

**REQUEST FOR EXEMPTION FROM THE PERMANENT  
RESIDENTIAL MOBILE HOME SITE LICENSING CONDITIONS  
FOR ADDITIONAL HEIGHT FENCING**

**SUMMARY**

- 1.1 Local Authorities licence various types of caravan sites under the provisions of the Caravan Sites and Control of Development Act 1960.
- 1.2 No land can be used as a permanent residential caravan site unless it is licensed. The site licence is issued as a 'one off'.
- 1.3 The Local Authority can attach conditions to the licence which are based on 'model conditions' issued by the Department for Communities and Local Government which represent good practice.
- 1.4 The current conditions applicable to Mobile Home Sites in Derby were approved by Full Council on 18 November 2009.
- 1.5 A request has been received from a resident at Alvaston Home Park for an exemption from compliance with a specific provision of the site licence conditions which would enable them to erect a 2 meter boundary fence at the rear of their mobile home. The request is set out in full in Appendix 2, accompanying this report.

**RECOMMENDATION**

- 2.1 To consider the information contained in this report and either:
  - reject the request for the exemption; or
  - agree the request for the exemption

**REASONS FOR RECOMMENDATION**

- 3.1 These are the two options available to Committee and any decision made must have regard to the information provided in the report.

## SUPPORTING INFORMATION

- 4.1 No land can be used as a permanent residential caravan site unless it is licensed by the local authority for the administrative area within which the site is based. The site licence is issued as a 'one off'.
- 4.2 In granting a licence, the Local Authority may attach conditions to it which are based on national 'model conditions' which represent best practice.
- 4.3 There are conditions attached to the Alvaston Home Park Mobile Homes site.
- 4.4 The current conditions applicable to all mobile home sites in Derby were approved by Full Council on 18 November 2009. Prior to adopting the conditions, extensive consultation with all site owners, site residents and the Derbyshire Fire and Rescue Service was undertaken, both to inform as well as to secure the integrity of its provisions.
- 4.5 Condition 5 relates to fencing which states that:
- 1) It is at the discretion of the site owner if fencing or barriers are allowed between a caravan and a carriage way.
  - 2) Any fence, which is allowed, shall not exceed one and a half meters in height as recommended by Derbyshire Fire and Rescue Service, except in the case of the site boundary fencing which should not exceed two meters in height.
  - 3) Because of the greater fire risk, any existing or proposed conifer or hedge fencing must not exceed the recommended height of one and half meters as agreed by Derbyshire Fire and Rescue Service.
- 4.6 Alvaston Home Park is adjacent to New City Homes and whilst they are licensed separately, they are operated by one organisation. Whilst the resident requests that the fence is erected on the perimeter between the two sites, this is not the boundary to the whole site and therefore any fencing should not exceed one and half meters in height.
- 4.7 If the exemption is granted, this would lead to different conditions being attached to different plots within the same mobile home site, making enforcement of the conditions adopted by the local authority difficult and not equitable. Without sufficient justifications for doing so, permitting its retention would also undermine the Council's ability to refuse any similar future applications.

- 4.8 As the potential primary risk to the applicant and other site residents is the uncontrolled spread of fire, in the event that the application request is granted, the views of the Derbyshire Fire and Rescue Service (DFRS) have been sought on the merit of the request. The response from the DFRS is that:

*'the property boundary at present is hedgerow which is heavily overgrown as is the garden of the property behind. If this hedgerow is cut back and a properly erected wooden fence were to replace this I believe there would be no additional fire risk (possibly a reduction).'*

<b>OTHER OPTIONS CONSIDERED</b>
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- 5.1 Not applicable

**This report has been approved by the following officers:**

<b>Legal officer</b> <b>Financial officer</b> <b>Human Resources officer</b> <b>Service Director(s)</b> <b>Other(s)</b>	Olu Idowu  John Tomlinson
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<b>For more information contact:</b> <b>Background papers:</b> <b>List of appendices:</b>	Sandra Mansell 01332 641931 e-mail <a href="mailto:sandra.mansell@derby.gov.uk">sandra.mansell@derby.gov.uk</a> None Appendix 1 – Implications Appendix 2 – Request from Resident
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<b>IMPLICATIONS</b>
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**Financial and Value for Money**

- 1.1 None.

**Legal**

- 2.1 The Council is obliged to apply its own policy, particularly where the effect of any departure from that policy is likely to have a significant impact on others, unless there are justifiable grounds, objectively assessed, for any departure from the policy. Such departures should be decided principally on public, as opposed to private, interest grounds.
- 2.2 The basis upon which departure from a policy is decided upon must be explicitly stated in order to avoid the potential to create a negative precedent.

**Personnel**

- 3.1 None.

**Equalities Impact**

- 4.1 None.

**Health and Safety**

- 5.1 As set out in the report, the potential primary risk to the applicant and other site residents is the uncontrolled spread of fire.

**Environmental Sustainability**

- 6.1 None.

**Asset Management**

- 7.1 None.

**Risk Management**

- 8.1 The Council's role as the licensing body is to manage the risks involved and in order

to do this must have regard to the information provided by the Derbyshire Fire and Rescue Service.

### **Corporate objectives and priorities for change**

- 9.1 The proposal supports the corporate priorities to ensure the people in Derby will enjoy **good quality services that meet local needs** and **being safe and feeling safe**.

## Appendix 2

### Request from Resident about Increased Fence Height

MR. M. HODGKINSON

21<sup>st</sup> JUNE 2012

DERBY CITY COUNCIL  
INTER-DEPARTMENTAL SERVICES  
25 JUN 2012

Dear Mrs Mansell,

I am writing to request that the General Licensing Committee formally considers my appeal, to allow me to erect a 2 meter boundary fence at the rear of our Mobile Home, which is on the Charles Simpson Mobile Home Estate.

The rear of our property also forms the boundary between the Charles Simpson Mobile Home Estate and the New City Homes Park estate, therefore, as advised by Councillor Paul Baylis in his letter to me of 19<sup>th</sup> April 2012, I believe we are entitled to erect a 2m fence at the rear of our property.

I wish to formally register this letter as my appeal to the General Licensing Committee, I also wish to be represented at the Appeal Hearing by Councillor Mark Tittley, one of my local ward Councillors, To this end Councillor Tittley has agreed to speak at the Appeal Meeting on our behalf.

Please advise Councillor Tittley and I regarding the proposed date of an Appeal Hearing.

I look forward to hearing from you.

Regards M.K. Hodgkinson

