been consulted and providing further conditions listed in the report are added to the licence they have no objection to the variation in this case. The report is attached in the background papers.
13. The next-door neighbour at 24 Cottage Park has been consulted and has made comment in respect of the application. A copy is shown within the background papers.
14. Further comment has been received from Mr Perks, 23 Cottage Park, who has also included a set of photographs. These are again located within the background papers.

Options: -

15. It is for the committee to decide: -
 - a) to grant the variation
 - b) to grant the variation with conditions they think fit
 - c) to reject the variation application
 - d) to come to some other conclusion.

Background Papers

Appendix 1 Application to vary.

Appendix 2 Letter dated 24 March 2005 to Mr & Mrs Smith from Victoria Woodland.

Appendix 3 Letter dated 23rd March 2006 to Mr & Mrs Smith from Victoria Woodland

Appendix 4 Representation from Environmental Health.

Appendix 5 Fire Officers Comments

Appendix 6 Cottage park licence and Standard licence Conditions.

Appendix 7 Photograph of porch and distance between units.

Appendix 8 Letter to Licensing Authority from Mrs Haile, 24 Cottage Park.

Appendix 9 Letter from Mr Perks, 23 Cottage Park.