



**REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON
8 OCTOBER 2019**

SUBJECT: OVERNIGHT PARKING OF MOTORHOMES ON CAR PARKS

**BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND
FINANCE)**

1. REASON FOR REPORT

- 1.1 To inform the Committee of the legislative background and control regarding overnight parking of motorhomes on car parks and how numbers have increased across a number of locations in Moray without consent. To consider adopting revised standards for site licences issued under the Caravan Sites and Control of Development Act 1960 for proposed sites that need planning permission for the overnight parking of motorhomes with on board facilities at car parks.
- 1.2 This report is submitted to Committee in terms of Section III (E) (1) of the Council's Scheme of Administration relating to exercising the statutory functions of the Council as Planning Authority.

2. RECOMMENDATION

2.1 It is recommended that the Committee:

- (i) note the legislative background to the overnight parking of motorhomes and the current mechanisms for controlling the use in existing car parks;**
- (ii) note the approved Moray Council standards in Appendix 1 for Holiday Caravan Sites that currently apply to all sites; and**
- (iii) agree the revised standards in Appendix 2 with immediate effect to be applied to car parks that provide areas for overnight parking for motorhomes with on board facilities (this is separate from the need to obtain planning permission).**

3. BACKGROUND

- 3.1 Over recent years there has been a steady increase in the use of motorhomes with pressure for sites across Moray and the rest of Scotland being used for overnight parking. The current position within Moray is that there are a number of locations both in private and public ownership that are being used, some on an ad hoc basis mainly during the summer months and others on a more regular basis as a stopping off destination. Many of these sites are in sensitive coastal locations which are attractive to tourists using Motorhomes.
- 3.2 One of the reasons that has contributed to the increase in parking of motorhomes in a number of unregulated locations is that many of the established caravan and camping sites have reduced (in some cases total removed) the space that they previously made available for touring campervans, caravans and tents to use.
- 3.3 At this current point in time the only sites within Moray that are authorised are those that either have planning permission and a site licence or those that are exempt under the Caravan and Control of Development Act 1960 (see para 4.3 below for exemptions).
- 3.4 The current Moray Council standards adopted for Holiday Caravan sites (**Appendix 1**) set out a number of conditions requiring the site to provide toilet facilities, showers, water supply, and electricity etc. It is considered that some of these requirements would be too onerous when being applied to car parks used by motorhomes with their own on board facilities merely as an overnight stopping off point.

4. LEGISLATIVE BACKGROUND

- 4.1 Planning permission is required for “Development” unless a deemed planning permission is granted by virtue of the provisions set out in the general permitted Development (Scotland) Order 1992. Section 26 of The Town and Country Planning (Scotland) act defines ‘development’ to mean “the carrying out of building, engineering, mining or other operations in, on over or under land, of the making of any material change in the use of any buildings or other land...”
- 4.2 The use of land as a ‘Caravan Site’ is considered to be a ‘Change of Use’ of land. If building and or engineering works are required to make land suitable for use as caravan site (i.e. levelling, creation of access, constructions or alterations of buildings, provision of foul and surface water drainage) then these works require planning permission. A Building Warrant is also likely to be required for the provision of a septic tank and construction of any buildings.
- 4.3 Part 1 – section 1(4) of the 1960’s Act defines a caravan site as “... land on which a caravan(s) is stationed for the purposes of human habitation and land which is used in conjunction with land on which a caravan(s) is so stationed.” The parking of motor homes and their use for human habitation falls within the scope of this definition.

- 4.4 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. There are some exemptions, and the main ones are:
- A caravan sited within the curtilage of a dwelling and its use is incidental to the dwelling;
 - A single caravan sited for not more than two consecutive nights for a maximum of 28 days in any 12 months;
 - Sites occupied by exempted organisations such as the Caravan Club; and
 - Site of up to 5 caravans certified by an exempt organisation and which are for members only.

5. **PROPOSED STANDARDS FOR SITES SOLELY FOR THE PARKING OF MOTORHOMES**

- 5.1 A review of the current standards that are applied to all caravan sites has been undertaken by the Principal Environmental Health Officer and is in **Appendix 2**. This more relaxed set of standards is proposed taking into account that motorhomes are generally equipped with on board facilities including water, electricity run off a battery and a chemical toilet.
- 5.2 The standards which are set out have been designed to provide a pragmatic approach to the current growing trend in motorhome parking whilst providing adequate standards of amenity, facilities to users and more importantly to protect their health and safety. It is acknowledged that this approach requires the owners of car parks to operate a regulated and managed car parking area to an acceptable standard. It will also require motorhome owners to act responsibly and respect the surrounding environment.
- 5.3 These standards are entirely separate to the requirements that planning applications will be assessed against i.e. relevant policies set out in the Adopted Moray Local Development 2015 and the Emerging Local Development Plan 2020. A key material consideration in assessing any future planning applications will be the need to ensure that any proposal does not have an adverse impact on the existing character of the site and its surroundings. Many of the locations that are attractive to motorhome overnight parking are in open and sensitive areas where there is an existing high level of amenity.
- 5.5 Any future applications that come forward will be assessed on their individual merits but it will be important to control the level and impact by the imposition of planning conditions. These conditions would need to restrict the number of motorhomes with on board facilities and the length of stay (restricted to no more than a “one” overnight stop). All planning applications will be for a temporary period to allow sites to be closely monitored for their impact on the surrounding area.

6. **SUMMARY OF IMPLICATIONS**

(a) **Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))**

The revised standards for motor homes will assist in promoting economic development and contribute to priorities for a growing, diverse and sustainable economy.

(b) **Policy and Legal**

Caravan Sites and Control of Development Act 1960, Town and Country Planning (Scotland) Act 1997, Moray Local Development Plan (MLDP) 2015 and Moray Local Development Plan (MLDP) 2020.

(c) **Financial implications**

There may be limited additional income generated from the fees associated with the submission of planning applications.

(d) **Risk Implications**

Without taking a pragmatic approach to regulating and controlling the growing trend in overnight parking of motorhomes there is a risk to the amenity of a number of areas.

(e) **Staffing Implications**

None.

(f) **Property**

None.

(g) **Equalities/Socio Economic Impact**

Not required.

(h) **Consultations**

The Corporate Director (Economic Development Planning & Infrastructure), the Head of Development Services, the Legal Services Manager, the Equal Opportunities Officer, Paul Connor (Principal Accountant), the Strategic Planning & Delivery Manager, the Transportation Manager, the Environmental Health and Trading Standards Manager, Russell Anderson (Principal Environmental Health Officer), the Principal Building Standards Officer, the Planning Enforcement Officer and Lissa Rowan (Committee Services Officer) have been consulted and comments received have been incorporated into the report.

7. **CONCLUSION**

- 7.1 **The use of sites for the overnight parking of motorhomes is growing in number and is currently unregulated. Approved standards for holiday caravans sites are considered to be a barrier to bringing forward regulated sites supporting tourism in Moray whilst protecting the**

existing amenity of sensitive locations. The revised standards for overnight parking for Motorhomes with on board facilities in Appendix 2 are recommended to be approved for future use with immediate effect. These do not replace the need for planning consent but sit alongside any consent.

Author of Report: Beverly Smith, Development Management and Building Standards Manager

Background Papers: Appendix 1 & 2