

CONSULTATION PAPER ON REVISING THE MODEL STANDARDS FOR PARK HOMES

1 SUMMARY

- 1.1 The purpose of this report is to agree the Council's response to a consultation paper issued by the Office of the Deputy Prime Minister (ODPM) on proposals to revise the Model Standards for Park Homes.
- 1.2 A copy of the consultation paper has been placed in the Members' Library.

2 INTRODUCTION

- 2.1 Under the Caravan Sites and Control of Development Act 1960 (the 1960 Act) land cannot be used as a caravan site unless a site licence has been issued by the local authority. In deciding what conditions to attach to a site licence a local authority must have regard to Model Standards issued by the Secretary of State.
- 2.2 The site licences currently in force in this district are based on Model Standards which were issued in 1989.
- 2.3 In 1998 the Government set up the Park Homes Working Party (PHWP) to examine how the existing legislation on Park Homes could work more effectively and also to consider if changes were needed. One of the PHWP recommendations was that the Model Standards should be updated to take into account updated standards and other legislation. The ODPM has requested comments on the proposed changes by 13 April 2006.

3 KEY PROPOSALS

- 3.1 The key proposals are detailed below together with comments and suggestions.

Introduction and Legal Background

- 3.2 Separate guidance has been issued which provides advice on the application of the Model Standards.
- 3.3 The 1960 Act refers to caravans and caravan sites, the revised Model Standards refer to 'Park Home', 'Parks' and 'Mobile Homes' as these are more commonly used terms. 'Park' means a caravan site as defined by Section 1(4) of the 1960 Act and mobile home and park home means a caravan as defined by Section 29(1).

Comment

- 3.4 The guidance may be useful when judging the seriousness of a breach of the site licence conditions.

- 3.5 Much of the old standards were taken up by references to legislation and standards, these references are now in the guidance, therefore the Standards will not date due to new regulations being published.

Suggested Response

- 3.6 **The introduction of the guidance notes is welcomed.**

Density and Space Between Caravans

- 3.7 Appendix 1 details the current Model Standards regarding density and space between caravans and the new proposals.

Comment

- 3.8 Under the proposals all types of porches will be acceptable. A great deal of work has been undertaken by this Council to ensure the Model Standards introduced in 1989 relating to porches and separation distances are complied with. These Standards are based on detailed research carried out by the Building Research Establishment (BRE) on fire spread between caravans. The proposals will diminish the current Standards.
- 3.9 Under the new proposals the maximum length of a porch will be 2 metres. Porches which are currently in excess of this length would have to be modified.
- 3.10 The proposed changes remove the section referring to awnings. The reason given by the ODPM is that awnings referred to holiday sites, which have their own Model Standards. However awnings are still occasionally used on residential sites.
- 3.11 It is proposed to reduce the minimum distance between extremities such as eaves, drainpipes and bay windows from 5.25 metres to 5 metres. This will diminish the current standard.
- 3.12 The ODPM state they propose to replace the relevant part of the 1989 Standards, which does not allow ramps, verandas and stairs to face each other, with one which allows this as long as the 4.5 metre gap is not encroached upon. However the actual wording of the proposed new Model Standards states 'Any two such items should not face each other in any separation zone'. The intention of the proposal is therefore unclear.
- 3.13 The 1989 Standards advise that enclosed ramps, verandas and stairs may need to be considered as part of the unit and as such should not intrude into the 6 metre separation distance. The new proposals remove the issue of enclosed features but it is not clear why this has been done.
- 3.14 The enforcement notes in the guidance state that a distance of less than 6 metres between park homes could be acceptable where the facing walls of two homes are specifically constructed or treated or where there is a dividing

barrier. This guidance does not appear to be based on fire research and could lead to a weakening of the 1989 model standards.

3.15 Suggested Response

- The proposed changes in respect of porches, distance between extremities, and structures facing each other is a dilution of the 1989 Model Standards and is not acceptable. This authority has worked closely with site owners and residents over a period of several years to ensure compliance with the current standards and the proposals would seriously undermine this work.
- The current Model Standards are based on research by the BRE and it is difficult to understand how relaxation of the requirements relating to spread of fire can be justified.
- Awnings may still be used on residential sites so guidance on such structures should be retained.
- The proposals in respect of items facing each other needs clarification.
- The reason for removing the reference to enclosed features needs to be clarified.
- Guidance on enforcement of the 6 metre separation distance between homes should be based on fire research. If changes are made they should clarify precisely what is, and what is not, acceptable to avoid uncertainty and inconsistency.

Roads, Gateways and Footpaths

3.16 The proposed changes include:

- The addition of passing places on roads which are not 3.7 metres wide;
- Require that each park home should be connected to a carriageway by a footpath with a hard surface;
- Give greater clarity on what type of lighting is required.

Comment

3.17 There may be extra costs to park owners regarding adequate street lighting and footpaths. These changes would need to be phased in over a reasonable period of time.

Suggested Response

3.18 The provisions regarding roads, gateways and footpaths are welcomed.

Parking Provision

- 3.19 The revised Standard allows more than one car to be parked in a line between adjoining park homes provided that neither exit nor entrance to the park home nor access around the home in the event of an emergency is obstructed.
- 3.20 The 1989 Standard was based on BRE research, which concluded that there should be a limit of one car between units. Further research would need to be carried out to justify a change to this limit.

Suggested Response

- 3.21 **The restriction of one car parked between caravans in the 1989 Standard was based on BRE research on fire spread. Before relaxing this restriction further research should be carried out**

Flooding – New Section

- 3.22 The new Standard will require that park owners assess if their park is at risk from flooding, and are advised to consult with the Environment Agency regarding this matter. Where a flood risk exists the owner must display a notice containing all relevant information.

Comment

- 3.23 Risks from flooding have become more apparent recently. It is important that if a park is susceptible to flooding occupiers and owners are aware of the procedures that should be followed.

Suggested Response

- 3.24 **The new proposals regarding flooding are welcomed.**

Information which has not been included in the new Model Standards

- 3.25 There have been an increasing number of structures such as high wooden fencing, arbors and pergolas being provided on sites, which would appear to increase the risk of fire spread, but are not covered by the current Model Standards. Unfortunately the proposed new Standards do not address these issues either

Suggested Response

- 3.26 **The proposals have failed to address the issue of high wooden fencing, arbors, pergolas and other similar structures which are becoming increasingly evident on sites. It is essential that clear guidance is given in respect of these matters.**

4 RISK IMPLICATIONS

- 4.1 There is no risk in not commenting on the consultative document, other than losing an opportunity for Members to influence the Government's proposals.

5 RESOURCE IMPLICATIONS

- 5.1 The introduction of the new Model Standards would have significant resource implications. Revising site licences to take account of the Standards and agreeing implementation timescales would involve extensive consultations with site owners and residents.
- 5.2 Site owners have the right of appeal to the Magistrates Court if they did not agree with any proposed change to site licence conditions. There would be resource implications in contesting any appeals.
- 5.3 Monitoring the sites to ensure compliance with the new Standards would involve significant staff time.

6 PARISH IMPLICATIONS

- 6.1 The residential mobile home sites are situated in Hullbridge

7 RECOMMENDATION

- 7.1 It is proposed that the Committee **RESOLVES**

To consider the consultation paper and agree, subject to any comments, the suggested responses detailed above.

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Background Papers:-

None

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APPENDIX 1

Background

This section, parts 2 and 3 of the 1989 Standards, examined the separation gap between park homes and explains what can and cannot be placed in the gap.

1989 Standard – Density and Space between caravans

Subject to the following variations, every caravan should be not less than 6 metres from any other caravan which is occupied separately and not less than 2 metres from a road. The point of measurement for this distance and for porches, awnings etc is the exterior cladding of the caravan.

- Porches may protrude 1m into the 6 metres and should be of the open type.
- Where awnings are used, the distance between any part of the awning and an adjoining caravan should not be less than 3 metres. They should not be of the type which incorporates sleeping accommodation and they should not face each other or touch.
- Eaves, drainpipes and bay windows may extend into the 6 metre space provided the total distance between the extremities of 2 adjacent units is not less than 5.25 metres.
- Where there are ramps for the disabled, verandas and stairs extending from the unit, there should be 4.5m clear space between them and two such items should not face each other in any space. If they are enclosed, they may need to be considered as part of the unit and, as such, should not intrude into the 6m space.
- A garage, a shed or a covered storage space should be permitted between units only if it is of non-combustible construction (including non-combustible roof) and sufficient space is maintained around each unit so not to prejudice means of escape in case of fire. Windows in such structures should not face towards the units on either side. Carports and covered walkways should in no circumstances be allowed within the 6-metre space. For cars and boats between units, see Standard (27).

The density should be consistent with safety standards and health and safety requirements. The gross density should not exceed 50 caravans to the hectare, calculated on the basis of the useable area (i.e., excluding lakes, roads, communal services and other areas unsuitable for the siting of caravans) rather than the total site area.

The ODPM proposals:

2005 Standard – Density, Spacing and Parking between Park Homes

Subject to the following variations, every park home should be not less than 6 metres from any other park home which is occupied separately. Each park home should not be less than 2 metres from the road. The point of measurement for all distances is the exterior cladding of the park home.

- (a) Porch may protrude 1 metre into the separation zone and should not exceed 2 metres in length and 1 metre in width and provide only one external door as a means of access to and escape from the park home.
- (b) Eaves, drainpipes and bay windows may extend into the 6 metre space provided the total distance between the extremities of 2 adjacent units is not less than 5 metres.
- (c) Where there are ramps, verandas and stairs extending from the park home (including those for disabled) there should be a 4.5 metre clear space between adjoining homes. Any two such items should not face each other in any separation zone.
- (d) Any structure should be permitted in the separation zone only if it made of non-combustible construction and there is sufficient space maintained around each park home so as not to prejudice any means of escape in case of fire.
- (e) Windows in structures should not face towards the park home on either side.
- (f) Car, ports and covered walkways unless made of non-combustible construction should in no circumstances be allowed within the 6-metre space. For the details on cars and boats between units, see Standard on Parking.

The density should be consistent with safety standards and health and safety requirements. The gross density should not exceed 50 park homes to the hectare, calculated on the basis of the useable area rather than the total park area.