

<b>Agenda item</b>	<b>7.1</b>
<b>Report no</b>	<b>HLC/041/23</b>

**THE HIGHLAND COUNCIL**

**Committee:** THE HIGHLAND LICENSING COMMITTEE

**Date:** 20 June 2023

**Report title:** Application for the grant of a caravan site licence – Forest Glen Holiday Park, Dalcataig Road, Invermoriston, Inverness-shire, IV63 7YF (Ward 12 – Aird and Loch Ness)

**Report by:** The Principal Solicitor – Regulatory Services

**1. Purpose/Executive summary**

- 1.1** This report relates to the application for the grant of a holiday and touring caravan site licence.

**2. Recommendation**

- 2.1** Members are asked to determine the application in accordance with the Council's hearings procedure.

### **3. Background**

**3.1** The Caravan and Control of Development Act 1960 prohibits the use of land as a caravan site unless the occupier holds a licence issued by the local authority. The number of caravans permitted on the site will be specified in the licence along with specific conditions designed to provide adequate standards of amenities, facilities for users and to protect their health and safety.

To run a caravan site, applicants:

- Must be entitled to use the land as a caravan site and obtain the necessary planning permission.
- Must not have had a site licence revoked within 3 years of the current application.

There are some limited exceptions where a licence is not required:

- A caravan sited with the curtilage of a dwelling and its use is incidental to the dwelling. This means it cannot be occupied separately.
- A single caravan sited for not more than two consecutive nights for a maximum of 28 days in any 12 months.
- Up to three caravans on a site of not less than five acres for a maximum of 28 days in any 12 months.
- Sites occupied by exempted organisations such as the Caravan Club.
- Sites of up to 5 caravans certified by an exempt organisation and which are for members only.
- Sites occupied by the local authority. These are usually traveller sites.
- Sites for temporary and special purposes such as caravan rallies, agricultural and forestry workers, building and engineering sites and travelling salesmen.

**3.2** There is also a separate licensing scheme for sites licensed for year round occupation, including sites with residential mobile homes compared with touring, holiday and sites not licensed for year round occupation.

**3.3** Forest Glen Holiday Park has operated since the 1950s and has several chalets and, more recently, put gravel bases in to use part of the site for touring caravans.

**3.4** Mr and Mrs Gregory state they originally submitted an application for a caravan site licence on 8 September 2021 but the Council's Environmental Health Service have no record of receiving this application. The Council's Environmental Health Service have also confirmed that there is no previous history of the site being used as a caravan site.

**3.5** Mrs Gregory enquired on 12 July 2022 if they could use the site as a Motor Home Stopover "Airigh" site rather than a caravan site. As there was a temporary relaxation of planning controls until September 2022 under Covid legislation, the site didn't need planning permission for an "Airigh". A temporary caravan site licence was, therefore, granted for use of motor homes until 30 September 2022.

### **4. Application**

**4.1** The Council's Environmental Health Service received an application from Mr and Mrs Gregory for 14 holiday and 20 touring caravans for Forest Glen Holiday Park on 31 May 2022.

**4.2** Following receipt of the application a copy of the same was circulated to the following Agencies/Services for consultation:

- Planning Service
- Building Standards Service
- The Scottish Fire and Rescue Service
- Local Members via the Ward Manager Mr Charles Stephens

**4.3** There was no objections from the Services, apart from the Planning who confirmed the following:

- The applicant requires to apply for permission for the stationing of camper vans
- The original 1976 planning permission (for a change use to a house) shows the existing chalets and not any other use such as pitches for touring caravans. As result, the proposed use would require a separate planning permission.

**4.4** The applicant disputes the fact that a further planning permission is required and believes there is a deemed consent for Forest Glen Holiday Park. It has been confirmed to the applicant that this is not the case.

**4.5** As a consequence, the Environmental Health Service asked Legal Services for advice. On 15 November 2022, the Principal Solicitor – Regulatory Services wrote to the applicant setting out the requirements for obtaining a licence and clarification on the misapprehension that no further permission was required. There has been various correspondence between the parties since this date but with no positive outcome. At the time of writing this report, the applicant has not applied for planning permission for the siting of holiday and touring caravans at the site.

## **5. Determining issues**

**5.1** Section 1 of the Caravan Sites and Control of Development Act 1960 states that subject to the provision of this Part of the Act, no occupier of land shall “cause or permit any part of the land to be used as a caravan site unless he is the holder of a site licence”.

**5.2** Section 3(3) of the Caravan Sites and Control of Development Act 1960 states that “a local authority may on application under this section issue a site licence in respect of the land if, and only if, the applicant is, at the time when the site licence is issued, entitled to the benefit of a permission for use of the land as a caravan site granted under Part III of the Act of 1947, otherwise by a development order”.

**5.3** The time limits for issuing such a licence are subject to the applicant having such planning permission in place.

**5.4** If required the Principal Solicitor – Regulatory Services will offer particular advice on the criteria relating to this particular application.

**5.5** A copy of this report has been sent to the applicant, the Council’s Environmental Health Service and Planning department who have all been invited to attend and will be provided with an opportunity to be heard by the Committee. They have also been advised of the procedure which will be followed at the meeting.

## **6. Implications**

**6.1** Not applicable.

Date: 12 May 2023  
Author: Claire McArthur

Background Papers:  
The Caravan and Control of Development Act 1960