



Department for
Communities and
Local Government

Park Homes: Site licensing

Definition of relevant protected sites

Site licensing: Applying the new regime

1. During the recent presentation DCLG gave at the CIEH event on Park Homes a number of questions were raised around which types of sites are caught by the new licensing regime introduced from April 2014. This issue has been raised at other events DCLG have attended.
2. We, therefore, thought it might be useful if we gave a number of examples of different types of sites and tenure of occupation to illustrate the applicability of the new regime. This list is not exhaustive and nor is it definitive. Authorities should get their own legal advice if they have any doubt about whether a site falls within the new licensing regime.
3. It should be remembered that if a site is not subject to the new licensing regime it will remain subject to the existing licensing provisions in the Caravan Sites and Control of Development Act 1960 un-amended by the changes introduced by the Mobile Homes Act 2013, unless the land is exempted from licensing altogether by virtue of schedule 1 to the 1960 Act. These exempted sites are described in the Annex C.
4. It also needs to be borne in mind that
 - a site licence cannot be issued unless there is planning permission for use of the land as a caravan site and
 - it will often (although not always) be the case that the type of use of the land for which planning permission is granted will determine whether or not the site is a “relevant protected site”, rather than the site licence itself.
5. The starting point is that the new licensing regime introduced by the Mobile Homes Act 2013 only applies to “*relevant protected sites*”. A relevant protected site is defined in section 5A (5) and (6) of the Caravan Sites and Control of Development Act 1960 as:

“(5) In this Part¹ “relevant protected site” means land in respect of which a site licence is required under this part, other than land in respect of which the relevant planning permission under Part 3 of the Town and Country Planning Act 1990 or the site licence is, subject to subsection(6)

(a) expressed to be granted for holiday use only, or

(b) otherwise so expressed or subject to such conditions that there are times of the year when no caravans may be stationed on the land for human habitation²

¹ This is a reference to Part 1 of the 1960 Act- i.e. the licensing provisions

² This extends to restrictions on habitation in the caravan for certain times of the year (even if there is no requirement to remove them).

(6) For the purpose of determining whether land is a relevant protected site, any provision of the relevant planning permission or site licence which permits the stationing of a caravan on the land for human habitation all year is to be ignored if the caravan is to be occupied by:

(a) the occupier³

(b) a person employed by the occupier but who does not occupy the caravan under an agreement to which the Mobile Homes Act 1983 applies (see section 1 (1) of that Act)

6. Any licensable caravan site will be a “relevant protected site” unless it is specifically exempted from being so. A site is exempted if it has planning permission or a site licence for exclusive holiday use or there is a restriction on use as permanent residential. (The object of the new licensing provisions being better protection of sites in residential use.)
7. A site’s exemption will depend on what use the planning permission permits, or if the permission is silent on what the site licence permits. The actual use of the site in those circumstances is irrelevant. For example, if the land has planning permission for use as a holiday site and the residents live there full time, the site will not be a relevant protected site.
8. If both the planning permission and site licence are silent about the permitted use of the site the presumption should normally be that it is a relevant protected site. This is because the planning consent or site licence has to expressly provide the land is for holiday use only etc for the exemption to apply.
9. In such circumstances, however, actual use may be relevant. For example, if the planning permission and site licence simply give consent for the land to be used as a “caravan park” and its use is for stationing touring caravans and the site operates as a genuine and exclusive holiday business, it is unlikely to be a relevant protected site.
10. On the other hand if touring caravans on the site were let out or occupied by owners for residential purposes as well as others being stationed for holiday purposes, the site is likely to be a relevant protected site.
11. If either the planning permission or the licence specifies use of the site, and the other does not, that specification will determine whether the land is a relevant protected site or not.
12. If there is a conflict between the planning permission and site licence as to the site’s use (which, of course, there should not be), it is the use permitted under the planning permission that applies to determine whether the site is a relevant protected site. This is because section 3 (3) of the 1960 Act provides that the site licence is only issued if the land has

³ This means the site owner and members of his family.

planning permission for use as a caravan site. The licence is, therefore, subordinate to the planning permission.

13. There are some sites where the planning permission and/ or site licence permits both use for holiday and permanent residential purposes. Such sites are relevant protected sites, because the relevant consent is not exclusively for holiday purpose.
14. However, there is an important exemption to this rule, which is that if a holiday site has permission for residential use too, and that use is only by the owner of the site (including family members) or employees working on the site- their permanent occupation does not make the site a relevant protected site. The caveat to this is that if the residential occupier/ employee occupies the home under an agreement to which the Mobile Homes Act 1983 applies, the site will be a relevant protected site.
15. In deciding whether a site is a relevant protected site the type of residential occupation or tenure of occupation of the site, or any part of it, is not relevant.
16. Examples of sites that are and are not relevant protected sites are set out in Annex A and B. If an authority has any doubt as to the status of a particular site it should seek advice from its planning or legal departments.
17. If you have any enquiries about this document, email parkhomes@communities.gsi.gov.uk or write to us at

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In Annexes A and B “consent” means planning permission and/ or consent by the site licence as the context requires.

Annex A

The following are types of sites that are relevant protected sites and therefore subject to the new licensing regime:

- A single owner occupied or rented pitch on which a caravan is stationed with consent for residential use or where it has planning permission to station a caravan, but the consent is silent on type of use of the pitch it is occupied by a caravan used as used as a permanent residence⁴ .
- A site comprising rented⁵ caravans which has consent for residential use.
- A site comprising owner-occupied caravans which has consent for residential use.
- A site comprising both rented and owner occupied caravans which has consent for residential use.
- A site which has consent for both holiday and permanent residential use and is occupied under that arrangement.
- A site with consent for both holiday and permanent residential use but where the pitches for permanent residential use are
 - (a) for the time being vacant or
 - (b) being used for holiday purposes or otherwise –whether in breach of the planning permission or site licence or otherwise.
- A site which has planning permission restricting permanent residential occupation of part of it but which also comprises pitches for permanent residential occupation (as permitted in the consent) and occupied under that arrangement
- A site which has planning permission restricting permanent residential occupation of part of it but which also comprises pitches for permanent residential occupation (as permitted in the consent) but where the pitches for permanent residential use are:
 - (a) for the time being vacant or
 - (b) being used for holiday purposes or otherwise –whether in breach of the planning permission or site licence or otherwise

⁴ Subject to the exemption from licensing- in schedule 1 of the 1960Act- see Annex C.

⁵ Whether under a short hold tenancy or by a licence.

- An owner occupied gypsy and traveller site with relevant consent
- A rented gypsy and traveller with relevant consent.
- A site with planning permission as a caravan site, but the consent is silent on type of use, but such use includes permanent residential use (notwithstanding any other usage).

Annex B

The following are types of sites that are not “relevant protected site” and are not, therefore, subject to the new licensing regime:

- A site which has consent for holiday use only- whether or not there are restrictions relating to occupation of caravans on the site.
- A site which has consent for holiday use and ancillary residential use but that use is only by the owner and his employees⁶.
- A site on which caravans are not permitted to be stationed permanently by virtue of planning permission.
- A site where the planning permission requires caravans or pitches to be vacated at certain times of the year and/or prevents them being slept in during certain times.
- A site where the consent requires the site to close at certain times of the year.
- A site with planning permission as a caravan site but the consent is silent on type of use, but its actual use is as a holiday site (and not for any residential purpose).

Annex C

The following are types of sites that are not required to be licensed at all under the 1960 Act:

- Land on which a caravan stationed which is attached and belongs to a dwelling (e.g. a parking space or front or back garden).
- Land on which a single caravan is stationed when travelling from one place to another for a maximum of two nights (and a caravan is not stationed on the land for more than 28 nights in total in a 12 month period).
- Land (not built on⁷) and comprising 5 or more acres and (a) has not been occupied by a caravan for more than 28 days in the last twelve

⁶ But see caveat in paragraph 14.

months and (b) has been occupied in that period by no more than three caravans at any one time.

- Land used for recreation under the supervision of an exempted organisation⁸ which occupies the land.
- Land which an exempted organisation has certified as approved for recreational use of its members for the period specified in the certificate (not exceeding one year) and which is not occupied by more than five caravans at any time during that period.
- Land used by an exempted organisation for meetings of not more than 5 days, of its members under the organisation's supervision.
- Land on which caravans are stationed which is agricultural or forestry land and are in occupation during the particular season by agricultural or forestry workers.
- Land on which caravans are stationed in connection with building or engineering works and are occupied by persons employed in those works.
- Land occupied by travelling showmen who are members of an organisation of travelling showmen⁹ which holds a certificate of exemption and who is travelling in the course of business (e.g. fair grounds/ circuses).
- Land occupied as winter quarters by travelling showmen- between October and March.
- Land occupied by a county council for accommodating gypsies and travellers
- Land occupied by a local authority on which caravans are stationed.

⁷ This means any type of building- for example a toilet or shower block.

⁸ Exempted organisations are those approved of by the Minister and whose objectives include the encouragement and promotion of recreational activities. A list of exempted organisations is held for England by Natural England to whom applications can be made for exemption status.

⁹ The main organisation is the Guild of Travelling Showmen of Great Britain