

Appendix 6

Further Representations

Further Representation From

Statement of Observations from Planning Officer on Applicant's Notice of Review

Application No.: HM/16/0299
Greenlea Caravan Storage, Muttonhole Road, Hamilton ML3 8RU

Statement of observations

1.0 Planning Background

- 1.1 An application for Planning in Principle was submitted to South Lanarkshire Council by Ms. Claire Taylor in July 2016 for the erection of a residential dwelling (planning reference HM/16/0299) at Greenlea, Caravan Storage, Muttonhole Road, Hamilton. The submission of the application followed a on-site meeting, attended by Mr & Mrs Gechonis, their agent and James Watters (SLC Planning Officer) and Allan Forrest (SLC Roads Engineer).
- 1.2 After due consideration of the application in terms of the Development Plan, (primarily the adopted South Lanarkshire Local Development Plan) and all other material planning considerations, the Planning Service refused planning application HM/16/0218 under the Council's approved Scheme of Delegation.
- 1.3 The planning history of the site is complex and is summarised as follows:
- The caravan storage facility commenced in the 1960's, with Mr and Mrs Gechonis taking over the business in the late 1980's.
 - Mr and Mrs Gechonis were granted planning permission in 1994 for the establishment of a cattery business within the site, (HN/94/0426).
 - Subsequent to the above approval a new dwelling was approved in 1997 (HN/97/H350), which was tied to the cattery business through the use of conditions and a legal agreement.
 - A further dwelling house and new cattery buildings (replacing the existing cattery buildings) was approved in May 2010 (HM/07/0457). A new legal agreement was concluded which tied together the new dwelling and new cattery operations. The existing legal agreement amended to tie the original house to the caravan storage business.

- The proposed house type was amended through the approval of planning application HM/10/0327 in August 2011. The legal agreement was also amended to reflect this change. This permission was renewed in 2014 (HM/14/0336). The new dwellinghouse and cattery have now been completed.
- In 2013, permission was granted for the discharge and modification of the legal agreement in terms of the requirement to tie the existing property to the caravan storage business and the timescales for implementation of the application (Application nos.: HM/13/0190, HM/13/0192 and HM/13/0193) and for the further discharge of the legal obligation relative to occupancy restrictions for the proposed new dwelling relative to the establishment of a single planning unit for the proposed new dwelling and new cattery buildings (Application no.: HM/13/0321).
- Further applications (HM/13/0327, HM/13/0328, HM/13/0329 and HM/13/0339) were also granted, for the amendment or removal of conditions, relative to occupancy restrictions and the creation of a single planning unit, attached to previous approvals (HM/07/0457 and HM/10/0327). At this point, the dwellings were no longer tied to either business and could therefore be sold separately as an individual dwelling and not as part of any business.
- It noted that the original dwellinghouse, previously tied to the caravan storage facility, was subsequently sold independently of the business operation.

2.0 Assessment against the Development Plan and other relevant policies

- 2.1 Section 25 of the Town & Country Planning (Scotland) Act 1997, as amended, requires that an application for planning permission is determined in accordance with the Development Plan, unless material considerations indicate otherwise. The Development Plan consists of the Glasgow and the Clyde Valley Strategic Development Plan (SDP) as approved by the Scottish Ministers with modifications 29 May 2012 and the adopted South Lanarkshire Local Development Plan (SLLDP) (adopted 29 June 2015). The SDP sets out the strategic policy context against which developments proposals within the Glasgow and Clyde Valley area. The proposal raises no issues with regard to the SDP. The

adopted SLLDP and its associated supplementary guidance on Green Belt and Rural Areas set out a detailed planning policy framework to promote and guide development within South Lanarkshire Council.

- 2.2 Policies 3 – Green Belt and Rural Area and GBRA11 – House Associated with Established Business Assessment of the SLLDP and its supporting guidance are relevant to the assessment of application HM/16/0299, which is the subject of this review.
- 2.3 As detailed in the Officer Report prepared in support of the recommendation for the refusal of the application, the application site lies within an area designated as Green Belt within the SLLDP (Policy 3 applies).
- 2.4 Whilst the introduction of a caravan storage facility within the Green Belt will generally not be considered appropriate in terms of this policy, the business at Greenlea has been established for some time and has benefitted from a number of planning consents and developments over the years. In terms of the provision of new residential accommodation associated with existing business operations, Policy GBRA 11 advises that these will only be supported in the certain circumstances, subject to appropriate criteria being met.
- 2.5 In this instance, the applicant seeks the approval of planning permission in principle for the erection residential dwelling associated with the existing caravan storage facility.
- 2.6 Policy GBRA 11 states, amongst other criterion, that:
 - i) Evidence must be submitted to demonstrate that the existing business has been established and viable for at least two years and is financially sound with a clear prospect of remaining so. A business plan must demonstrate that the income from the business can support the worker's needs, the business premises and the associated residential unit, which should be treated as part of the infrastructure of the business.
 - ii) Evidence is submitted which demonstrates that the proposed dwelling is essential to the functional needs of the business, not merely convenient.
 - iii) That the need of the worker cannot be fulfilled by another existing dwelling on the site or by other existing accommodation in the area

which is suitable and available for occupation by the worker concerned.

2.7 Following an assessment of the proposal, it was considered that the development did not satisfy all the necessary requirements, as follows:

- i) The submitted Summary Business Plan states that full capacity of the site can easily be achieved through advertisement, referrals from caravan dealership and due to the demand for such facilities. The submitted Supporting Statement and Summary Business Plan do not provide sufficient detail to support its conclusions and do not provide a justification for a permanent residential associated with the current caravan storage business.
- ii) The proposed dwelling was justified on the basis that “*an on-site resident is an essential and fundamental requirement of a business of this nature from the perspectives of both security and the need to respond, for example, to adverse weather conditions*”. However, again they provide no evidence to demonstrate that this is indeed the case. It was also noted that within their submitted business plan that the applicants claimed “*The site is ideally located in a rural area away from vandals...*”

Policy GBRA11 states that the proposed dwelling is essential and not merely convenient and both the applicant’s statement and research carried out by the Council’s Planning and Economic Development Service does not establish that there is no alternative to a new dwelling. On-site presence may be considered necessary when the operation relates to the care and welfare of livestock, which is not the case in this instance. This Service does not support the view that such provision is a necessity for the operation of a caravan storage facility. Organisations such as The Caravan Storage Site Owner’s Association’s (CaSSOA) advise, within their “Guide To Secure Caravan Storage” (Appendix 4), that theft and criminal damage cannot be completely eliminated and that the use of an “in-depth” security system; a combination of physical security supplemented by electronic detection measures should deny or delay access to any intruder. A successful storage site will be founded on the principles of robust physical perimeter protection, Technical detection systems that supplement physical protection and effective site administration and management. They further advise that “*the purpose of access control to a secure area is twofold, firstly to deny unauthorised and secondly, to monitor the movement of authorised users. Access control is a specialist field*”

where technology has all but replaced the human element". It is also considered that on-site security could, more appropriately, be provided by means of a site manager/watchman, rather than through on-site residential occupation of the site.

It is noted that other storage facilities, such as within steel shipping containers etc, operate successfully without the need for on-site residential accommodation or indeed any permanent on-site presence through the provision of CCTV cameras to monitor the site remotely.

The proposal to site a residential dwelling at this location is clearly not a necessity, in terms of the existing business operation, but whilst it could be viewed as being convenient, that is not in accordance with Policy GBRA11.

In terms of the need to respond to adverse weather conditions, as stated within the Officer Report, it is not uncommon for buildings within the countryside and remote locations to be left unattended.

Whilst there is an established business, it has not been demonstrated that a dwellinghouse is essential for the running of the business and indeed it was previously justified by the existing owner of the caravan business that there was no need to have a dwellinghouse on the site. This was submitted with an application in 2013 which successfully sought to remove the tie between the caravan storage business and the dwelling which was then sold.

- iii) The applicant stated that there is no other accommodation within the area suitable of fulfilling this requirement, due to the requirement for maximum surveillance and security. Again no specific information was provided in support of this statement. It is considered that the issue of security has been addressed through the response at Point ii) above.

2.8 On the basis of the above, it is therefore clear that on site residential presence is not a necessity in this instance. It is considered that on-site security and monitoring can be achieved through means other than permanent residential accommodation on site. On this basis the proposal is contrary to the applicable policies of the adopted SLLDP (Policy 3 - Green Belt and Rural Area and Policy GBRA 11 – House Associated with Established Business of the adopted).

3.0 Other material considerations

- 3.1 It is noted that there is constant pressure for residential development within the Green Belt surrounding Hamilton, including land adjoining the application site and in close proximity to it. The Council has been consistent with the advice given and subsequent planning application determination by rejecting proposals which are not supported by local planning policies and supporting those which can be justified, as was the case previously for the dwelling associated with the cattery business (Application HM/07/0457).
- 3.2 No third party objections have been received in respect of the proposal and the requirements of the statutory consultees could be addressed through the use of appropriately worded conditions and/or informatives, if permission was to be granted.
- 3.3 It is noted that, in response to the applicants being advised of the likely refusal of the planning application, the applicant's agents (within correspondence dated 10 November 2016 – Appendix 1) sought a meeting with the Head of Planning and Convenor of the Council's Planning Committee. The purpose of the meeting was to discuss the application, and likely decision, prior to any formal decision being made by the Council. It is confirmed that as the proposed refusal of the application was in accordance with Local Development Plan Policy the application would be delegated to the Head of Planning, under the terms of the Council's approved Scheme of Delegation, without the need to be presented to Committee. A meeting, with the agent, applicant and landowner, was offered by the Hamilton Area Manager, in correspondence of the 21 December 2016 (Appendix 2), however this offer was declined by the applicant's agent in a letter dated 9 January 2017 (Appendix 3).

4.0 Observations on applicant's 'Notice of Review'

- 4.1 The applicant's request for a review is set out within their letter dated 9 June 2017 and supporting information. In response to the matters raised the following comments are made.
- 4.2 The applicant's agent's recollections of the pre-application discussions do not accord with those of the Planning Officer, nor the Roads Officer who attended the meeting. Whilst the separation of the business operations at this location, and potential for the provision of further residential accommodation were discussed, the Planning Officer does

not recall providing any indication of “support” for the proposal to site an additional dwellinghouse at this location. In the absence of detailed supporting information it would be difficult to assess the acceptability, or otherwise, of any proposal. Any advice provided during pre-application would, in any case, be offered on an informal basis and without prejudice to any future decision by the Council. The only means of ascertaining the Council’s formal position would be through the determination of a planning application. Furthermore, the Planning Officer does not recall stating their support of the proposal at any time through the determination of the application, as suggested by the applicant’s planning agent.

- 4.3 The applicant’s contention that the information provided in support of the application clearly demonstrated the need for on-site residential accommodation is not supported by this Service for the reasons set out above. The applicant identified, within their application submission that the need for the proposed permanent residential accommodation was due to the need for both security and maintenance. However, it is considered that these can easily be provided by other means, rather than by an on-site residence. On this basis the Planning Service considered that it had not been demonstrated that the accommodation was essential to the business use and therefore the proposal was contrary to the policies of the adopted South Lanarkshire Local Plan in this instance.
- 4.4 It is confirmed that the determination of the application was delayed due to the need for a detailed assessment of the proposal in light of the complex planning history of the site. It is noted that the Planning Service’s handling of the application was raised with the Council’s Chief Executive in February 2017, responded to by him March 2017 and a decision subsequently issued.
- 4.5 It is noted that the applicant has stated in their statement of support for this Notice of Review, in respect of the caravan storage business, that Mrs Gechonis “*wishes to pass that business over to her daughter so that the service providedcan continue*”, that “*It has created an opportunity out of need for Mrs Gechonis’s daughter to take over the business and keep it in the family.....*”. It is unclear from the details provided as to why this option was not considered prior to the sale of the original dwelling associated with the caravan business and previously tied through legal agreement to that business, independently of the business. This property could have served the applicant’s perceived need for on-site presence without the need for a further residential property at this location.

5.0 Conclusions

- 5.0 Taking all matters into account it is considered that the proposed development does not accord with the the provisions of the adopted South Lanarkshire Local Development Plan (2015) and its supplementary guidance for the reasons set out within the decision notice previously issued by this Service. If approved, the proposal would set an undesirable precedent which could encourage further similar applications for development prejudicial to the Greenbelt designation.
- 5.1 It is therefore respectfully requested that the Planning Local Review Body dismiss the applicant's request to overturn the refusal of planning permission based on the information contained in the delegated report and associated reasons for refusal.

Appendices

1. Derek Scott Planning letter dated 10 November 2016
2. SLC Planning and Economic Development's letter dated 21 December 2016
3. Derek Scott Planning's letter dated 9 January 2017
4. CaSSOA Guide To Secure Caravan Storage



Our Ref: ep403/let014/DS

10th November 2016

Mr. James Watters
Planning Officer
Planning & Building Standards (Hamilton)
Community and Enterprise Resources
South Lanarkshire Council
Montrose House
154 Montrose Crescent
Hamilton ML3 6LB

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| COMMUNITY + ENTERPRISE RESOURCES | |
| Montrose House | |
| RECEIVED: | |
| 11 NOV 2016 | |
| Allocated to: | |
| File Ref: | |

Dear James

HM/16/0299 - ERECTION OF DWELLING HOUSE IN ASSOCIATION WITH AN ESTABLISHED CARAVAN STORAGE BUSINESS at GREENLEA CARAVAN STORAGE, MUTTONGHOLE ROAD, HAMILTON, ML3 8RU

I refer to your e-mail of 09th November 2016 (copy attached) in connection with the above-mentioned planning application, the contents of which, to the say the least, are an unwelcome surprise.

In situations of this nature it is sometimes better to look back before looking forward and that is exactly what I intend to do within the scope of this letter. You will be aware that I have acted on this site for a number of years, originally on behalf of the late Mr. Martin Gechonis and his wife Angela and more latterly on behalf of Ms. Claire Taylor, the current applicant.

You will recall that you and Allan Forrest from your Roads Department met with the late Mr. Gechonis and myself on 22nd October 2015 to discuss the potential redevelopment of the caravan site which Mr. Gechonis had been considering at the time as part of his retirement plans. We discussed various possibilities including the redevelopment of the site for 5-6 dwelling houses, which you discouraged, but as an alternative you suggested the submission of an application for a single dwelling house to provide accommodation for an essential worker at the caravan site. You advised at the time that such an application would be supported in principle. Unfortunately Mr. Gechonis died very suddenly the following month leaving his wife Angela to run both the cattery and caravan storage business, which occupy the wider site, on her own.

Struggling to operate both businesses Mrs. Gechonis saw the approach from Claire as an ideal opportunity to sell the caravan business but continue operating the cattery business from the site. An application for the erection of a dwelling house was subsequently submitted by us on behalf of Ms. Taylor on 27th June 2016. Whilst progress with that application has been painfully slow I have spoken to you on a number of occasions and received assurances that the application was being supported by you in principle. You can imagine my surprise in reading the first paragraph of your e-mail that you have done a complete about turn, presumably following discussions with your line manager, and you are now of the view that *'the proposal for the siting of a dwelling at this location is not justifiable in this instance.'*

You make a number of claims in your e-mail which I would like to respond to on behalf of our client and outline below:

'The Council do not support the contention that "the presence of an on-site resident is an essential pre-requisite to the successful operation of a caravan storage business" as security could be provided through other appropriate means, such as improved security fencing, CCTV cameras, non-residential watchman etc., rather than through on-site residential occupation of the site.'

Response - It is more than disturbing that your views on this matter are only being drawn to our attention now and were not raised at any time during our discussions over the course of the past 12 months. Your comments in respect of security being provided through other appropriate means, such as improved security fencing, CCTV Cameras, non-residential watchmen etc., rather than through on-site residential occupation of the site are naive to the say the least and represent a complete misunderstanding of the manner in which the business is operated. It's a simple fact that the success of the business in the past has been due, in no small part, to the on-site presence of a resident. Unless you can convince us otherwise with an appropriately prepared business plan your suggested measures renders the business entirely unviable. As a matter of courtesy can you please provide us with qualified information to support the position you have taken?

'It is further noted that within the submitted business plan that it is highlighted that "the site is ideally located in a rural area away from vandals"..... "with only two thefts and one attempted break-in.'

Response - The low numbers of thefts and break-ins are as a direct consequence of both the location of the caravan storage facility and the presence of an on-site resident.

'Furthermore, it is noted that an existing dwelling, formerly associated with the caravan storage business, was sold independent of the business thereby supporting the opinion that the business does not require permanent on-site residential accommodation.'

Response - With the utmost respect it would appear that you have not undertaken a comprehensive review of the planning history associated with this site in the context of recent events including the death of Mr. Gechonis in November 2015. The house to which you refer was sold prior to the death of Mr. Gechonis. At that time Mr. and Mrs. Gechonis had moved into a new house adjacent which had been granted by your Council under Planning Application Reference Number HM/07/0457 and renewed with an amended design under Planning Application Reference Number HM/10/0327. The caravan storage business was operated from the new dwelling house from that point.

The former house to which you have referred was tied to the caravan business via a legal agreement but that tie was removed prior to the house being sold. Indeed in the statement submitted in support of the application to remove the tie which existed, we advised the following:

'The current application seeks permission to discharge the clause in the Section 75 Agreement tying the occupation of the existing dwelling house to the caravan storage business and the clause which prohibits the operation, leasing or selling separately or independently of the dwelling house and caravan storage business so as to enable our clients to consider retirement from the business and to market the property.'

11 NOV 2016

It is clear from the above that Mr and Mrs Gechonis have never hidden from your Council that it was their intention to sell that house as part of their retirement plans. Unfortunately Mr. Gechonis died 20-30 years before his time and was never able to execute his retirement plans. The reality of the situation is that Mrs. Gechonis is now struggling to operate two businesses and wishes to realise the opportunity to retire from one.

The statement you have made in relation to that former house is, as a consequence of the above considerations, completely wrong and entirely misleading.

'In terms of the submitted Business Plan it is considered that this does not sufficiently demonstrate the operation, by your client, of a viable business for the required two year period. The business model relies heavily on the financial records of its current owner with limited projection costs showing maximum occupation, which does not accord with the previous actual occupation rates provided and would appear unrealistic. The financial statement also takes no account for the costs associated with the provision, and running, of a new dwelling associated with the proposed operation. In addition there are no details provided within the supporting documents of the knowledge and experience of your client with regards to the running of a successful caravan storage business.'

Response – The business plan submitted contains as much, if not more detail than many other business plans that have been submitted to your Council in support of housing applications in rural areas in the past, some of them prepared by this company. Perhaps you could furnish me with examples of business plans submitted in the past which comply fully with the requirements you have outlined for comparative purposes. Ms. Taylor, the applicant and a daughter of Mrs. Gechonis has considerable experience in the business having assisted in its operation during the course of the past 25 years and as such is well qualified to take it over. In fact I can think of no one better qualified. Whilst I appreciate that costs associated with the provision and running of a new dwelling house have not been incorporated within the business plan Ms. Taylor is keen to assure your department that the required funds are available to construct the house and the projected profits more than sufficient to run it.

'As previously discussed, given that the current proposal seeks "Planning in Principle" for a dwelling consideration was given to whether it would be appropriate to grant permission subject to condition(s) requiring that the business operated for a two year period, to demonstrate that the proposed operation remains viable, with only temporary accommodation being provided, as required by policy GBRA10. However, it is considered that this would not be an appropriate course of action given the fact that the provision of on-site residential accommodation is not accepted in this instance and the proposal therefore remains at odd with the requirements of adopted Local Plan policies. It is further understood, through our discussions, that such an approach was likely to be considered unacceptable to your client.'

Response – I fully accepted your previously given advices that consideration might have to be given to the imposition of a condition on any consent granted requiring the business to operate for a two year period to prove financial viability. I advanced the argument during discussions on this matter that such a condition was not required as the business had already been established for two years and that Ms. Taylor was simply taking it over and left it at that. I never for a moment imagined that your views on the proposal as expressed at a meeting and during a number of telephone calls would change so fundamentally.

11 NOV 2016

You make reference above to the requirement to demonstrate that the *'proposed operation remains viable.'* Can you please specify the criteria you use to assess viability in such circumstances and the thresholds above and below the line of viability?

'I appreciate that the above response is not one that either you, or your client, would have hoped for. However, given the Council position I would be grateful if you could confirm whether your client wishes the application to be determined on this basis or if they wish to withdraw the application prior to any decision being made by this Authority.'

Response – There is, in my opinion, much more discussion to be had on the merits of the current application prior to it being determined by your Council. Both my client and I, and the late Mr. Gechonis before that, have been clearly led up a garden path as a result of advices previously given to and taken in good faith by us. Our client will not be withdrawing the application and would wish it to be determined by your Council but not before a meeting is convened with your Head of Planning and the Convenor of your Planning Committee so that our client's grievances with your department's handling of this application/proposal can be tabled and discussed. I would be grateful if you could facilitate such a meeting at your earliest convenience but in the meantime respond to the queries raised in this letter.

I look forward to hearing from you



11 NOV 2015

Derek Scott

From: Watters, James [REDACTED]
Sent: Wednesday, November 9, 2016 1:16 PM
To: Derek Scott
Subject: HM/16/0299 - Muttonhole Road, Hamilton - Proposed Dwellinghouse

Categories: Red category

Derek

I note your previous comments with regard to a "positive outcome" for your client's application. I would advise that, in consideration of this proposal, I am of the view that the proposal for the siting of a dwelling at this location is not justifiable in this instance.

It is accepted that there is scope within the adopted South Lanarkshire Local Development Plan, and its supporting guidance, for the provision of residential accommodation, both temporary and permanent, associated with an existing business operation within the Green Belt (Policies 3- Green Belt and Rural Areas, GBRA10 – Temporary Residential Accommodation Associated with Existing or Proposed Business and GBRA11 – House Associated with Established Business apply). However, such uses would only be acceptable subject to compliance with specified criteria; which includes:

- i) that evidence has been provided that demonstrates that the business is established and viable for at least two years and is financially sound with clear prospects of remaining so. The business plan must demonstrate that the income from the business can support the worker's needs, the business premises and the associated residential accommodation which, with regard to financial viability, should be treated as part of the infrastructure of the business.
- ii) that evidence has been provided which demonstrates that the proposed dwelling is essential to the functional needs of the enterprise, not merely convenient.

The Council do not support the contention that "the presence of an on-site resident is an essential pre-requisite to the successful operation of a caravan storage business" as security could be provided through other appropriate means, such as improved security fencing, CCTV cameras, non-residential watchman etc, rather than through on-site residential occupation of the site. It is further noted that within the submitted business plan that it is highlighted the "the site is ideally located in a rural area away from vandals"..... " with only two thefts and one attempted break-in". Furthermore, it is noted that an existing dwelling, formerly associated with the caravan storage business, was sold independent of the business thereby supporting the opinion that the business does not require permanent on-site residential accommodation.

In terms of the submitted Business Plan it is considered that this does not sufficiently demonstrate the operation, by your client, of a viable business for the required two year period. The business model relies heavily on the financial records of its current owner with limited projection costs showing maximum occupation, which does not accord with the previous actual occupation rates provided and would appear unrealistic. The financial statement also takes no account for the costs associated with the provision, and running, of a new dwelling associated with the proposed operation. In addition there are no details provided within the supporting documents of the knowledge and experience of your client with regards to the running of a successful caravan storage business.

As previously discussed, given that the current proposal seeks "Planning in Principle" for a dwelling consideration was given to whether it would be appropriate to grant permission subject to condition(s) requiring that the business operated for a two year period, to demonstrate that the proposed operation remains viable, with only temporary accommodation being provided, as required by policy GBRA10. However, it is considered that this would not be an appropriate course of action given the fact that the provision of on-site residential accommodation is not accepted in

this instance and the proposal therefore remains at odd with the requirements of adopted Local Plan policies. It is further understood, through our discussions, that such an approach was likely to be considered unacceptable to your client.

On this basis it is advised that that it is intended to recommend the application for refusal, which is consistent with other recommendations for similar applications within the Green Belt.

I appreciate that the above response is not one that either you, or your client, would have hoped for. However, given the Council position I would be grateful if you could confirm whether your client wishes the application to be determined on this basis or if they wish to withdraw the application prior to any decision being made by this Authority.

I look forward to your response on the above.

Regards
James



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11 NOV 2016



Community and Enterprise Resources
Executive Director **Michael McGlynn**
Planning and Economic Development

Derek Scott Planning
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Our ref: JW/HM/16/0299
Your ref:
If calling ask for: [REDACTED]
Date: 21 December 2016

Dear Mr Scott

Planning Application Reference: HM/16/0299
Greenlea Caravan Storage, Muttonhole Road, Hamilton ML3 8RU

I write with reference to your letter of 10 November 2016, the contents of which are noted.

I have now had the opportunity to discuss the matter with the case officer, James Watters. On the basis of this discussion it is my understanding that Mr & Mrs Gechonis had highlighted at an early stages of their discussions with James that their intention was for the separation of two business elements, a cattery and caravan storage business, that they operated at this location to allow their independent operation. This was due to the fact that they wished to remove their involvement in the caravan storage business and enjoy a more relaxed retirement. It was their hope that they would be able to sell the caravan storage business and associated dwelling as a going concern. The existing dwellinghouse on site was tied through a legal agreement to the existing cattery operation.

As you are aware, to achieve this application submissions were made in 2007 and 2010 which allowed the separation of the business operations and provided a new cattery building and dwellinghouse. However, these were conditioned, and tied through a legal obligation which restricted the sale of the dwellinghouses independently of the associated business operations, and vice versa. The new cattery building was tied to the new dwellinghouse, with the existing cattery building being removed. The existing dwellinghouse was tied to the existing caravan storage facility. This was consistent with Council policies, and Government guidance, which were in place at that time and with the agreement of Mr & Mrs Gechonis.

As a result of difficulties in finding a purchaser for the business, and revised advice from the Scottish Government on the use of planning obligations, a number of applications were approved by the Council in 2013. These approvals removed the various conditions and legal restriction attached to the business operations and dwellings and would allow their independent sale.

In terms of the advice, provided by James at your meeting of 22 October 2015, that the principle of residential accommodation associated with an established business is correct as there are policies

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within the adopted Local Plan which support such provision in certain circumstances, subject to appropriate justification being provided.

In reply to the various responses highlighted in your letter I would offer the following comments:

Response 1

I note your concern that the Council has only now indicated that the provision of permanent on-site residential accommodation cannot be supported however it is my understanding that this had been previously discussed, along with the potential provision of temporary accommodation, during your discussions. It would appear that there may have been a misunderstanding in this regard. Notwithstanding this, as you will be aware, there is a requirement for planning applications to be determined in accordance with the development plan, unless material considerations dictate otherwise and each case is fully assessed on its merits following the submission of any application. The submitted application's supporting statement and business plan were assessed and it is our position that they do not provide a justification for a permanent residential associated with the current caravan storage business. I would highlight that a similar further application, within close proximity to your client's site, was under consideration at this time which was also unsupported by the Council and was ultimately withdrawn by the applicant.

With regards to the need for on-site presence whilst the Council accept that such provision may be necessary when the operation relates to the care and well being of livestock they do not support the view that such provision is a necessity for the operation of a caravan storage facility. In reaching this viewpoint on-line research was carried out and it is noted that organisations such as The Caravan Storage Site Owner's Association's (CaSSOA) advise, within their "Guide To Secure Caravan Storage", that theft and criminal damage cannot be completely eliminated and that the use of an "in-depth" security system; a combination of physical security supplemented by electronic detection measures should deny or delay access to any intruder. A successful storage site will be founded on the principles of robust physical perimeter protection, Technical detection systems that supplement physical protection and effective site administration and management.

The purpose of access control to a secure area is twofold, firstly to deny unauthorised and secondly, to monitor the movement of authorised users. Access control is a specialist field where technology has all but replaced the human element. However the purpose of access control can still be achieved without technology, although it may require a physical presence to do so.

It is therefore clear that on site presence is not a necessity as on-site security and monitoring can be achieved through means other than permanent residential accommodation on site.

Response 2

Whilst it may be possible that the low level of thefts or break-in at the site is attributed to the presence of on-site residential accommodation it does not mean that such presence is necessary to its operation. As previously stated, on site security and monitoring can be achieved through other means. Furthermore, it is noted that there are a number of residential properties within the area which, although no directly related to the business operation, may provide a level of overlooking of the site and represent a deterrent to potential intruders.

Response 3

The case officer is well aware of the history of this site, given his involvement in all of the previous planning submissions for this site. As stated above he was well aware of Mr & Mrs Gechonis' intentions. There was no suggestion in his comments that this was done in an underhand way. It is however factually correct to state that original dwelling, which was tied to the caravan storage business, through the approvals in 2007 and 2010, was sold independently of the business. This

occurred as a result of the various planning approvals in 2013. These subsequent decision were consistent with the guidance from Scottish Government that the use of such obligations and restrictive conditions were not appropriate in planning terms.

The operation, by Mrs Gechonis, of both businesses from her house does not justify, or necessitate, the provision of a further dwellinghouse associated with the caravan storage business.

Response 4

As you will appreciate the "Business Plan" information provided by applicants is treated as confidential and I am therefore unable to provide copies of such information. I would however refer you to Policies GBRA10 – Temporary Residential Accommodation Associated With Existing or Proposed Business and GBRA11 – House Associated With Established Business of the Council's approved Green Belt and Rural Area Supplementary Guidance for guidance on the information that should be provided in support of such applications. I note your comments with regard to the relationship of the current applicant to Mrs Gechonis and their previous involvement with the running of the caravan storage business, which could have been included within the supporting information provided for the application.

Response 5

The Council's assessment of the application has not fundamentally changed, as you suggest. Through a general discussions on the application, James highlighted that if the Council was to accept that the provision of a residential dwelling was necessary to the business operation there was potentially an option, under the terms of the above Policies, to restrict the type of accommodation to that of a temporary nature until it had been demonstrated, to the Council's satisfaction, that the proposed business operation remained viable for a further period of two years. It is James's recollection that was unacceptable to your client.

The Council remain of the opinion that it has not been satisfactorily demonstrated that the dwelling is necessary for the business operation or that appropriate justification has been provided in support of the application.

Response 6

I am sorry that you feel that you have been misled by the Planning Officer with regard to any potential outcome of your client's proposal. However, given my discussions and the provisions of the adopted Local development Plan, I do not feel that this is the case.

I note your request for a meeting, with the Head of Service and Convenor of the Planning Committee, however would suggest we meet in the first instance to discuss the progression of the application. Given the complexity of the history of the site, the nature of the current businesses and the current application proposal I feel that it would be beneficial for all parties; Mrs Gechonis, Ms Taylor and yourself, to attend this meeting. If this is acceptable please advise myself or James Watters of suitable dates/times and he will organise this.

I trust that the above provides an appropriate response to the points raised within your letter. However, should you require any clarification please do not hesitate to contact either myself or

Yours sincerely





Our Ref: ep403/let015/DS

09th January 2017

[REDACTED]
Planning & Building Standards (Hamilton)
Community and Enterprise Resources
South Lanarkshire Council
Montrose House
154 Montrose Crescent
Hamilton ML3 6LB

| | |
|----------------------------------|--|
| COMMUNITY + ENTERPRISE RESOURCES | |
| Montrose House | |
| RECEIVED: | |
| 12 JAN 2017 | |
| Allocated to: | |
| File Ref: | |

[REDACTED]
**HM/16/0299 - ERECTION OF DWELLING HOUSE IN ASSOCIATION WITH AN ESTABLISHED
CARAVAN STORAGE BUSINESS at GREENLEA CARAVAN STORAGE, MUTTОНHOLE ROAD,
HAMILTON, ML3 8RU**

I refer to your letter of 21st December 2016 in connection with the above-mentioned planning application which arrived in our office during the Christmas/New Year Holiday Period.

I have read the contents of your letter very carefully and would reiterate the point that there was no misunderstanding about the intention of [REDACTED] to recommend this application for approval. He was unequivocally clear in that advice albeit he had suggested that a condition might have to be framed to prove the ongoing financial viability of the business. Such a condition was, in my opinion and as I expressed to James, totally unnecessary as the business had been established for many years and its financial viability already proven.

You have suggested in the penultimate paragraph of your letter that we meet *'in the first instance to discuss the progression of the application.'* Given that you have already concluded that there is no requirement for a house to be provided in association with the caravan business I see no merit in having such a meeting. Should you think otherwise please provide me with your reasons.

In light of the considerations outlined and given the length of time your Department has had this application it is respectfully requested that it be determined and a decision issued as a matter of urgency. Please advise by return when such a decision will be issued.

I look forward to hearing from you.

[REDACTED]

[REDACTED]



CaSSOA

THE CARAVAN STORAGE
SITE OWNERS' ASSOCIATION



GUIDE TO SECURE CARAVAN STORAGE

“ Caravan storage
is more than
simply providing
a storage
environment
”

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CaSSOA Guide to Secure Caravan Storage

This guide has been prepared for the use of both existing and new caravan storage sites.

A successful storage site will be founded on the following principles:

- Robust physical perimeter protection.
- Technical detection systems that supplement physical protection.
- An effective site management system.
- An effective administrative system.

All coordinated to provide all round protection.

For the new site this information will act as a comprehensive guide to secure storage, for the established site it will act as a source of reference.

The world of security products and general security principles can be, and is very often, a minefield of technical terms and sales rhetoric. To the consumer any advice needs to be concise, accurate and practical; otherwise the likelihood of it being acted upon is remote.

The advice contained within this document is presented to cover all threats that may be associated with the storage of caravans. The main threat undoubtedly comes from theft, and therefore it has been examined in greater detail. From the outset any security scheme should be; economical, effective, and workable; this trinity is paramount and should not give way to textbook theory.



IDENTIFYING THE THREAT

“
Identify the
threat to the
caravans
”

Identifying the Threat

The principles of security are to identify the threat to the caravans, followed by an assessment of the likelihood for harm; and finally the implementation of a strategy to eliminate or control any potential risk.

The threat to stored caravans will come from:

- **Theft:** Either theft of, or from, the caravans.
- **Criminal Damage:** Primarily caused in the process of theft.
- **Fire:** Either accidental or deliberate.
- **Flood:** Either by location (flood plain), or very heavy rainfall.
- **Falling Trees:** Where trees surround the storage area.
- **Storm Damage:** From insecure structures, and discarded material.
- **Vermin:** An inherent feature of storage areas, especially on farms.

Assessing the Threat

- **Theft:** Although the number of thefts has been reduced over the years in whatever form it is still too high, with urban storage areas more at risk than those in rural areas.
- **Criminal Damage:** Again a higher risk in urban areas.
- **Fire:** The threat of fire is always there, and is aggravated when combustible material is stored in quantity nearby.
- **Flood:** There is always a danger of flooding in low-lying areas, and sites that are bounded by waterways.
- **Falling Trees:** An ever-present danger in exposed wooded rural areas.
- **Storm Damage:** A potential threat from insecure buildings.
- **Vermin:** Vermin are attracted to locations where there may be waste food and/or shelter.

Eliminating the Threat

The opportunities to completely eliminate the threat will be rare.

- **Theft:** The threat cannot be completely eliminated.
- **Criminal Damage:** The threat cannot be completely eliminated.
- **Fire:** The threat cannot be eliminated.
- **Flood:** Flood defences can eliminate the threat.
- **Falling Trees:** Trees can be felled in extreme cases or cut back where felling is prohibited.
- **Storm Damage:** Unsecured dilapidated buildings can be removed, or repaired.
- **Vermin:** Realistically, all types of vermin with the capability to infest or cause damage are difficult to eliminate.

Protecting Against the Threat

This is the time to apply the principle of protection.

- **Theft:** The best way to prevent theft is to deny potential intruders access to the target.
- **Criminal Damage:** Use damage resistant material and repair damage promptly as poor maintenance can attract criminals.
- **Fire:** Remove any sources of ignition, combustible material, and provide the correct fire-fighting equipment.
- **Flood:** Familiarise staff with Environment Agency Flood Plan. In periods of heavy rain check adjoining water levels for obstructions.
- **Trees:** Keep trees well trimmed so that they do not hang over caravans.
- **Storm Damage:** Repair any damaged buildings, and carry out regular checks for damage.
- **Vermin:** Install a recognised vermin control regime.

“
Physical security
supplemented
by electronic
detection
”

IN-DEPTH SECURITY

In-Depth Security

In-depth security is simply a combination of physical security supplemented by electronic detection measures.

The combination should deny or delay access to any intruder arriving at the target and increases the likelihood of detection. The casual thief would not breach this level of protection. Even the determined thief with the right tools would have difficulty and would need time - a commodity he does not have.



Perimeter Protection

The first line of defense in any security scheme designed to protect against property loss is the perimeter fence.

There are divided opinions on which type of fence provides the best protection. The two most common types are described overleaf with a brief summary of their respective benefits and drawbacks. For example, one of the most secure fences is palisade but it is expensive and often not acceptable to planning authorities particularly in rural areas.

For general purpose use, the height can vary from 1.5 to 2.4 metres above ground.

For security use, the recommended height varies from 3 to 3.6 metres.

Palisade Fencing & Welded Mesh Fencing



Palisade

For:

- A robust fence that affords a high level of protection when erected to the correct standard.

Against:

- The cost of installation can be high.
- The individual palings can be forced off if not secured correctly.
- The horizontal bars are prone to being cut with a burning torch.
- There could be planning problems particularly in rural areas.



Welded Mesh

For:

- This type of fencing offers a high level of protection - the thicker the diameter of the mesh the more robust it will be. In the more vulnerable areas it is often supplemented by Armco Barriers.

Against:

- The cost of installation can be high.
- The panels are fitted to the metal posts by using An type security bolts secured using a unique tool. These tools can be obtained and therefore the panels removed. For a much better performance the panels should be fitted to the inside of the posts so that they are not accessible from the outside.

Whenever a proprietary type fence is to be erected, it should be at least 2.4 metres high, and certainly no lower than 2 metres. If possible the fence posts should be set at 2 metre intervals to prevent a caravan passing between the posts. This may be difficult as fencing horizontal parts are normally pre-cut to length, and it will add to the cost. As an additional measure interior posts can be installed off set to the main posts.

It is not uncommon to see fences where the angled posts are set incorrectly.

The following basic guidelines outline the correct settings:

- To keep people out of a private area the posts should be angled out over (Fig.1).
- To keep people in a private area the posts should angled in over (Fig.2).
- To keep people in and out Y shaped posts should be used (Fig.3).
- When a fence adjoins a building ensure that the building cannot be used as a climbing aid. This is best done by fitting an arc of anti-climb spikes onto the top of the fence, and the side of the building.
- When erecting boundary/perimeter fencing, avoid creating right angles wherever possible, as they can be used to bridge the fence.

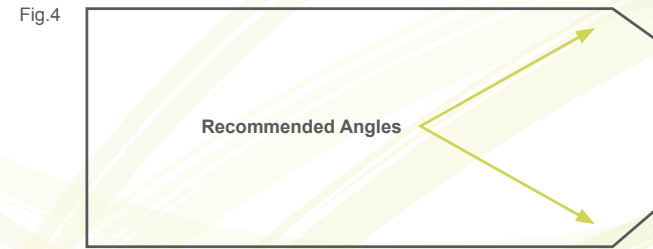


Figure 4 shows a plan view of the outside perimeter of a rectangular shaped compound showing two of the recommended angles.

Security Mound

As an alternative to proprietary fencing, mounds and ditches can be created. They form an effective barrier to prevent theft of caravans, but they are not so effective to prevent theft from caravans. The mound needs to be at least 1.5 metres high with a 3 metres base. Any redundant material can be recycled into the mound to add to its purpose of denying access to an intruder. An enquiry should always be made with the planning authority as a security mound may require planning permission as it could be classed as Operational Development.

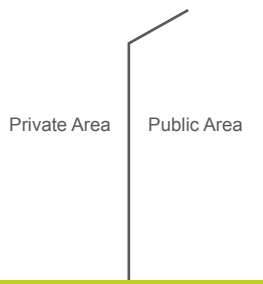
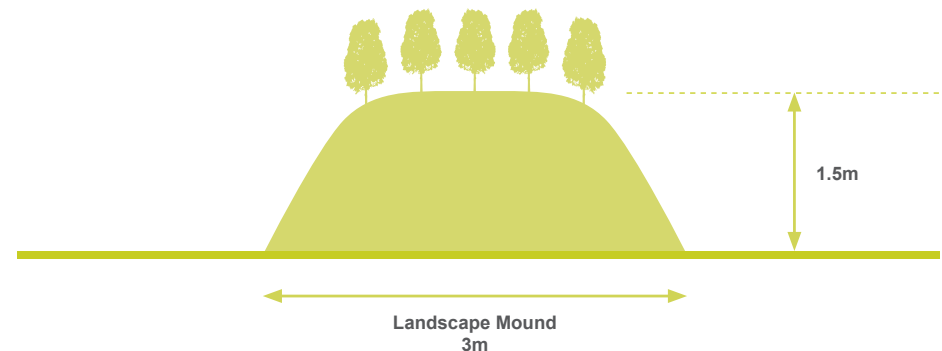


Fig.1
Angled posts - set to keep people out

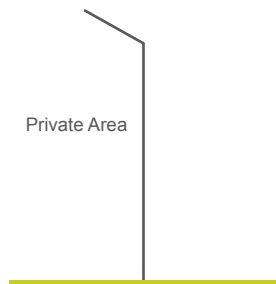


Fig.2
Angled posts - set to keep people in

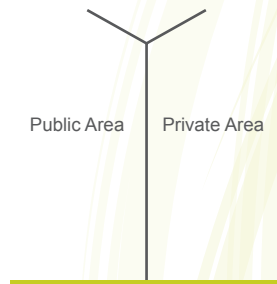


Fig.3
Angled posts - Set to keep people in & out

Electronic perimeter beam protection is an excellent deterrent when used in tandem with mounds/ditches to detect a trespass. When sited within a sterile zone the alarm can be left armed at all times. When assessing the suitability of electronic beam protection site owners should be aware that the performance of the sensors can be affected by poor weather conditions, in particular thick fog. In those parts of the country that experience thick fog on a regular basis, beam protection may not be the preferred choice despite the claims in a sales brochure.

A combination of preventive and detection measures will provide a very secure perimeter. Remember, if they can't get in they can't steal the protected property.



Security Gates

Wherever possible all manual gates should be of single leaf construction, opening out-over. The gate should be hung on anti-lift hinges and be supported by a nose wheel to prevent stress to the gateposts. In addition, the hinges and sliding locking bar should be protected to deter attacks using burning and/or cutting tools.

Where keys are issued to plot holders for the exit/entry gate and movement on and off the site is restricted to opening hours, it is good practice to change the padlock on the gate during the out of hours period.

Access Control

The purpose of access control to a secure area is twofold:

- To deny unauthorised users access or egress;
- To monitor the movement of authorised users.

Access control is a specialist field where technology has all but replaced the human element. However the purpose of access control can still be achieved without technology, although it may require a physical presence to do so.



The following check list will give an indication of what the system may be required to do:

- Logging time, date, and identity of those using exit/entry.
- Anti-pass back control that prevents tailgating.
- Activate CCTV to record certain events, and incidents.
- Produce a site audit showing what should, and should not be on site.
- A simple access control system using cards.

The majority of automated systems activate a barrier. On unmanned sites this is not recommended, as the barrier alone does not present a robust physical deterrent.

A height restriction barrier is an efficient and practical means of controlling caravan movement on and off the site. The height of the barrier should be clearly displayed.

All exit/entry gates should be robust and designed to withstand a determined attack. Fundamental to the efficiency of any access control system is a single exit/entry gate.

Security Padlocks

There are a multitude of locks on the market, each with its own use.

European Standard EN12320* introduced the standard of 6 grades of security, with 6 being the highest. All padlocks grade 3 or above will have a key retention facility which simply means you cannot remove the key when the padlock is in the open mode.



Closed Shackle Padlock

Wherever possible a closed shackle padlock should be used, as they are difficult to crop using bolt cutters.



Sliding Shackle Padlock

As an alternative, a sliding shackle could be used as they are also difficult to crop.



Open Shackle Padlocks are not as secure because they can be vulnerable to attack by bolt croppers.

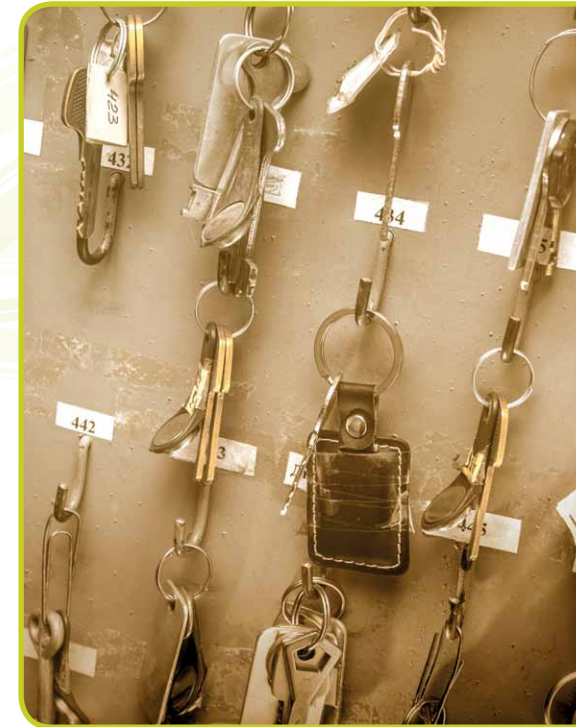
As a matter of best practice never leave locks hanging on the gate when in the unlocked mode. The lock could be substituted, stolen, or sabotaged.

Key Security

Good key supervision is vital in any security scheme where the proprietor removes and fits caravan security devices. The keys should be kept in a purpose made secure cabinet, away from the storage area.

For ease of use and identification purposes all the keys should be numbered, and correspond with the bay of the stored caravan. When choosing a padlock, if possible consult a master locksmith.

Where plot holders are issued with a key for the exit/entry gate, the key should be registered to prevent extra keys being cut.



CCTV

CCTV systems have become an accepted feature of everyday life as we are continually monitored going about our business. Other than those engaged in criminal activity, and some who see CCTV as an invasion of privacy, there is little dispute that CCTV makes a positive contribution in the fight against crime and the fear of crime.





CCTV should complement and not replace other security measures. Ideally it should be part of an integrated system to protect against property loss.

The choice of a CCTV system is dependent on:

- The level of the security risk.
- The level of available lighting.
- The neighbouring environment.
- Whether the system is to be monitored on site or remotely.
- If it is to be used in conjunction with other equipment.

You should also consider the picture quality required. There are three purposes for which images can be provided: detection, recognition, and identification. For detection purposes, a person should fill around 25% of the screen. For recognition purposes, a person should fill 50% of the screen. For identification, a person should fill 120% of the screen and be easily identified. This is known as the Rotakin Test and should be familiar to all installation engineers.

When a system has been chosen it should be tested on site in all lighting conditions, and the recordings taped. Once satisfactory performance has been obtained, the tape should be retained as a guarantee of installed quality.

Signs should be prominently displayed warning that CCTV is in use. The signs must be of adequate size e.g. A4 for foot traffic, and A3 for vehicular traffic. The signs must include the identity of the responsible person/ organisation, complete with contact details.

A sign indicating that the system is recording 24 hours could indicate to the criminal that the site is not manned 24 hours thus giving an intruder time to remove a caravan before the theft is discovered and the CCTV viewed. It would be prudent to have a sign that did not include the recording details.

Audio – activated CCTV when installed to BS4818: 2003 gives a level of protection that is far superior to a standard CCTV installation. Site owners are encouraged to consider BS8418-2010* systems when installing CCTV.

Where personal data is processed, The Data Protection Act 1998 requires that CCTV systems may have to be registered with the Information Commissioner's Office. The act also sets out a code of practice that advises on data processing procedures. The registration fee is £35.00. It is recommended that individual proprietors enquire with the Information Commissioner's Office (Tel: **01625 545745**) or view the website **www.ico.org.uk**.

The use of dummy CCTV cameras is not recommended. By fitting such cameras, a proprietor could be exposing himself to legal action in the event of a loss occurring on the site. The person suffering the loss may sue for misrepresentation if the dummy cameras were an inducement to take up the storage. Dummy cameras have no place in a consumer contractual agreement.

Security Lighting

Security lighting unless well planned, correctly installed and maintained, may not hinder an intruder but help to light his way or provide shadows in which he can hide.

Security lighting should:

- Complement physical and electronic features.
- Illuminate the intruder on his approach.
- Conceal a defender from an intruder.
- Illuminate protected premises.
- Operate from dusk to dawn.
- Be mounted out of reach of intruders and protected against missiles.
- Lamp standards should be positioned so that they cannot be used as climbing aids.

It is most important that any security lighting is based upon a survey carried out during the hours of darkness. In addition, the surrounding area should be viewed to assess the impact on the night landscape.

If the property is overlooked then some consultation may be required to ensure that the lighting will not constitute a nuisance, an invasion of privacy, light spillage, or light pollution. For a more detailed analysis of security lighting visit the website of The Institution of Lighting Engineers: www.theilp.org.uk.

Planning Authorities may require a report from a lighting consultant before agreeing to security lighting being installed.



Security Contractors

As in all businesses, some security contractors are better than others. Therefore it would be prudent to choose a company that is an accredited member of one or more of the following approved associations:

British Security Industry Association (BSIA)

Tel: 0845 3893889

www.bsia.co.uk

Security Systems & Alarms Inspection Board (SSAIB)

Tel: 0191 2963242

www.ssaib.org

National Security Inspectorate

Tel: 01628 637512

www.nsi.org.uk

Fire Protection Association (FPA)

Tel: 01608 812500

www.thefpa.co.uk

Fencing Contractors Association

Tel: 07000 560722

www.fencingcontractors.org

Institute of Lighting Engineers

Tel: 01788 576492

www.theilp.org.uk

FIRE PROTECTION

“
Evaluate, remove
or reduce, and
protect from
fire risk
”

Fire Protection

The Regulatory Reform (Fire Safety) Order 2005 applies to caravan storage sites and stipulates that a fire risk assessment be carried out.

The full requirements of the order are widely available online*, however a brief summary of what a fire risk assessment involves is as follows:

Identify Fire Hazards

- Sources of ignition.
- Sources of fuel.
- Sources of oxygen.

Identify People at risk

- People in and around the premises.
- People who are especially at risk.

Evaluate, remove or reduce, and protect from risk

- Evaluate the risk of a fire starting.
- Evaluate the risk to people from a fire.
- Remove or reduce the hazard.
- Remove or reduce the risks to people from a fire.

Protect people by providing fire precautions.

- Record, plan, inform, instruct, and train.
- Record any major findings and action you have taken.
- Discuss and work with other responsible people.
- Prepare an emergency plan.
- Inform and instruct relevant people.
- Provide training.

Review

- Review your fire risk assessment regularly.
- Make changes as necessary.

Each stored caravan should be allocated around 30 square metres of space, with the respective caravan jockey wheels set at a distance of at least 3 metre centres. Where caravans are parked back to back there should be a 1 metre wide corridor between the rows to act as a firebreak.

The removal of gas bottles is a complex area following the introduction of the Regulatory Reform (Fire Safety) Order 2005. Wherever possible the respective owners should remove the gas bottles from caravans. If it is not reasonably practicable to remove the gas bottles they should be turned off, and disconnected from the internal appliances. The onus of showing that it is not reasonably practicable to remove the gas bottles lies on the proprietor who will be identified as the 'responsible person'.

*www.legislation.gov.uk/ukssi/2005/1541/contents/made

An essential issue in fire protection is to ensure the correct equipment is used, for both prevention and fire-fighting.

For example, where free burning combustible material is stored near the storage area, a hose reel is the most effective method of tackling a blaze.

BS EN3* was introduced in 2002 to bring Fire Extinguishers in use in the UK in line with the rest of Europe.

The type of fire extinguisher you use will depend on the materials which are burning.

All Fire Extinguishers must be red, other than a coloured area to indicate the type of extinguisher.



| Colour | Type |
|--------|----------------|
| Red | Water |
| Cream | Foam |
| Blue | Powder |
| Black | Carbon Dioxide |
| Green | Halon |

All fire protection equipment should be:

- Serviced, maintained and in good working order.
- Protected from adverse weather conditions.
- Recharged as per the manufacturer's specification.

All fire points should be readily identifiable as such by the use of both words and a pictogram.

For more information on the types, use and colours of fire extinguishers please visit www.firesafe.org.uk.

*www.hse.gov.uk

“
Effective site
management
systems
”

ANCILLARY MATTERS

Ancillary Matters

Guard Dogs

The Guard Dogs' Act 1975 regulates the use of dogs which are used to protect premises and is summarised as follows:

- A person shall not use or permit the use of a guard dog at any premises unless a person (the handler) who is capable of controlling the dog is present on the premises, and the dog is under the control of the handler at all times while it is being so used except while it is secured so that it is not at liberty to go freely about the premises.
- A person shall not use or permit the use of a guard dog at any premises unless a notice containing a warning that a guard dog is present is exhibited at each entrance to the premises. For the purposes of interpretation a "guard dog" means any dog used to protect the premises, property on the premises, or the person guarding the premises.



There is no doubt that dogs are an excellent deterrent, and if used within the legal requirements of the act, they should present no problems.

Vermin Infestation

Vermin can infest caravans and cause considerable damage, and most if not all insurance policies exclude liability for what is termed vermin infestation.

As a matter of site practice, it is recommended that liability for vermin infestation be excluded, however this can only be done if a recognised vermin control regime is in place.

In the absence of control, a proprietor may be liable for any damage caused by vermin. The Court of Appeal has extended the legal scope of liability for nuisance to include damage caused by vermin*.

Emergency Plans

Recent extremes of weather that are predicted to continue have caused major damage. In particular flood damage has been extensive.

Site proprietors need to be aware of the dangers from flooding and the correct response.



The Environment Agency has produced a flood map of England and Wales, by entering your postcode you can determine the level of the risk of flooding. The devastating impact of flooding has been graphically illustrated in recent years where whole areas of land were submerged in floodwaters for many days.

*www.legislation.gov.uk/ukpga/Geo6/12-13-14/55

Site owners should familiarise themselves with different levels of flood warnings.

How are warnings issued?

- **Direct to you** - receive warnings by phone, text, email or fax. Sign up for free warnings by calling Floodline on **0345 988 1188**.
- **On the flood warnings website:** www.environment-agency.gov.uk. View up-to-date information about flood warnings in force, monitor the river or sea levels in your area and check out the latest flood risk forecast for your county.
- **By calling Floodline** on **0345 988 1188**. You can listen to recorded information on the latest warnings and predictions or speak to an operator for more general information 24 hours a day.

For more advice on floor risk assessments please visit www.environment-agency.gov.uk.

Planning

As a rough guide to estimating the potential viability of a proposed storage site each stored caravan should be allocated around 30 square metres of space, with the respective caravan jockey wheels set at a distance of at least 3 metre centres. The individual parking bays should be 8 metres in length, with the access roads at least 8 metres wide.

A layout and design strategy based on the following caravan measurements should maximise the space available and minimise the potential for collisions on site.

Small Caravan

Length 5.32m
Width: 2.09m
External Height:2.59m

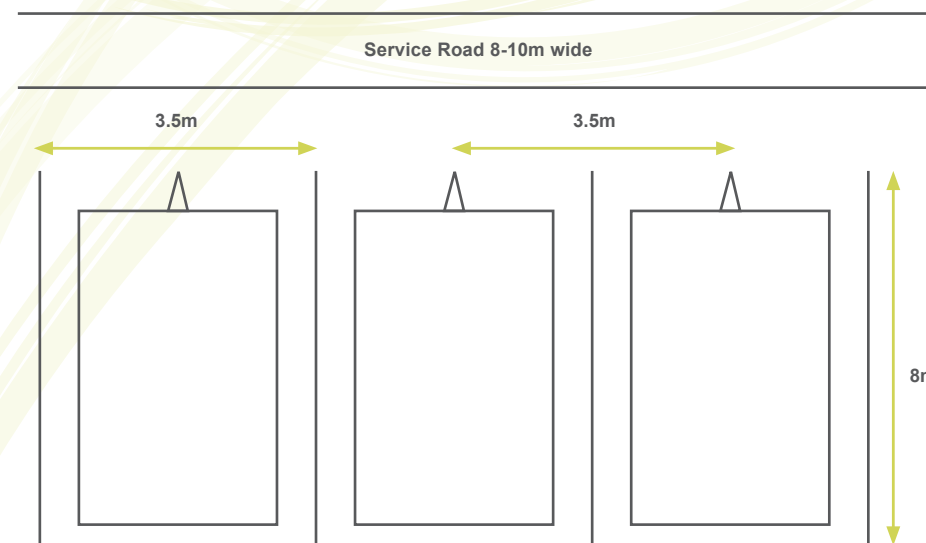
Standard Caravan

Length: 7.83m
Width: 2.28m
External Height:2.58m

Large Caravan

Length: 8.05m
Width: 2.29m
External Height:2.60m

The space recommended between each caravan (hitch post to hitch post) is 3.5 metres.



Planning Permission

In the majority of cases planning permission for change of use will be required. The type of planning approval usually required is "B8 - Storage and Distribution" to include outside storage.

In granting planning permission, a Planning Authority may impose conditions to the permission, such as: the number of caravans to be stored, security recommendations, opening hours, and landscaping to screen the site.

The conditions listed are not exhaustive merely an indication of what may be imposed. Site proprietors must comply with all such conditions; failure to do so could lead to permission being withdrawn, or enforcement action taken.



ADMINISTRATIVE REQUIREMENTS

“
Efficient
administration
should
complement
robust security
”

Administrative Requirements

An efficient administration system that complements security aspects will ensure that a site runs smoothly.

Records

Accurate records should be kept of all plot holders which should be updated as and when necessary. All details provided should, wherever possible, be verified either by driving license or passport. In particular, if someone is seeking storage for an old caravan for a short period, ask for some documentary evidence of address such as a utility bill.

Insurance Details

The plot holder's insurance documents should be examined prior to the storage contract(s) being exchanged. It would be wise to check that the insurance is valid for the term of the storage contract(s), and applies to the caravan or motorhome being stored. Where applicable, make sure that the CRiS reference number on the caravan matches that on the insurance documents.

Damage Description

When a caravan is first admitted onto the site it should be examined and any damage noted on a damage description form, which should be signed by the caravan owner and the site owner.

Ideally a check should be made each time the caravan is returned, but realistically this may not be possible on each and every occasion.

The importance of the initial check assumes greater significance where the site proprietor moves the caravans into and out of the storage area.

Site Fees

The site fees will be influenced by the quality of the site, its geographical location, and the economics of the area. On average, a year's storage for a single axle caravan will be around £350.00*.

Undercover storage will usually generate a higher fee, and twin axle caravans are usually larger and therefore can also attract a higher fee.

Business Rates

As a business you will be required to pay business rates and the amount will be determined by the rateable value of the property. This expenditure has to be taken into account when calculating the annual storage fee. For more data on business rates check www.voa.gov.uk. Some business rate relief may be available.

Value Tax

If the gross income from the site exceeds the current threshold of £82,000 then it is likely that VAT will have to be paid at the standard rate of 20%. Over the years at CaSSOA members have challenged the imposition of VAT on caravan storage, unfortunately without success.

Inheritance Tax - Business Property Relief

For the purposes of Business Property Relief (BPR) Caravan Storage is not a business - it is classed as the making or holding of investments, and as such does not qualify for BPR.

*Representative costs based on sample data taken from Bronze, Silver & Gold CaSSOA storage facilities across the UK. Price is based on average yearly cost for the storage of a single axle caravan. Prices will vary from site to site depending on location and security level awarded.

Storage Contract

A written contract is strongly recommended for storage conditions and site discipline. In the event of a dispute the terms of the contract are binding on both parties. All contracts must be fair and reasonable in their terms, and meet the requirements of Unfair Terms in Consumer Contract Regulations 1999.

A contract term can be deemed unfair if it creates a 'significant imbalance' in the trader and consumer's positions. Standard terms may be drafted to protect commercial needs but must also take account of the interests and rights of consumers by going no further than is necessary to protect those legitimate commercial interests.

Terms must also be in plain language and if not, the interpretation which favours the consumer will apply.

Proprietors need to be aware that plot holders may take advantage of a site where there is no written contract. CaSSOA does have a sample contract available to members.

Public Liability Insurance

Public Liability Insurance (PLI) is essential when the nature of the business allows people onto the site for a specific purpose. There will always be the potential for an accident, and therefore insurance should be in place for such eventualities. In the event of any incidents or changes that may affect the insured risk, always notify the insurance company as soon as possible. Failure to make a prompt notification may invalidate a claim. If there is any doubt about notification always err on the side of caution and notify your insurer.

Central Registration Identification Scheme (CRiS)

All caravans produced in the UK since 1992 are issued with a 17 digit alphanumeric code. The scheme is always referred to by those in the trade as CRiS, and is owned and administered by the National Caravan Council. CRiS is a national register for UK caravan keepers similar to the DVLA for motor vehicles.

A CRiS check will:

- Show if a caravan has ever been written off by an insurance company.
- Show if a caravan is subject to any outstanding finance.
- Provide details of the current registered keeper, and detail how many owners there have been in the past.
- Confirm the make, model and age of a caravan.

More information about CRiS can be found at www.cris.co.uk or by calling **0203 282 1000**.

Legal Requirements

A caravan storage site involves more than providing a secure storage environment, although security is paramount.

Occupiers' Liability Acts 1957 & 1984 Liability Act (Scotland) 1960

The basic principles of occupier's liability are highlighted as follows:

- For legal purposes you will be identified as the occupier of premises the definition of which includes land.
- As the occupier you owe a common duty of care to all visitors who are there for a lawful purpose.
- The duty is to see that all visitors are reasonably safe while using the premises for the purpose for which access has been granted.

The duty of care was extended by The Occupiers' Liability Act 1984 to include trespassers, although this extension is restricted to personal injury and does not include damage. The duty is owed where the occupier is aware a danger exists and the risk is one he may be reasonably be expected to give some form of warning. The most likely situation that could occur is that in the event of razor wire or barbed wire being used as part of the security protection, lawful visitors and trespassers may be injured.

By posting correctly worded signs warning of the danger, the duty of care is discharged, effectively eliminating any action for breach of statutory duty or negligence. As a matter of best practice the signs should be displayed facing into the site for visitors, and out for trespassers.

Law of Lien (Possession Notice)

Liens are certain types of rights which one person has over the property of another.

A particular lien is a right to retain goods until all charges incurred in respect of the goods have been paid. As the proprietor of a storage site you can attach a lien to a caravan in storage for which the storage fee has not been paid.

By incorporating this condition into the storage contract it becomes an express agreement; a legal right binding on both parties to the contract.

As a site proprietor you may well ask the question, "How does this affect me?" Quite simply, some plot holders may get into arrears with storage fees, and abandon the caravan. It is not uncommon for the arrears to exceed the value of the caravan.

Once a lien has been attached to the caravan it remains valid until the due amount is paid or some other form of security is taken in substitution of the lien.

Once the lien has been discharged in whatever manner, that is final.

Uncollected Goods

Where a caravan owner is in arrears, and has not responded to the notification of the attachment of a lien, provision exists within The Torts Interference with Goods Act 1977 for the bailee (site proprietor) to sell the goods and recover the arrears and costs from the proceeds of the sale. Any remaining balance must be retained for the original owner.

There is a clear duty for the seller of the goods to obtain the best price available based on current market value. A sale under section 12 of the act gives good legal title to the purchaser. The above procedure should not be used where the plot holder in arrears does not have legal title in the caravan.

This is perhaps best illustrated where the caravan is subject of a hire purchase agreement. In these cases the hirer has possession of the caravan, but ownership and legal title remains with the finance company until the agreement has been settled. The Office of Fair Trading has indicated that the ultimate sanction of sale should only be used when all other means have failed. In other words sale of the caravan is the Sanction of Last Resort. It is recommended that legal advice is sought before commencing these proceedings.



In the preparation of this guide CaSSOA has been guided by general security principles, and field experience of dealing with the many issues that affect caravan storage.

All of the advice is given in good faith but does not form any guarantee that security cannot be breached. The author does not accept any liability in the event of a breach of any site security.



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