



Office of the
Deputy Prime Minister

Creating sustainable communities

Amending the Definition of a Caravan

Consultation Paper

August 2005



Office of the
Deputy Prime Minister

Creating sustainable communities

Amending the Definition of a Caravan

A Consultation Paper

August 2005

Office of the Deputy Prime Minister: London

Office of the Deputy Prime Minister
Eland House
Bressenden Place
London SW1E 5DU
Telephone 020 7944 4400
Website www.odpm.gov.uk

© Queen's Printer and Controller of Her Majesty's Stationery Office, 2005

Copyright in the typographical arrangement rests with the Crown.

This publication, excluding logos, may be reproduced free of charge in any format or medium for research, private study or for internal circulation within an organisation. This is subject to it being reproduced accurately and not used in a misleading context. The material must be acknowledged as Crown copyright and the title of the publication specified.

For any other use of this material, please write to HMSO Licensing, St Clements House, 2-16 Colegate, Norwich NR3 1BQ Fax: 01603 723000 or e-mail: licensing@hmsso.gov.uk.

This is a value added publication which falls outside the scope of the HMSO Class Licence.

Further copies of this publication are available from:

ODPM Publications
PO Box 236
Wetherby LS23 7NB
Tel: 0870 1226 236
Fax: 0870 1226 237
Textphone: 0870 1207 405
Email: odpm@twoten.press.net

or online via the Office of the Deputy Prime Minister's website.

Printed in Great Britain on material containing 75% post-consumer waste and 25% ECF pulp.

August 2005

Product code 05 HC 03293

CONTENTS

Introduction	5
The legal definition of a caravan	7
ANNEX A	11
List of Key Organisations to be consulted	
ANNEX B	12
Consultation Criteria	
ANNEX C	13
Partial Regulatory Impact Assessment (RIA)	
Figure 1 Dimensions & Minimum Separation Distances	19
Figure 2 Dimensions	20

Introduction

The legal definition of a caravan has remained unaltered for some time. Concern has been raised with officials by stakeholders over the maximum dimensions of a caravan with reference to energy conservation and the reduction of greenhouse gas emissions. This definition is one of the key building blocks upon which the legislative framework is built that governs their activities. We are issuing this consultation paper to examine the issues relating to our proposals and to encourage wider debate.

The legal definition of a caravan applies to all types of caravan; namely to caravans used as permanent residential accommodation for Gypsy and Traveller sites and park home estates and to caravan accommodation used for holiday purposes. Any proposed change will affect all these sectors and therefore this paper is circulated widely. A list of the main stakeholders who this paper has been sent to is available at Annex A.

All comments on the contents of this paper and its proposal are welcome. We would be particularly interested in hearing about any financial implications resulting from our proposal.

Responses

Please send your response no later than 2 November 2005. It should be noted that there can be no extension given to this deadline. All responses should be sent to:

Mark Coram
Zone 2/H10
Eland House
Bressenden Place
London SW1E 5DU

E-mail responses are welcome. If you are replying by e-mail please include the words, 'Definition of a caravan' in the subject or title. These and any enquiries may be sent to:
Mark.coram@odpm.gsi.gov.uk

Telephone number for enquires is **0207 944 4400 xtn 19557**

Representative groups are asked to include a summary of the people and organisations they represent in their reply.

A summary of responses to this consultation will be published by 26 January 2006 on <http://www.odpm.gov.uk>

Paper copies will be available on request.

All responses will be made public unless confidentiality is specifically asked for. However, correspondents should be aware that confidentiality can not always be guaranteed, for example where a response includes evidence of a serious crime. Any automatic confidentiality disclaimer generated by your organisation's IT system will not be respected unless you specifically include a request to the contrary in the main text of your response.

The legal definition of a caravan

Background

So far as the law is concerned, a park/mobile home, a caravan holiday home, touring caravan or Gypsy and Traveller home are all capable of coming within the legal definition of a caravan provided they retain the element of mobility. Mobility, in this context, means that the caravan must be capable of being moved when assembled from one place to another. This means that it cannot be fixed to the ground. Permanent works, such as a large porch or extension, which fix the caravan to the ground could mean that a caravan no longer comes within the legal definition of a caravan and could as a consequence be treated as a building. This could have serious planning, legal and contract implications for site owners and residents alike such as residents of park homes not having protection under the Mobile Home Act 1983.

CURRENT LEGAL DEFINITION OF A CARAVAN

Section 29 (1) of the Caravan Sites and Control of Development Act 1960 (“The 1960 Act”) a caravan is defined as

“... any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted but does not include:

- a) Any railway rolling stock which is for the time being on rails forming part of a railway system, or
- b) Any tent.”

This definition has been modified by Section 13 (1) of the Caravan Sites Act 1968 (“The 1968 Act”), which deals with twin-unit caravans. Section 13 (1) provides that:

“A structure designed or adapted for human habitation which:

- a) Is composed of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps or other devices; and
- b) Is, when assembled, physically capable of being moved by road from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer), shall not be treated as not being (or not having been) a caravan within the meaning of Part 1 of the Caravan Sites and Control of Development Act 1960 by reason only that it cannot lawfully be moved on a highway when assembled.”

Section 13(2) of the 1968 Act prescribes the following maximum dimensions for “twin-unit caravans”

- (a) length (exclusive of any drawbar); 60 feet (18.288 metres);
- (b) width: 20 feet (6.096 metres);
- (c) overall height of living accommodation (measured internally from the floor at the lowest level to the ceiling at the highest level): 10 feet (3.048 metres).

Power to amend the definition

Section 13 of the 1968 Act also contains the following subsection:

- (3) The Minister may by order made by statutory instrument after consultation with such persons or bodies as appear to him to be concerned substitute for any figure mentioned in subsection (2) of this section such other figure as may be specified in the order.
- (4) Any statutory instrument made by virtue of subsection (3) of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

As this highlights, we can change the figures mentioned within the definition by Statutory Instrument after consultation. However, we are unable to change any other aspects of the definition without primary legislation.

REASONS TO AMEND THE DEFINITION

Insulating Existing Caravans

We are aware that several local authorities have been issuing grants for firms to help improve the energy efficiency of caravans, most noticeably park homes. Currently, the cheapest and most effective method of achieving this is to put external cladding on a caravan. The manufacturers of this external cladding advise that the thickness of the cladding used is between 5 and 15cm. As a result, where a caravan is already the maximum size permitted under the 1968 Act, the addition of cladding will increase the dimensions beyond those permitted.

External cladding is an extremely good method of insulating a caravan and is the preferred method for the following reasons:

- it dramatically increases insulation levels, with up to 30% energy saving;
- it leads to significant cost savings for occupiers;
- it is cheap and easy to install; and
- it increases fire retardant qualities. Most external claddings used have a Class O Fire rating, which is amongst the highest used.

It is important that residents do not lose their security of tenure by cladding their homes and therefore any changes must ensure all works have the written agreement of the site owner and local authority to protect the resident from future action.

Revision of the British Standard for park home manufacture

The British Standard for Park Home manufacture, BS 3632, has recently been revised so as to highlight the need for greater energy efficiency. The new British Standard gives efficiency levels on a par with, and in some cases exceeding, conventional bricks and mortar built homes. This has meant that greater wall insulation is needed which means thicker walls are required. For existing designs that measure the maximum width of 20 feet, it is only possible to increase insulation by reducing the internal dimensions of the home. This has in some cases led to smaller rooms and in other cases meant that certain layout designs are no longer possible. By permitting increased dimensions, existing designs may continue to be used.

OTHER CONSIDERATIONS

Model Standards

The Model Standards form the basis of the site licence conditions that are an integral part of running a site. They are defined, in the 1960 Act, as the site licence conditions that are normally expected as a matter of good practice. Site conditions usually stipulate, among other things, the maximum density of caravans on the park and the minimum spacing distances between caravans and between any caravan and the site boundary, roads etc.

It is important to note that, any increase in the dimensions of a caravan may mean that separation distances between homes are less than the minimum specified in the current Model Standards for holiday caravans and mobile homes. However, we consider that the proposal, set out below, to amend the dimensions of a caravan, represents a minor alteration and that it will not have any significant impact on sites overall, and will not adversely affect the number of caravans on any site. Additionally, these proposals are for the maximum specifications of a caravan, and many owners may not wish to upgrade to the largest caravans.

In the guidance associated with the Model Standards, which we will be issuing for consultation later this year, we feel that cladding that has a Class O fire rating should be a factor to be borne in mind when looking at separation distances between caravans.

Transport of caravans by road

Another consideration is the transport of caravans by road, given the increased dimensions being proposed. Caravans are usually transported by road via haulier on low loaders and in accordance with the dimensions of permitted loads and we consider that our proposal will meet the requirements of that legislation.

Planning policy

The proposed changes to the dimensions in the definition of a caravan are relatively small; there should be no adverse planning implications.

Although, there may be planning implications with fewer homes on site due to the increase in size. However we are confident that caravan parks will still be able to meet PPG3 guidelines of 30-50 homes per hectare.

PROPOSALS

We propose to amend the definition of a caravan by altering the dimensions set out in section 13(2) of the 1968 Act as follows:

- (a) length (exclusive of any drawbar); 20 metres;
- (b) width: 6.8 metres; and
- (c) overall height of living accommodation (measured internally from the floor at the lowest level to the ceiling at the highest level): 3.05 metres).

Additionally we propose:

To set out our view in guidance that the measurements of length and width should be taken between the exterior faces of the external body walls, excluding non-habitable projecting windows (i.e. projecting windows that do not extend to floor level), and excluding projecting eaves and minor projections such as gutters, down-pipes, door canopies, sills, thresholds and drip rails (see fig.1). Whilst the guidance is non-statutory, the courts will normally take it into account in deciding relevant cases.

DRAWINGS

A drawing of the proposed minimum separation distances is attached at the end of the paper.

OTHER OPTIONS

In addition to the proposal above 2 other options were considered:

1 – DO NOTHING

2 – REMOVE THE DIMENSIONS ALTOGETHER

Further detail of these options is discussed in the attached Partial Regulatory Impact Assessment.

ANNEX A

List of Key Organisations to be consulted

All Local Authorities in England and Wales

British Holiday & Home Park Association

Chartered Institute of Environmental Health

Guild of Park Homes Services

Gypsy & Traveller Law Reform Coalition

Independent Park Home Advisory Service

National Association for Park Home Residents

National Caravan Council

Park Home Legal Services

Park Home Resident Action Alliance

The above list (in alphabetical order) is not a definitive list of groups and organisations that have been consulted. If there are other organisations which ought to see a copy of this paper, but which are not on the above list, please contact us with details.

ANNEX B

Consultation Criteria

The Government has adopted a code of practice on consultations. The criteria below apply to all UK national public consultations on the basis of a document in electronic or printed form. They will often be relevant to other sorts of consultation.

Though they have no legal force, and cannot prevail over statutory or other mandatory external requirements (e.g. under European Community Law), they should otherwise generally be regarded as binding on UK departments and their agencies, unless Ministers conclude that exceptional circumstances require a departure.

- 1. Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy.**
- 2. Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.**
- 3. Ensure that your consultation is clear, concise and widely accessible.**
- 4. Give feedback regarding the responses received and how the consultation process influenced the policy.**
- 5. Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator.**
- 6. Ensure your consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate.**

The full consultation code may be viewed at
www.cabinet-office.gov.uk/regulation/Consultation/Introduction.htm

Are you satisfied that this consultation has followed these criteria? If not, or you have any other observations about ways of improving the consultation process please contact

Adam Bond, ODPM Consultation Co-ordinator, Room 2.19, 26 Whitehall, London, SW1A 2WH;

or by e-mail to:
adam.bond@odpm.gsi.gov.uk

ANNEX C

Partial Regulatory Impact Assessment (RIA)

Title of Proposal

Amending the definition of a caravan as defined under the Caravan Sites Act 1968

Purpose and Intended Effect of Measure

OBJECTIVE

To redefine the maximum dimensions of caravans, following representations received from interested parties.

BACKGROUND

The current specification of the dimensions of a caravan is contained in the Caravan Sites Act 1968, and has not been amended since the Act came into force. The problems arise as a consequence of cladding being added to caravans for insulation purposes. The addition of cladding has in some cases meant that the caravan's dimensions have exceeded the maximum allowed under the 1968 Act.

RATIONALE FOR GOVERNMENT INTERVENTION

We are aware of the issues surrounding cladding and the definition of a caravan, We are also aware of the revision of various British Standards relevant to caravans. We therefore decided to investigate the matter further. If we do nothing, then it is likely that more court cases will arise and residents will continue to be disadvantaged by not being able to improve their home's energy efficiency.

Consultation

WITHIN GOVERNMENT

DCMS, DEFRA, DFT, Scottish Executive, National Assembly for Wales, Northern Ireland Assembly, Small Business Service.

PUBLIC CONSULTATION

This is our formal public consultation, although some informal consultation has taken place with stakeholders. The section in the Act has remained unaltered since coming into force.

Options

THE PREFERRED OPTION

AMEND THE DIMENSIONS IN SECTION 13(2) OF THE 1968 AS FOLLOWS:

We propose to amend the definition of a caravan by altering the dimensions set out in section 13(2) of the 1968 Act as follows:

- (a) length (exclusive of any drawbar); 20 metres;
- (b) width: 6.8 metres; and
- (c) overall height of living accommodation (measured internally from the floor at the lowest level to the ceiling at the highest level): 3.05 metres).

Additionally we intend to set out our view in guidance that the measurements of length and width should be taken between the exterior faces of the external body walls, excluding non-habitable projecting windows (i.e. projecting windows that do not extend to floor level), and excluding projecting eaves and minor projections such as gutters, down-pipes, door canopies, sills, thresholds and drip rails (see fig.1).

The definition is proposed as it deals with the difficulties created by the external cladding of caravans by increasing the external dimensions for caravans specified in section 13 (2) of the 1968 Act. It also allows some extra contingency in case new issues are uncovered, in the coming years.

ALTERNATIVE OPTIONS CONSIDERED

OPTION 1 – DO NOTHING

There would be problems if we did nothing as some caravans may not be able to install the cladding without breaching the maximum dimensions currently in place. Additionally, some caravans already have the cladding installed and are technically in breach of the current Regulation.

Given the move towards more energy efficiency, doing nothing would cause problems as some products would have to be installed on the inside of caravans so as to not breach the current law. By doing nothing we will not be helping towards various Government energy targets and be disadvantaging caravan residents.

OPTION 2 –REMOVE THE DIMENSIONS ALTOGETHER

This would require primary legislation. Although in theory this could be welcomed by manufacturers and possibly site owners, this would have significant problems with regard to environmental and planning concerns. In addition, there would be problems regarding transportation, as there is a limit on the size a caravan can be under the Road Vehicles (Construction and Use) Regulations. For the purposes of those Regulations, a caravan is treated as a trailer and must conform to the requirements set out in the guidance. Also the caravan industry has been built around this definition and to remove it totally could be detrimental and create an unstable market for established manufacturers.

Other options considered:

ALLOW TOLERANCE

Some stakeholders wanted the width of cladding to be allowed in tolerance. However we did not consider this as an option as this would undermine the legislation in respect of caravans. Although simple to implement, this would be wide open to different interpretations. This undermines that legislation must be followed. This offers a short term solution but does not deal with the underlying issue of the dimensions no longer being fit for purpose. So this was not considered for consultation.

Costs and Benefits

Sectors and groups affected

The following areas will be affected

- Manufacturers of caravans
- Refurbishers
- Insurers
- Residents
- Park Owners
- Holiday site owners
- Local Authorities

Race equality assessment

We feel that the policy will affect all groups equally across the sector and that no group will be greatly affected by the proposals. Gypsies and Travellers are an ethnic group who will be positively affected by the proposals. Given the levels of poverty, disadvantage and ill health in the Gypsy and Traveller community, the opportunity to receive grants to upgrade the quality of their home would be very beneficial.

Health impact assessment

This will improve resident's health and reduce poverty levels with the reduction in heating bills. Many residents (over 70% of park home residents) who live in caravans are elderly and often vulnerable and therefore these improvements will have a greater impact.

Rural considerations

This will have some impact on small rural firms, as most of the sites are in rural areas and are run by small and micro businesses. In the main, the proposed change will be considered good for businesses, with impact on business overall being negligible.

Costs and benefits

OPTION 1 – DO NOTHING

Economic Benefits – None

Economic Costs – Continuing high fuel bills

Environmental Benefits – None

Environmental Costs – Continued higher levels of emissions

Social Benefits – None

Social Costs – Disadvantaged position for 260,000 residents who can not have their homes insulated.

OPTION 2 – REMOVE DIMENSIONS ALTOGETHER

Economic Benefits – Would assist with energy saving by allowing the installation of cladding. We estimate savings on energy bills of an average of £144 per home, per year.

Economic Costs – Could lead to major costs to manufacturers, with new designs needed.

Environmental Benefits – Reduced emissions

Environmental Costs – Environmental concerns arising from transportation of larger caravans by road and the visual aspect of sites becomes less appealing

Social Benefits – Larger Caravans, Money Saving

Social Costs – Visual aspect of sites becomes less appealing

OPTION 3 – EXTEND MEASUREMENTS TO 20M × 6.8M × 3.05M

Economic Benefits – Would assist with energy efficiency by allowing the installation of cladding. We estimate savings on energy bills of an average of £144 per home per year. Manufacturers will save money in the long term as they will be able to install the cladding during construction.

Economic Costs – Initial costs to caravan owners and manufacturers – should be negligible as grants are available from local authority to meet the costs in putting the cladding on.

Environmental Benefits – Reduced emissions if cladding installed, and from reduction in need for more fuel. Keeping a maximum size means sites will not have their general character affected.

Environmental Costs – None

Social Benefits – Reduced energy bills and better quality of living. Healthier residents due to better insulation

Social Costs – None

Small Firms' Impact Test

Most of the businesses affected by these proposals are small in nature. We do not feel that there will be any significant impact on them in the short term. Indeed, we believe in the long term that the proposals will be beneficial, from construction and design of park homes by constructors, to the benefits of larger homes on sites for the site owners.

Competition Assessment

The Department has completed the competition filter. This requires that policy makers consider the market that will be affected: i.e. the firms that compete against one another to sell the same or similar products or services.

No site owner owns more than 10% of the 1600+ parks in England and Wales; indeed only one operator has more than 25 parks. The report, *Economics of the Park Homes Industry*, concluded in 2002 that ‘...there is very little ownership concentration at the national level that would appear to inhibit market competition. It is probable that this is also true at the county level.’

The costs of the regulation should not affect some firms more than others. The proposed legislation should not result in higher set-up or running costs for new firms that existing firms do not have to meet and the market is not characterised by rapid technological change.

Cabinet Office advises that if policy-makers answer ‘yes’ to fewer than half the questions asked in the filter, there is unlikely to be a negative competitive impact from the new regulation. Therefore no detailed competition assessment would be required.

None of the nine questions might be answered in the affirmative for this market, so no detailed assessment will be required.

Enforcement, Sanctions and Monitoring

ENFORCEMENT

How will the proposal be enforced?

The same method of redress currently in operation, namely through county courts, will still apply. The site owner will have to take individual owners to court to terminate the agreement on the grounds that they have breached the agreement.

Who will enforce the proposal?

Local Authorities will be responsible for any enforcement action taken against site owners, as they are now.

SANCTIONS

Will the legislation impose criminal sanctions for non-compliance?

The current criminal sanctions remain in place. Our proposals do not affect them in any way.

MONITORING AND REVIEW

Monitoring will take place via communications with local authorities, trade and residents associations. Contact will also come via the All Party Parliamentary Group for the Welfare of Park Home Owners.

Figure 1 Dimensions & Minimum Separation Distances

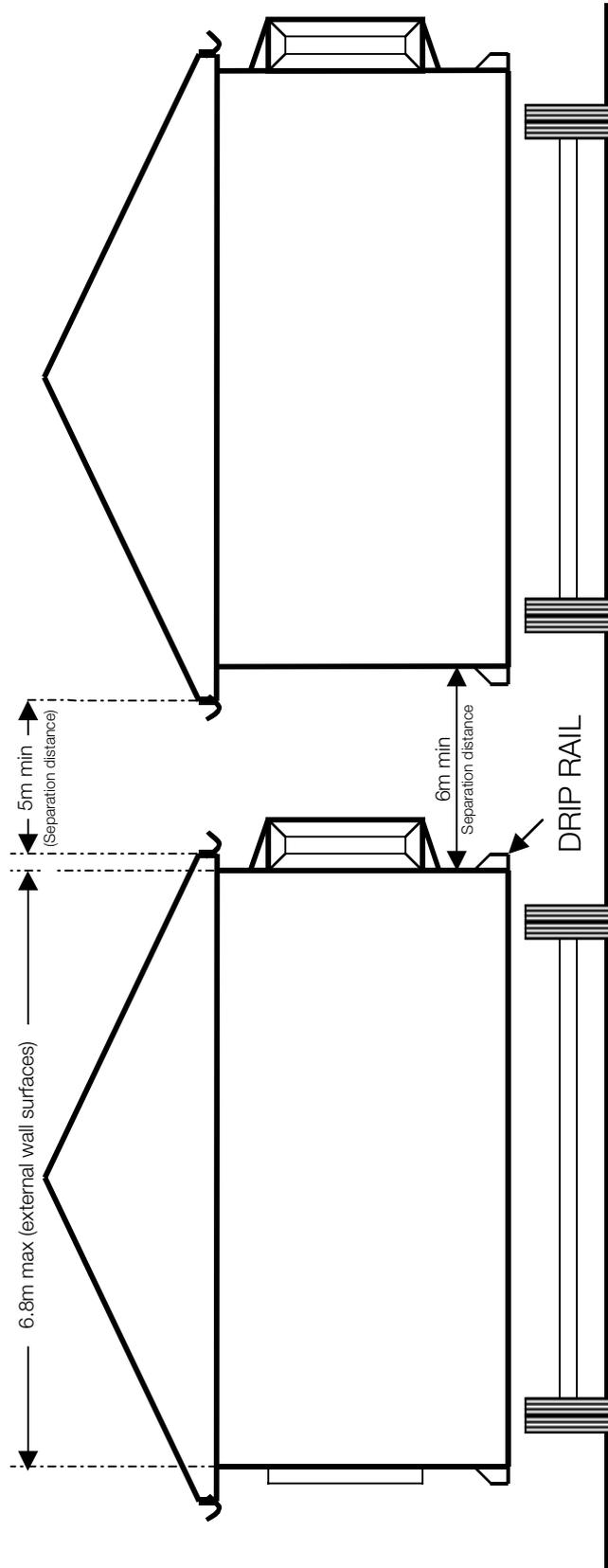


Figure 2 Dimensions

