



NYMNPA

10/05/2023

Application for
Certificate of Lawfulness of Proposed Use or
Development

Supporting Statement

Haggit Howe Caravan Site, Saltwick, Whitby,
North Yorkshire YO22 4JY

Applicant: Ms L Trotter

PREPARED BY
ROBERT C BARRS BSc (Hons) MRICS
DIRECTOR BARRS & CO CHARTERED SURVEYORS

DATED May 2023

1 Background to this Application

- 1.1 Haggit Howe Caravan Site, Saltwick, near Whitby YO22 4JY, is a small holiday static caravan park providing pitches for 6 caravans. The site has been in existence since at least 1960 to site 6 holiday static caravans with a March to October occupancy period.
- 1.2 There is extensive photographic evidence and witness statements proving the existence of the site from the 1960's up to current day and these are provided in support of this application.
- 1.3 In 2017 the previous owner fell ill, was unable to operate the site and the caravans were gradually removed. This temporary cessation of use was merely the result of the retiring owner being unable to continue to run the site until the new operator was to take over the running of the site. In 2019 the current owner Ms L Trotter, the applicant, purchased the site and the adjoining dwelling.
- 1.4 The applicant's family have owned and run the neighbouring caravan park, known as Highgate Howe Holiday Home Park for many decades and know Haggit Howe Caravan Site well. Upon purchasing the site it was always the applicant's intention to reinstate holiday static caravans on the land. Unfortunately the applicant was mistakenly informed by NYNP immediately after the purchase that she was unable to do this without making a new planning application.
- 1.5 The site is currently Licensed by Scarborough BC to be used as a seasonal holiday static caravan site for 6 caravans. The current Licence is in the name of Ms Trotter and this was transferred from the previous owner by Scarborough BC in October 2020. From our research the earliest Licence available from the archives at Scarborough BC is a site Licence dated 1980 for permanent use of the site for 6 holiday static caravan with a March to October season and there is a further Site Licence also issued by Scarborough BC in 2013.
- 1.6 We assume that in 1980, 2013 and 2020 Scarborough BC acted lawfully in issuing a Site Licence and to do so they must have had proof that the site had actual or deemed planning permission in order to legally issue these Licences.
- 1.7 Comparing the Site Licence and planning history which other sites in the immediate vicinity we conclude that the original planning consents were issued by Whitby Rural District Council and that details of these consents have been lost under Local Government reorganisation. However planning must have existed, either by virtue of an actual planning consent or a deemed planning consent under S13 of the Caravan Sites and Control of Development 1960 Act in order for all the caravan sites in that area to be fully licensed.

- 1.8 S13 Caravan Sites and Control of Development Act 1960 (Original Act) provided that a site without planning permission could apply for a Site Licence, where upon the Local Authority would either give planning permission specifically or if they failed to do this but issued the Site Licence the site would be deemed to have planning permission by virtue of the new Site Licence. This deemed permission applied to many caravan parks developed in the 1950's and early 1960's.

2 Application for CLPUD

- 2.1 This application is for a CLPUD for the proposed use of the land to site 6 holiday static caravans with an occupation between March and October. The proposed use is lawful on the following grounds:

Site Licence/Planning History

- 2.2. The evidence of an established Site Licence history dating back until at least 1980 indicates that the site benefits from full and permanent planning consent as a Site Licence cannot legally be issued without planning consent being in place. As result the current and the previous Site Licences prove that planning must have existed otherwise the Council would have acted unlawfully in the issue of these licences. As discussed at 1.8 above planning could be by an historic deemed consent under S13 of the Caravan Sites and Control of Development Act 1960 if an actual consent was never issued.

- 2.3. The planning permission was not temporary and it is noted from paragraph 1 of the 1980 Site Licence that SBC felt that the consent was permanent as they have typed 'not applicable' in the section that would be completed for temporary use planning consents.

Use of Land as a Caravan Site

- 2.4. The Caravan site at Haggit Howe has existed for many decades, we refer to the extensive evidence outlined at section 4 below and which accompanies this application. This indicates that the use was not temporary and further there is no history of any enforcement action being taken in relation to the siting of caravans on the site at any time.
- 2.5. Planning consent for a caravan park allows for pitches for the stationing of caravans and whilst the caravans have been temporarily removed from the site the pitches remain, they have not been redeveloped for any other purpose. Accordingly the proposed reinstatement of the caravans and use of the land as a caravan site is not unlawful.

Ocado Case 2021 - High Court

- 2.6 In the recent case of Ocado Retail Ltd v London Borough of Islington Rev1 2021, it was clearly established that a lawful planning right which had accrued upon the expiry of a time limit in section 171B of the TCPA 1990 is not lost merely because subsequently that right is not exercised for a period of time. The judgement examines in detail the principle that S171B lays down the time limits for taking enforcement action in respect of a breach of planning control, after which no such action may be taken in respect of that breach.
- 2.7 The High Court stated (para 135) ‘ once the relevant time limiting S171B expires the question of whether the authority would be able to take enforcement action is completely irrelevant. The taking of enforcement action is prohibited by the legislation itself and not by any principle that such action cannot be taken when a breach has ceased. The continuity principle is defunct so far as the former breach of planning control is concerned. There is therefore no reason why this judicial principle should govern the entitlement to enjoy the right which has accrued. Once the immunity period for a breach of planning control is satisfied, it is the time bar in S171B which prevents any enforcement action being taken thereafter, irrespective of whether what was formerly a breach of planning control continues.’
- 2.8. In relation to the siting of caravans at Haggitt Howe the LPA never took enforcement action within the first 10 years of the land being used to site caravans and thus the use became legal at the end of that initial 10 year period. The fact the use then continued for decades longer or that the caravans were cleared prior to the sale is irrelevant as S171B prevents enforcement action irrespective of whether the caravan use continues.

3 Addressing the Concerns of the LPA

- 3.1 In correspondence with the LPA they have raised the following concerns which we address in turn.

Period of Non Use/Abandonment

- 3.2 When planning consent for a caravan site is obtained the permission is for the use of land for the siting of caravans. The temporary removal of the caravans upon the site does not give rise to the cessation of the use of the land which is the principle planning use. Caravans are chattels for planning purposes unlike buildings. Planning permission is for pitches to be used for the stationing of caravans. The caravans could have been moved and replaced at any time as is the case on any working caravan park and whilst the caravans were removed the pitches remained in situ, i.e they were not redeveloped for any other purpose. The infrastructure of a caravan site also remains in situ i.e the water supply, septic tank and grass pitches remain. Further the Site Licence necessary to operate the site has continued to run with the park being transferred to Ms Trotter.

- 3.3 When the executors for previous owners decided to sell the caravan site the caravans were removed. The property was marketed during 2018 and Ms Trotter purchased the caravan site and the adjoining property known as Brook House Barn in 2019. Ms Trotter intended to run the caravan from the start of the next season i.e. March 2020, however due to COVID19 restrictions this was impossible and it was not until October 2020 that Ms Trotter made enquiries of the LPA and the Licensing Department with a view to reopening the park at the start of the following season, March 2021. The initial period of non use was only to be from the time of the marketing of the caravan park to the start of the season following the sale. The period was extended by COVID19 restrictions and the LPA's direct instructions not to site caravans, given in October 2020.
- 3.4 It is not unusual for caravans to be removed from a working caravan site during a period of transition or redevelopment, however this is not considered a period of non-use.
- 3.5 The matter of non-use is however not a relevant consideration following the Judgement given in Ocado Retail Ltd v London Borough of Islington referred to above.

Change in Planning Unit

- 3.6 There has not been a change in the planning unit as a result of the 2019 sale of the site. We have walked the site and it is clear that there are a number of separate planning units in the area and has been for many years. It may be that in the 1950's it could be argued that Brook House Farm was a single planning unit but over the decades the situation has changed and different planning units created which are physically separate, with substantial and different unrelated uses. These include:
1. Haggitt Howe Caravan Site - A licensed caravan site in operation since 1960's with its own access, services and infrastructure. Site licence history showing defined site area and boundary. A separate hereditament in the VOA rating list dating back to the 1970's.
 2. Brook House Barn - Substantial detached dwelling approved in 1990 with separate access and services. Separate planning history.
 3. Haggitt Howe Cottage with approximately 10 acres of farmland - Separate access and services and has been in separate private ownership (Koll and Mills) for over 30 years.
 4. Brook House Farm House - Approximately 200m east of Haggitt Howe Caravan Site, physically separate property with defined boundary. Separate planning history.

- 3.7 There are three tests to determine what is a planning unit, as established in the Burdle (1972) case:
- 3.8 First test: Ancillary Use - Whole unit of occupation
Relates to a small use that is ancillary to the main use e.g. a small office within a large retail store. This does not apply to this case as the caravan site is a separate business, different land use with separate access and permanent defined boundary.
- 3.9 Second test: Composite Use - Whole unit of occupation
Relates to a mix of uses over a whole site that can change at various times. This is not the case as the caravan site was clearly its own entity and allocated area. Again this is evidenced by the Site Licence and accompanying plan and the fact that the caravan site was classed as a single hereditament for the purposes of Business Rates.
- 3.10 Third Test: Separate planning units
Relates to parts that are physically separate with separate uses in distinct areas, used for different purposes that create separate planning units. The caravan site has for decades been a separate distinct area, used for a different purpose and meets the criteria of this third test. We refer to our comments at 3.6 above.
- 3.11 The caravan site has been a separate planning unit for many decades and the sale of the caravan site in 2019 made no change to the planning unit.

Material change of use to bare grassland

- 3.12 The caravan site has always been grassed, there have never been hardstanding pitches. Accordingly there has been no change to bare grassland. Ms Trotter has continued to maintain the site as a caravan park for siting caravans. There has been no intervening use. The site still has the water supply and septic tank for sewerage treatment and Ms Trotter and would be capable of siting holiday static caravans immediately.
- 3.13 The matter of material change of use is however not a relevant consideration following the Judgement given in Ocado Retail Ltd v London Borough of Islington as we refer to above.

4 Evidence

- 4.1 The evidence listed below which accompanies this application provides proof of the existence of a caravan park at Haggit Howe over many decades.
- 4.2 Site Licences:
- a. Site Licence No 12 dated 1st February 1980
 - b. Site Licence No 37 dated 3rd July 2013
 - c. Site Licence No 37 dated 8th October 2020

- 4.3 Photographs:
- a. General photographs of Haggit Howe Caravan Site taken 2016.
 - b. Photograph of Haggit Howe dated 27 October 2016.
 - c. Aerial photograph of Highgate Howe Holiday Home Park taken in 2009 which also shows Haggit Howe Caravan Site with 6 caravans sited.
 - d. Photograph of Haggit Howe with Queen Mary 1 Ship dated 21/10/2009
 - e. Aerial photograph of Highgate Howe Holiday Home Park taken in May 2002 which also shows Haggit Howe Caravan Site with 6 caravans sited.
- 4.4 Statements:
- a. Statement by Mr D A Trotter, neighbour.
 - b. Statement by Ms L Trotter (the applicant), neighbour.
 - c. Statement by Mr M Atkinson, employee of previous owner, with photograph.
 - d. Statement by Mr D Robinson, holiday maker, with photographs.
 - e. Statement by M J Gray, local resident with photograph.
 - f. Statement by Mrs A Roe, local resident
 - g. Statement by D J Stevenson, former local resident.
- 4.5 Other Evidence
- a. VOA Business Rates List record for the 2010 to 2017 Rating List
 - b. Business Rates Bill from Scarborough Borough Council Haggit Howe Caravan Park 2017/18. The 2000 and 2005 Rating Lists are not in the public domain but will also show the site listed.

5 Conclusion

- 5.1 Haggit Howe Caravan Site has been an operating caravan park since the 1960's. It is most likely that the original planning consents were issued by Whitby Rural District Council and that details of these consents have been lost under Local Government reorganisation, or that planning consent was deemed by virtue of the issue of a Site Licence under S13 of the Caravan Sites and Control of Development Act 1960.
- 5.2 Haggit Howe has operated under Caravan Park Site Licences issued by Scarborough BC and to accompany this application we have provided Site Licences going back to 1980.
- 5.3 We have provided statements showing the caravan park was used for the siting of 6 holiday static caravans from the 1960's up to 2017. There was never any enforcement action taken against the park and there was never any intention to abandon the use of the land for the siting of caravans.

- 5.4 The Ocado case referred to above clearly establishes that section 171B of the TCPA 1990 lays down the time limits for taking enforcement action in respect of a breach of planning control, after which time if no enforcement action has been commenced no enforcement action may be taken in respect of that breach.
- 5.5 In view of the above the position is either:
- a. Planning permission for 6 pitches for the stationing of holiday static caravans at Haggit Howe was given historically which is extant, hence the issue of Site Licences, or
 - b. The holiday static caravans at Haggit Howe were sited in breach of planning control, but as they have been in place for decades and no enforcement action was ever taken within the time limit outlined in the TCPA 1990 then no enforcement action can be taken now.
- 4.6 In either of the above situations the use of land at Haggit Howe for the stationing of 6 holiday static caravans is lawful and the LPA should now issue a CLPUD.

Supporting Statement
Prepared By

Robert C Barrs MRICS BSC
Director Barrs & Co Ltd
www.barrsandco.com

NYMNP

10/05/2023

Aerial photograph 2009



NYMNP

10/05/2023



2002

NYMNPA

10/05/2023



CARAVAN SITES AND CONTROL OF DEVELOPMENT ACT, 1960LICENCE FOR CARAVAN SITE

The SCARBOROUGH BOROUGH COUNCIL (hereinafter called "the Council") under and for the purpose of Part I of the Caravan Sites and Control of Development Act 1960 hereby license _____ (name) of

Mr B G Dixon

_____ (address)

Brook House, Saltwick, Whitby

(hereinafter referred to as "the Licensee") being the occupier of the land situate at

Haggett Howe, Saltwick, Whitby

defined edged red on the plan attached to this licence and known as

Haggett Howe, Saltwick, Whitby

(hereinafter referred to as "the Caravan Site") to be used as a Caravan Site as defined in the said Act subject to the following conditions:-

1. Date of Expiry

This licence shall expire on not applicable (date) and the use of the land as a Caravan Site shall cease and the caravans shall be removed on that date unless the Licensee has obtained planning permission for extension of the use of the land as a Caravan Site after that date and a renewal of this licence permitting such extended use.

2. Period of Use

No caravan on the Caravan Site shall be used for human habitation other than during the period _____ in any year.
1st March to 31st October

3. Number of Caravans

Not more than 6 (six) caravans shall be stationed on the Caravan Site at any one time.

4. Type and Condition of Caravans

The only caravans to be stationed on the Caravan Site shall be purpose-built trailer or self-propelled caravans not converted from a motor vehicle or structure originally designed for some other purpose. The Licensee shall ensure that each caravan on the caravan site is maintained in a clean condition and in a good state of repair and decoration.

5. Density and Space between Caravans

Every caravan shall be not less than 6 metres (20 feet) from any other caravan in a separate occupation and not less than 3 metres (10 feet) from a carriage-way.

6. Roads and Footpaths

The Licensee shall provide and maintain in good repair roads having a hard and well-maintained surface so that no caravan or toilet block is more than 45 metres (150 feet) from a road. Each toilet block shall be connected to a road by a footpath with a hard surface maintained in good repair. Roads shall be not less than 4 metres (13 feet) wide or, if they form part of a one-way system 2.75 metres (9 feet) wide. Footpaths shall not be less than 0.75 metres (2 feet 6 inches) wide.

7. Hard Standings

Every caravan shall stand on a hard standing of impervious material which shall extend over the whole area occupied by the caravan placed upon it and shall project not less than one metre (3 feet) outwards from each entrance to the caravan unless the caravans are removed from the Caravan Site during the period in which the site may not be used as a Caravan Site under condition no. 2 of this licence.

8. Fire Precautions

(a) Fire Points

The Licensee shall provide fire points in positions to be approved by the Council for the purpose of this licence and so that no caravan or site-building is more than 30 metres (100 feet) from a fire point. Such fire points shall be easily accessible and clearly and conspicuously marked "FIRE POINT".

(b) Fire Fighting Equipment

Where water standpipes are provided and there is a water supply of sufficient pressure and flow to project a jet of water approximately 5 metres (16 feet 6 inches) from the nozzle, such water standpipes shall be situated at each fire point together with a reel of small diameter hose of not less than 30 metres (100 feet) in length, having a screw thread means of connection to a water standpipe and terminating in a small hand control nozzle. Hoses shall be housed in a box painted red and marked "HOSE REEL".

Where standpipes are not provided or the water pressure or flow is not sufficient, each fire point shall be provided with either water extinguishers (2 x 9 litre) or a water tank of at least 500 litres capacity fitted with a hinged cover, 2 buckets and 1 hand pump or bucket pump.

(c) Fire Warning

A means of raising the alarm in the event of a fire shall be provided at each fire point.

(d) Maintenance

All alarm and fire fighting equipment shall be maintained in working order and available for inspection by or on behalf of the licensing Authority. All equipment susceptible to damage by frost shall be suitably protected.

(e) Fire Notices

A clearly written and conspicuous notice shall be provided and maintained at each fire point to indicate the action to be taken in case of fire and the location of the nearest telephone. This notice shall include the following:-

"On discovering a fire

- (i) ensure the caravan or site building involved is evacuated;
- (ii) raise the alarm;
- (iii) call the fire brigade (the nearest telephone is sited at _____);

(iv) attack the fire using the fire fighting equipment provided.

8. Fire Precautions Cont.

(e) Fire Notices Cont.

It is in the interest of all occupiers of this site to be familiar with the above routine and the method of operating the fire alarms and fire fighting equipment."

(f) Fire Hazards

Long grass and vegetation shall be cut at frequent and regular intervals to prevent it becoming a fire hazard. Any such cuttings shall be removed from the vicinity of caravans. Adequate and safe provision shall be made for the storage of liquefied petroleum gas and regard shall be had to the Health and Safety Executive Code of Practice for the keeping of Liquefied Petroleum Gas in Cylinders and similar Containers.

9. Electrical Installations

The Licensee shall provide an electricity supply sufficient in all respects to meet all reasonable demands of the electrical installations on the site.

Such electrical installation other than Electricity Board works and circuits subject to regulations made by the Secretary of State for Energy, under Section 60 of the Electricity Act 1947, shall be installed and maintained in accordance with the requirements of the Institution of Electrical Engineers Regulations for the Electrical Equipment of Buildings (the IEE Wiring Regulations) for the time being in force, and where appropriate to the standard which would be acceptable for the purposes of the Electricity (Overhead Lines) Regulations 1970, SI 1970 No. 1355.

The Licensee shall ensure that such electrical installation is inspected not less than once in every 12 months (in the case of underground installations 3 years) by a person who shall be one of the following:-

- A professionally qualified electrical engineer;
- A member of the Electrical Contractors' Association;
- A member of the Electrical Contractors' Association of Scotland;
- A certificate holder of the National Inspection Council for Electrical Installation Contracting; or
- A qualified person acting on behalf of one of these (in which case it should be stated for whom he is acting).

The frequency of inspection specified above may be reduced to such longer period as may be recommended by one of the foregoing persons.

The Licensee shall make arrangements to obtain from such person within 1 month of such an inspection an inspection certificate in the form prescribed in the IEE Wiring Regulations to be retained by the site operator and displayed with the site licence. The cost of the inspection and report shall be met by the site operator.

10. Water Supply

A water supply of adequate quantity and quality shall be readily accessible at all times on or adjacent to the site for use by the occupants of the caravans.

11. Drainage and Sewage Disposal

The Licensee shall make adequate arrangements to be approved by the Council for the foul and surface water drainage of the caravans and site and for the disposal of foul sewage; and, where chemical closets are provided, a properly

11. Drainage and Sewage Disposal Cont.

designed disposal point for the contents of chemical closets be provided having an adequate supply of water for the cleaning of containers.

12. Sanitary and Washing Facilities

Sanitary conveniences in proper working order and easily accessible shall be available at all times for use by the occupants of the caravans, comprising, at least, either:-

- (i) one W.C. and one wash basin for females and one W.C. and one wash basin for males, or
- (ii) two chemical closets and one wash basin for females and two chemical closets and one wash basin for males.

13. Refuse Storage and Disposal

The Licensee shall provide at every caravan standing a suitable refuse bin and arrangements shall be made for the bins to be emptied regularly. Where the Borough Council undertakes collection of refuse arising at the Caravan Site, the Licensee shall be responsible for bringing all receptacles to a central point on the Caravan Site for emptying by the Council at such times as the Council collect refuse from the Caravan Site and, where a bulk refuse container is provided by the Council at the Caravan Site, for emptying the receptacles into the bulk refuse container.

14. Car Parking

Where the site layout permits parking of vehicles next to caravans to be allowed, there must be at least 3 metres (10 feet) of clear space between any two cars and any car and any caravan in separate occupation.

15. Site to be kept Clean and Tidy and Grass Cut

The Licensee shall see that all roads, footpaths, hardstandings, toilet blocks, laundries, cisterns, basins, sinks, gullies and drains are kept clean and in good order. The Licensee shall keep all parts of the Caravan Site and hedges, ditches and shrubberies thereon or abutting thereon in a clean and tidy condition and free from foul water and any offensive matter and waste or unwanted materials. The Licensee shall keep all grassed areas of the Caravan Site adequately cut and in a neat and tidy condition. The Licensee shall ensure that spaces under caravans are kept clear and unobstructed and that all parts of the Caravan Site are kept in such condition as not to harbour refuse or vermin.

16. Use only for Caravans or Specified Purposes

The Licensee shall not:-

- (i) use or allow the Caravan Site to be used for any purposes other than the stationing or storage of caravans except that the land may be used for the grazing of sheep or cattle when none of the caravans on the Caravan Site is used for human habitation;
- (ii) place or erect any structure or building or permit any structure or building to be placed or erected on the Caravan Site (other than a caravan) without the prior approval of the Council for the express purpose of this condition (whether or not such building is approved by the Council under the Building Regulations or any other statutory authority).

17. Landscaping

The Licensee shall, where required by the Council, carry out and maintain landscaping works in accordance with a scheme to be approved by the Council for the purposes of this licence.

18. Good Conduct and Supervision

The Licensee shall make and maintain adequate arrangements for the supervision of the Caravan Site so as to ensure observance of these conditions and the good conduct of the Caravan Site.

19. Display of Licence

A copy of this licence shall be displayed on the Caravan Site in some conspicuous place at all times when caravans are stationed on the Caravan Site for purposes of human habitation.

20. Additional Conditions (if any)

Dated this 1st (first) day of February 19 80 .

Signed *[Signature]*
Director of Environmental Health
and Housing Services.
Authorised Officer.

Brook Square,
Scarborough.

SCARBOROUGH BOROUGH COUNCIL

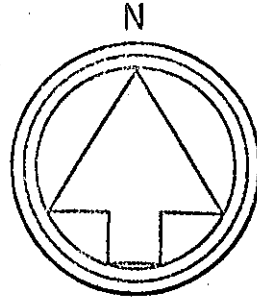
Department of Environmental Health & Housing Services
CARAVAN SITES AND CONTROL OF DEVELOPMENT ACT 1960

This plan is that attached to Caravan Site Licence No. 12

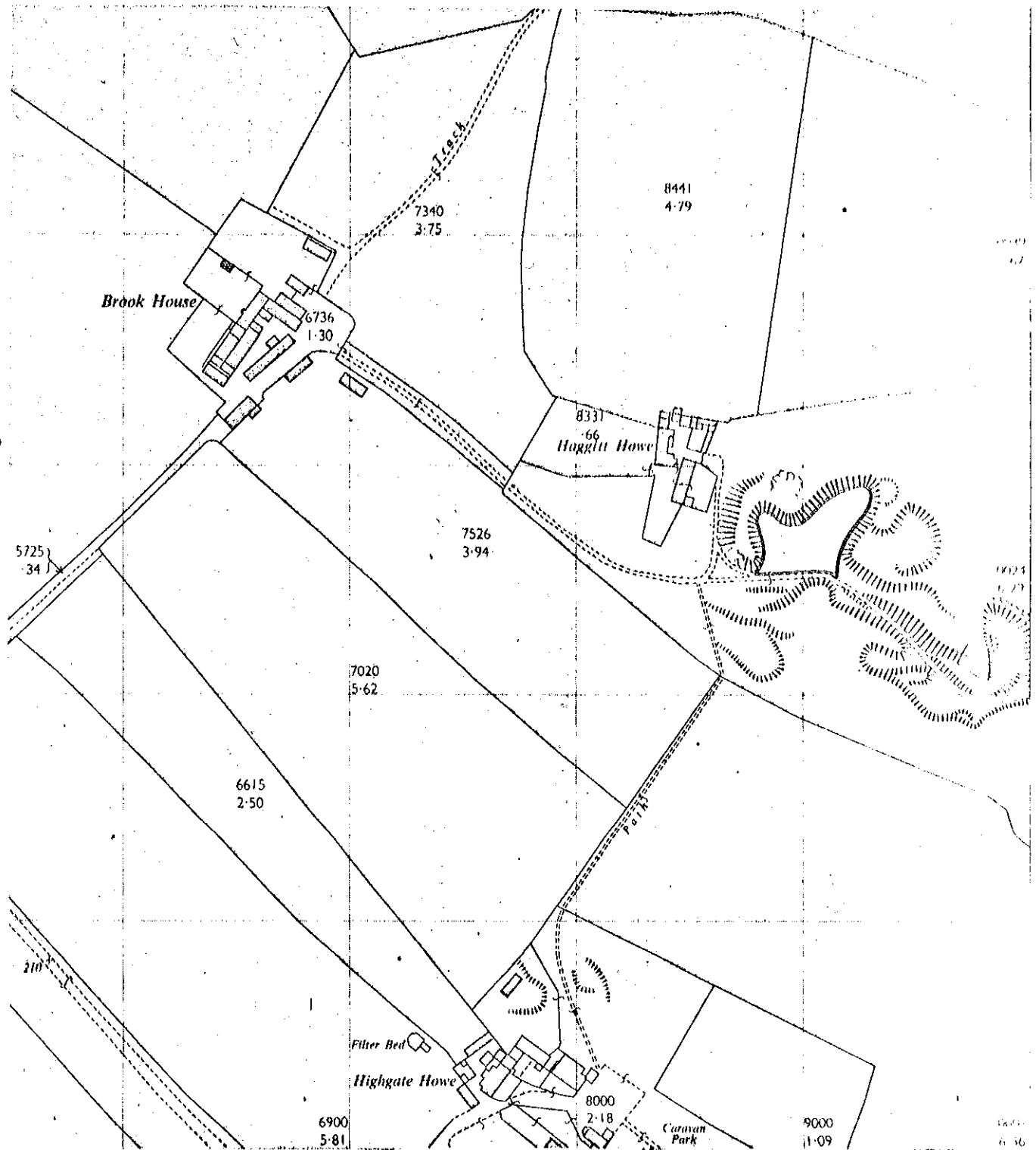
in respect of the caravan site known as Haggett Howe

and situated at Saltwick, Whitby

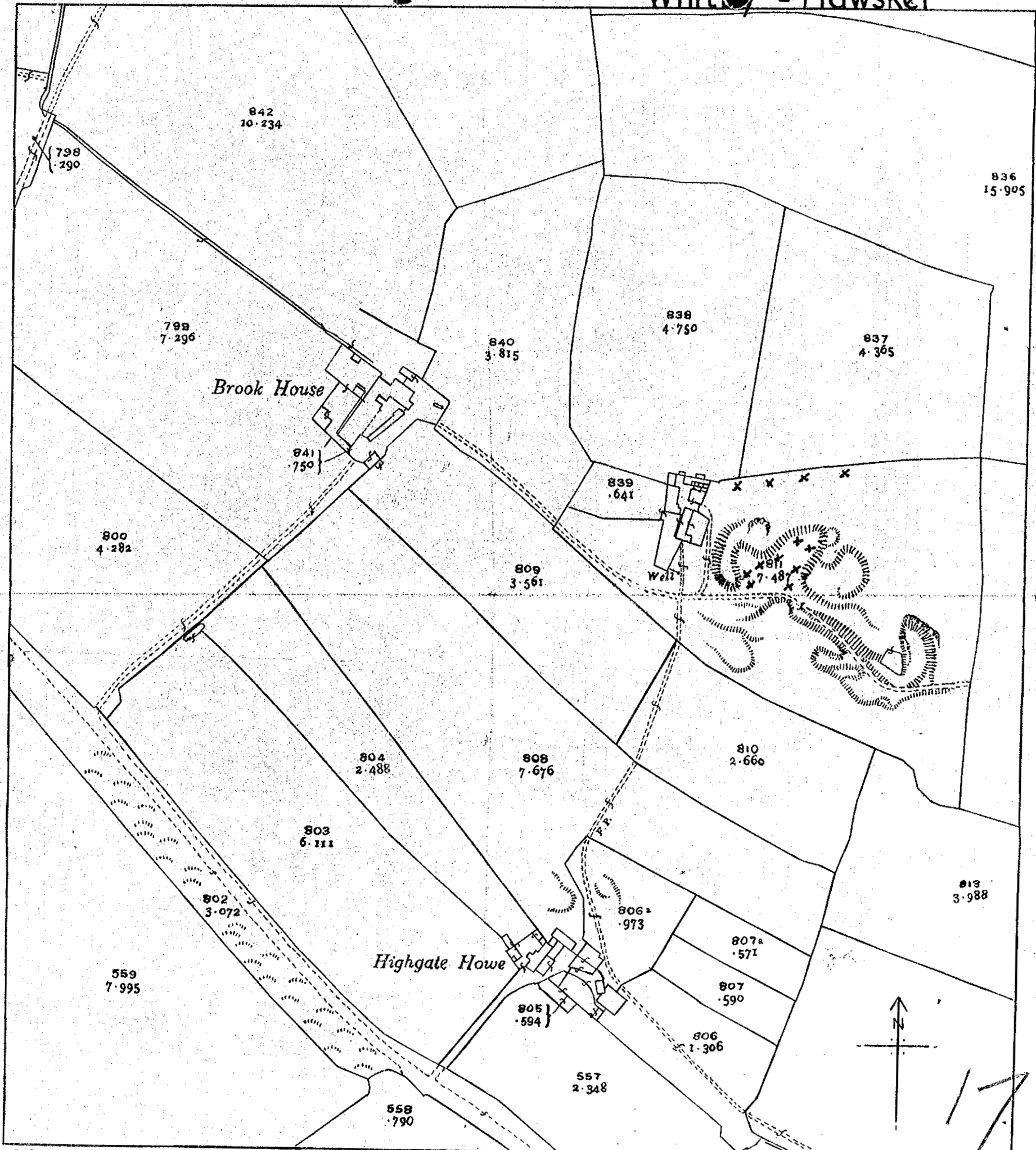
REPRODUCED FROM THE ORDNANCE SURVEY
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SCALE 1/2500



Whitby - Hawsker





NYMNP

10/05/2023

DA, O and LJ Trotter
Highgate Howe Holiday Home Park
Hawsker
Whitby
YO22 4JY

Your Ref:
Our Ref: 20/03300/PSH250

16 October 2020

Dear Sir/Madam

**Caravan Sites and Control of Development Act 1960
Haggit Howe Caravan Site, Haggit Howe Farm, Saltwick, Whitby, YO22 4JX**

I now enclose two amended copies of the site licence. Please note that conditions attached to any previous licence are now revoked, and replaced by the enclosed licence. The licence must be displayed on the caravan site in some conspicuous place at all times when the caravans are stationed on the site for purposes of human habitation.

Should you have any queries or require further advice in connection with this correspondence, please do not hesitate to contact me on the above details.

Yours faithfully

Stephanie Baines

Technical Officer (Residential Regulation Team)
Environmental Health

 stephanie.baines@scarborough.gov.uk
 www.scarborough.gov.uk




SCARBOROUGH BOROUGH COUNCIL

CARAVAN SITES AND CONTROL OF DEVELOPMENT ACT 1960

CARAVAN SITE LICENCE

The SCARBOROUGH BOROUGH COUNCIL (hereinafter called "the Council") under and for the purpose of Part 1 of the Caravan Sites and Control of Development Act 1960 hereby licenses **DA, O and LJ Trotter, of Highgate Howe Holiday Home Park, Hawsker, Whitby, YO22 4JY** (hereinafter referred to as "the Licensees") being the occupier of the land situated at **Haggit Howe Farm, Saltwick, Whitby, YO22 4JX** defined edged red on the plan attached to this licence and known as **Haggit Howe Caravan Site** (hereinafter referred to as "the Caravan Site") to be used as a Caravan Site as defined in the said Act subject to the following conditions.

LICENCE CONDITIONS FOR STATIC CARAVAN AREA

1. Period of Use

No static caravan on the Caravan Site shall be used for human habitation other than during the period of the **1 March – 31 October** in any one year.

2. Number of Caravans

Not more than **SIX (6)** static holiday caravans shall be stationed on the Caravan Site at any one time.

3. Type and Condition of Caravans

The only caravans to be stationed on the Caravan Site shall be purpose-built trailer or self-propelled caravans not converted from a motor vehicle or structure originally designed for some other purpose. The Licensee shall ensure that each caravan on the Caravan Site is maintained in a clean condition and in a good state of repair and decoration.

4. Density

The gross density shall not exceed (60) caravans to a hectare of the useable land upon the site.

5. Roads and Footpaths

The Licensee shall provide and maintain in good repair roads having a hard and well-maintained surface so that no caravan or toilet block is more than 45 metres from a road. Each toilet block shall be connected to a road by a footpath with a hard surface maintained in good repair. Roads shall be not less than 4 metres wide or, if they form part of a one-way system, 2.75 metres wide. Footpaths shall be not less than 0.75 metres wide.

6. Hardstandings

Every caravan shall stand on a hardstanding of impervious material which shall extend over the whole area occupied by the caravan placed upon it and shall project not less than one metre outwards from each entrance to the caravan unless the caravans are removed from the caravan site during the period in which the site may not be used as a Caravan Site under Condition No. 1 of this Licence.

7. Liquefied Petroleum Gas

LPG storage supplied from tanks should comply with Guidance Booklet HSG 34 "The Storage of LPG at Fixed Installations" or where LPG is supplied from cylinders, with Guidance Note CS4 "The Keeping of LPG in Cylinders and Similar Containers" as appropriate (see Guidance Note attached). The Gas Safety (Installation and Use) Regulations 1994 also apply to LPG storage supplied from tanks.

Where there are metered supplies from a common LPG storage tank, then Guidance Note CS11 "The Storage and Use of LPG at Metered Estates" provides further guidance. In this case and where a British Gas Mains Supply is available, then the Gas Safety (Installation and Use) Regulations 1998 and the Pipelines Act 1962 may also be applicable.

Exposed gas bottles or cylinders should not be within the separation boundary of an adjoining unit where there is only the minimum separation distance between the units.

LPG installations should conform to British Standard 5482 "Code of Practice for Domestic Butane and Propane Gas Burning Installations, Part 2 : 1977 Installations in Caravans and Non-permanent Dwellings".

For main gas supply, the 1998 Regulations will be relevant for the installation downstream of any service pipe(s) supplying any primary meter(s) and such service pipes are subject to the Gas Safety Regulations 1972.

In cases where the site owner supplies gas to caravans on the site, he may need an authorisation to do so from OFGAS under the Gas Act 1986.

8. Electrical Installation

The Licensee shall provide an electricity supply sufficient in all respects to meet all reasonable demands of the electrical installations on the site.

Such electrical installations other than Electricity Board works and circuits subject to regulations made by the Secretary of State for Energy, under Section 16 of the Energy Act 1983 and Section 64 of the Electricity Act 1947, shall be installed and maintained in accordance with the requirements of the Institution of Electrical Engineers Regulations for the Electrical Equipment of Buildings (the IEE Wiring Regulations) for the time being in force and, where appropriate, to the standard which would be acceptable for the purposes of the Electricity (Overhead Lines) Regulations 1988, SI 1988 No. 1057.

The Licensee shall ensure that such electrical installation is inspected not less than once in every 12 months (in the case of underground installations 3 years) by a person who shall be one of the following:-

A professionally qualified electrical engineer;

A member of the Electrical Contractors' Association;

A member of the Electrical Contractors' Association of Scotland;

A certificate holder of the National Inspection Council for Electrical Installation Contracting; or

A qualified person acting on behalf of one of these (in which case it should be stated for whom he is acting).

The frequency of inspection specified above may be reduced to such longer period as may be recommended by one of the foregoing persons.

The Licensee shall make arrangements to obtain from such person within 1 month of such an inspection an inspection certificate in the form prescribed in the IEE Wiring Regulations to be retained by the site operator and displayed with the site Licence. The cost of the inspection and report shall be met by the site operator. If inspection reveals that an installation no longer complies with the latest version of the IEE Wiring Regulations then all deficiencies shall be rectified.

9. Water Supply

The Licensee shall provide a water supply of adequate quantity and quality complying with British Standard Code of Practice CP 310 (1952) at water standpipes so that no caravan is situated more than 54 metres from a water standpipe. A trapped gully draining to an adequate drainage system or soakway shall be provided at each water standpipe.

10. Drainage and Sewage Disposal

The Licensee shall:-

- (i) Make satisfactory provision for foul drainage either by connection to a public sewer or by discharge to a properly constructed septic tank, cess pool or other adequate sewage treatment system; and
- (ii) Provide properly designed disposal points for the contents of chemical closets with an adequate supply of water for cleaning containers; and
- (iii) Provide waste water disposal points separate from but adjacent to water standpipes so that no caravan is sited more than 54 metres from a waste water disposal point.
- (iv) Adequate surface water drainage for carriage-ways, footpaths, paved areas and for the site generally shall be provided to the satisfaction of the Council.

11. Sanitary and Washing Facilities

The Licensee shall provide and maintain in positions to be approved by the Council for the purposes of this Licence toilet blocks providing the following accommodation:-

For Males - 1 W.C. and 1 urinal and 1 wash basin per 15 caravans;

For Females - 2 W.C.s and 1 wash basin per 15 caravans;

1 shower or bath for each sex per 20 caravans

Toilet blocks shall be provided with adequate water supplies and wash basins, and baths / showers with a constant supply of hot and cold water or hot water at a suitably controlled temperature.

Toilet blocks shall be so sited and provided that no caravan is more than 95 metres from a toilet block.

12. Individually Serviced Caravans

Where every caravan on the Caravan Site is provided with:-

- (i) A water supply of adequate quantity and quality complying with British Standard Code of Practice CP310 (1952);
- (ii) A wash basin, sink and fixed bath or shower each provided with a constant supply of hot and cold water or hot water at a suitably controlled temperature;
- (iii) A water closet; and
- (iv) Adequate provision, to the satisfaction of the Council, for foul drainage and the disposal of waste water;

then the undermentioned requirements of the conditions attached to this Licence shall not apply:-

- (a) In Condition No. 9, the requirement for water standpipes other than standpipes providing water for fire fighting purposes.
- (b) In Condition No. 10, the requirement for disposal points for chemical closets and waste water.
- (c) Condition No. 11 requiring the provision of communal sanitary and washing facilities.
- (d) Condition No. 13 requiring the provision of communal laundry facilities.

Where some of the caravans on the Caravan Site are not provided with all the facilities listed at (i), (ii), (iii) and (iv) above, then the requirements for communal facilities detailed at (a), (b), (c) and (d) above shall apply pro rata to the total number of such caravans on the Caravan Site.

13. Laundry Facilities

The Licensee shall provide laundry facilities in a separate room on the scale of not less than 1 deep sink with running hot and cold water per 30 caravans.

14. Refuse Storage and Disposal

The Licensee shall provide suitable and sufficient refuse bins and arrangements shall be made for the bins to be emptied regularly. Where the Borough Council undertakes collection of refuse arising at the Caravan Site, the Licensee shall be responsible for bringing all receptacles to a central point on the Caravan Site for emptying by the Council at such times as the Council collect refuse from the Caravan Site and, where a bulk refuse container is provided by the Council at the Caravan Site, for emptying the receptacles into the bulk refuse container.

15. Car Parking etc.

The Licensee shall provide suitable surfaced parking places with space for at least one car for every three caravans. Where the site layout permits, the Licensee may allow parking of vehicles next to caravans. Any door to a caravan or ancillary structure shall not be obstructed by any vehicle so parked.

16. Recreation Space

Space equivalent to one-tenth of the total area of the Caravan Site shall be allocated for children's games and other recreational purposes, in a position or positions to be approved by the Council for the purposes of this Licence.

17. Site to be kept Clean and Tidy and Grass Cut

The Licensee shall see that all roads, footpaths, hardstandings, toilet blocks, laundries, cisterns, basins, sinks, gullies and drains are kept clean and in good order. The Licensee shall keep all parts of the Caravan Site and any hedges, ditches and shrubberies thereon or abutting thereon in a clean and tidy condition and free from foul water and any offensive matter and waste or unwanted materials. The Licensee shall keep all grassed areas of the Caravan Site adequately cut and in a neat and tidy condition. The Licensee shall ensure that spaces under the caravans are kept clean and unobstructed and that all parts of the Caravan Site are kept in such condition as not to harbour refuse or vermin.

18. Use only for Caravans or Specified Purposes

The Licensee shall not:-

- (i) use or allow the Caravan Site to be used for any purpose other than the stationing or storage of caravans except that the land may be used for the grazing of sheep or cattle when none of the caravans on the Caravan Site is used for human habitation.
- (ii) place or erect any structure or building or permit any structure or building to be placed or erected on the Caravan Site (other than a caravan) without prior approval of the Council for the express purpose of this condition

(whether or not such building is approved by the Council under Building Regulations or any other statutory authority).

19. Landscaping

The Licensee shall, where required by the Council, carry out and maintain landscaping works in accordance with a scheme to be approved by the Council for the purposes of this Licence.

20. Good Conduct and Supervision

The Licensee shall make and maintain adequate arrangements for the supervision of the Caravan Site so as to ensure observance of these conditions and the good conduct of the Caravan Site.

21. Telephones

An immediately accessible telephone should be available on the site for calling the emergency services, at all times. A notice by the telephone should include the address of the site.

22. Notices

A copy of this Licence shall be displayed on the Caravan Site in some conspicuous place at all times when the caravans are stationed on the Caravan Site for purposes of human habitation.

Notices and a plan should be displayed on the site setting out the action to be taken in the event of an emergency. They should show where the police, fire brigade, ambulance and local doctors can be contacted and the location of the nearest public telephone. The notices should also give the name and location/telephone number of the site licence holder or his/her accredited representative. At sites subject to flood risk, warning notices should be displayed giving advice about the operation of the flood warning system.

All notices should be suitably protected from the weather and displayed where possible out of the direct rays of the sun, preferably in areas lit by artificial lighting.

Dated: 8th October 2020

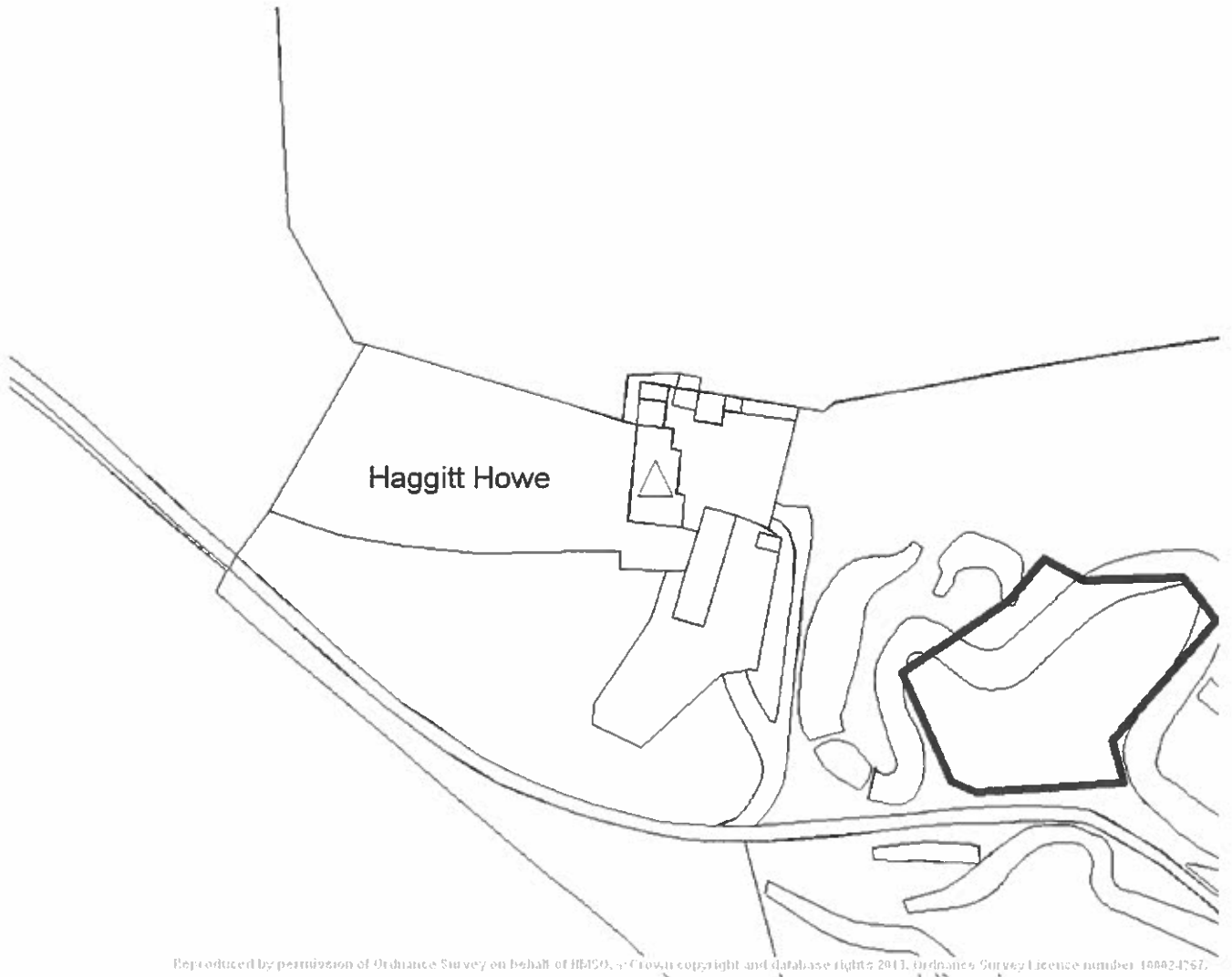
Signed.....
A Head of Environmental Services
(Authorised Officer)

Scarborough Borough Council
Town Hall
St Nicholas Street
Scarborough
YO11 2HG

SCARBOROUGH BOROUGH COUNCIL

CARAVAN SITES AND CONTROL OF DEVELOPMENT ACT 1960

This plan is that attached to Caravan Site Licence Number **037** in respect of land situated at **Haggitt How Farm, Saltwick, Whitby**; and known as **Haggitt Howe Caravan Site**. The red line represents the site boundary.



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