

Statement of reasons to accompany Decision notice dated 8<sup>th</sup> January 2021:  
Consideration of breach of alleged site licence 6(ii) and 2(iv)(c) at White Horse  
Park, Osmington Hill, Weymouth, DT3 6ED

Summary of Decision

The base provided to plot 9 extends over the whole area occupied by the unit, and projects a sufficient distance outwards from its entrance or entrances to enable occupants to enter and leave safely.

The Site licensing team do not find a breach of site licence condition 6(ii)

The structures within the separation distance between units are non-combustible in nature except for a hedge which is less than one metre tall.

There is a distance of 4480mm between the access steps and wall to the adjacent caravan.

The site licensing team do not find an actionable breach of site licence condition 2(iv)(c).

1.0 Introduction

The Dorset Council has been asked to determine whether a plot on White Horse Park complies with Site licence conditions 2(iv)(c) and 6(ii).

The White Horse Park is situated on a narrow site on Osmington Hill Weymouth. The terrain is steeply sloping and has a primary road which rises from the main entrance at the bottom (west) to the top of the site (east) where it turns through a right angle and gives access to the top of the site (south). The majority of plots have access directly from the site road.

2.0 Relevant site licence conditions

The White Horse Park obtained planning permission under appeal for the siting of no more than 17 caravans. There are no restrictions on the size, nature of occupation nor age of occupants on the site. The site licence was issued with the model standards 2008. The relevant site licence conditions are:-

**“2. Density, Spacing and Parking Between Caravans**

(i) Except in the case mentioned in sub paragraph (iii) and subject to sub paragraph (iv), every caravan must where practicable be spaced at a distance of no less than 6 metres (the separation distance) from any other caravan which is occupied as a separate residence.

(ii) No caravan shall be stationed within 2 metres of any road or communal car park within the site or more than 50 metres from such a road within the site.

(iv)(c) Any structure including steps, ramps, etc (except a garage or car port), which extends more than 1 metre into the separation distance shall be of non-combustible construction. There should be a 4.5 metre clear distance between any such structure and any adjacent caravan.

(d) A garage or car port may only be permitted within the separation distance if it is of non-combustible construction.

(f) Fences and hedges, where allowed and forming the boundary between adjacent caravans, should be a maximum of 1 metre high.

#### **4. Footpaths and Pavements**

(i) Every caravan shall be connected to a road by a footpath with a hard surface which shall be maintained in good condition.

#### **6. Bases**

(i) Every unit must stand on a concrete base or hard-standing.

(ii) The base must extend over the whole area occupied by the unit, and must project a sufficient distance outwards from its entrance or entrances to enable occupants to enter and leave safely. The hard standings must be constructed to the industry guidance, current at the time of siting, taking into account local conditions."

#### **3.0 Measurement of Plot**

The Plot is located to the northern side of White Horse Park main road. The unit is rectangular in shape and the plot is trapezoidal. The area south of the unit is laid to two levels, a path encapsulated by a galvanised metal rail adjacent to the park home and an area under pavements which extends to the kerb. The kerb measures 300mm in depth and the area shown as a parking space in the [a](#) plan (1912-05) measures 1980mm at the narrowest point to 2250 at the widest point from the kerb edge to the raised pathway. The parking area is longer than 6000mm. The rail measures 5170mm in length and 50mm in width. The pathway to the front of the unit measures 825mm in width and a bay window to the end elevation reduces the accessible width to 580mm at the centre of the path.

To the west of the unit is a raised pathway which measures between 1220mm and 1230mm along its length. A galvanised metal rail is situated on the edge of the path and reduces the available width to 1100mm.

To the north of the unit is a paved area which extends from the unit to the Stone wall. To the north of the stone wall the land drops to the level of the kerb of the

main trunk road. There is a metal shed in place which restricted measurement of the area, the distance from the unit to the wall being 3865 at its widest point. The plan shows a point for a rotary line.

To the East of the unit a pathway runs the entire length of the unit. There is a solid retaining brick wall measuring 215mm width which encompasses a raised platform and steps leading from each end of the platform. The platform measures 5530 in length. The steps to the north of the platform have goings of 450 to 460mm and the steps to the south of the platform have goings of 600 to 615mm. The pathway measures 1285 internal width along its length. There is a constriction to an internal width of 825 at the projection of a bay window to the south and 740mm to the north. The path steps and platform are finished with paviours. Along the line of the wall is an immature hedge which is less than 1000mm tall.

There are opening windows to the unit's east elevation and the northern most window opens outwards to extend 545mm across the path way. There are a set of double doors and a single opening door to this path which open onto the platform. The doors open outwards and extend between 820 and 850mm into the space above the platform.

The masonry wall path and steps extend 1500mm into the separation distance between the unit and its neighbour. This access is considered to be non-combustible construction. The separation distance is 5980mm.

The base upon which the unit is stationed is generally level.

The Council has not been provided with details of the dimensions of the plots as defined by mobile homes act agreements by the site licence holder nor the owners of the unit. For the purposes of this report it is assumed that the plot extends from the northern most edge of the kerb in the south of the plot to the southernmost edge of the stone wall to the north of the plot. The western and eastern extent of the plot are assumed to be the edge of the stone retaining wall to the west and the line of the centre of the hedge to the east.

The concrete base was not visible during the site inspection as it had been covered by paviours to the areas beyond the footprint of the unit and the brick skirting beneath unit prevented access to the base. There was no evidence of the paviours, or paths having moved from the time when it was laid. It is assumed that the base has not moved from the time it was laid and is in good condition, from the lack of evidence of movement.

The structures within the separation distance between the unit and its neighbour are non-combustible in nature except for a hedge which is less than one metre tall.

#### 4.0 Communication with Site licence holder's legal representative and requester

The Council communicated with the site licence holder's legal representative and the plot owner. Responses were received from both the plot occupant and the site licence holder's legal representative. The requester put forward the view that the requirement of condition 6(ii) for the base to extend out a distance is the same as condition 2(i) for a separation distance i.e. 6 metres.

The requester made the point that the steps at the property and the rails around raised paths were obstructions to the manoeuvre of wheeled vehicles and in particular a mobility scooter. This is relevant as the requester is expecting an operation which will affect their mobility and require assistance from external aids. The requester provided attachments to its correspondence.

The legal representative supplied a copy of a plan (subject to copyright) of the area of the plot and two photographs. There were no definitions offered of the safe distance for a base to extend, and it was noted that four steps are provided which are shallow in depth and wide in nature to reach the platform and access the unit.

#### 5.0 Application of the site licence conditions

The site licence conditions follow the Model Standards 2008. Guidance from the document which can be found at <https://webarchive.nationalarchives.gov.uk/20120919234852/http://www.communities.gov.uk/publications/housing/modelstandardsparkhomes> gives us

“The local authority must apply the Model Standards with regard to the particular characteristics of the site to which they are intended to apply, and in particular its existing layout and size. It is recognized that not all sites will easily be able to meet the Model Standards in every case due to their particular characteristics, but a local authority will need to be able to justify any decision not to have regard to a standard in setting a licence condition.

Disability Discrimination legislation applies to sites and this should be borne in mind when framing licence conditions and considering possible enforcement action.

When considering taking enforcement action local authorities should undertake a risk assessment to take into account all possible factors in relation to the prosecution.

Bases

**43.** It is important to note that the construction, maintenance and repair of the concrete base are the responsibility of the site owner. New bases should be laid as a minimum in accordance with the current industry guidelines issued by the National Park Homes Council and the British Holiday and Home Parks Association. The Industry's current standard for the bases provides:

*"A hard core base to a minimum depth of 150 mm, well consolidated and topped with 100 mm of concrete (mix as BS8500-2:2006<sup>1</sup>) shall be used. The finished raft must be generally level with due allowance for surface drainage. Where the ground conditions so require, thickening or the introduction of reinforcement of the raft may be necessary."*

**44.** Particular attention should be paid to the terrain of the site before a base is laid, which may mean a thicker base is needed. The base should be sufficient to handle the load placed upon it by the caravan and its contents.

#### **Enforcement**

**45.** When considering any enforcement action, the authority should also seek the views and take account of representations from the site owner and affected residents before taking any steps to enforce this standard, where practicable.

**46.** Before the local authority undertakes any enforcement action it should consider the benefit of the works against the potential impact on the residents' enjoyment of their homes and the cost to the site owner.

**47.** Where a caravan has to be removed in order to facilitate works to the base the authority should normally, if it is feasible and if it is the resident's wish, require the site owner to reinstate, at his own expense, the caravan on the original pitch on completion of the works."

### 6.0 Application of Disability Discrimination legislation

Guidance from the [www.dwp.gov.uk](http://www.dwp.gov.uk) on the [Equality Act 2010](http://www.gov.uk/guidance/equality-act-2010-guidance) can be found at <https://www.gov.uk/guidance/equality-act-2010-guidance>

The requester has not indicated if the household in residence at the plot have a physical or mental long term impairment nor whether the impairment has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. The requester has said that accidents have taken place on the plot and an operation is planned. During the site inspection a resident of the plot used a mobility aid.

The requester has not indicated if they are registered or registerable as disabled.

### 7.0 Application of Building Regulations

The Building Act and regulations do not apply to Park Home Sites as mobile homes do not meet the definition of a building.

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## 8.0 Conclusion

The base upon which the unit rests was not visible during the inspection but is assumed to extend from the skirting under unit 9 to the edge of the retaining wall enclosing the steps to the east elevation. The path at this point measures 1285mm wide and the steps from the path up to the platform measure between 615mm and 600mm in depth and 1285 mm wide. The platform outside the ~~two~~ entrance door is level and measures 5530mm in length and 1285mm in width. Steps measuring between 450mm and 460mm in depth and 1285mm wide lead from the platform to the north of the plot. The path is level or gently sloping.

There is no requirement [in the site licence conditions](#) for the base to extend across the separation distance found at (2 (i))- "every caravan must where practicable be spaced at a distance of no less than 6 metres (the separation distance) from any other caravan which is occupied as a separate residence."

There is no requirement [in the site licence conditions](#) for the plot to extend beyond the area covered by the unit save for the base "must project a sufficient distance outwards from its entrance or entrances to enable occupants to enter and leave safely." (6 (ii)).

The Building regulations do not apply to Park home sites.

The Equality Act 2010 applies to the site but is not enforceable by the Dorset Council.

There is no evidence to suggest that the base is in disrepair.

The site licensing team has consulted with the site licence holder and the occupier of unit 9 White Horse Park following the complaint under investigation.

The structure providing access to plot 9 is considered to be of non-combustible construction. There is a 4480 distance between the wall and the adjacent caravan. This is less than the 4500mm distance within condition 2(iv)(c) but is considered to be too small an aberration as to be actionable. The 4.5m distance should be observed by the terms of the condition but is not an absolute (must) requirement.

The base provided to the plot extends over the whole area occupied by the unit, and projects a sufficient distance outwards from its entrance or entrances to enable occupants to enter and leave safely.

The Site licensing team do not find a breach of site licence condition 6(ii)

There is a distance of 4480mm between the access steps and wall to the adjacent caravan.

The site licensing team do not find an actionable breach of site licence condition 2(iv)(c).