

PE1962/I: Stop motorhomes parking overnight out with formal campsites, caravan parks and Aires

Ed Hall written submission, 26 March 2025

Perhaps the Committee could consider and verify some legal points regarding the issues concerned in this petition.

Under the Caravan Sites and Control of Development Act 1960, any vehicle designed or adapted for human habitation is a "Caravan". The same Act defines a caravan site as "any land upon which a caravan is stationed for the purpose of habitation". The Act requires landowners to adhere to certain requirements if they are operating as a caravan site under this definition.

I question whether there are legal or legitimate ways for those living or staying in a caravan to do so outwith caravan sites as defined in this Act.

Parking, under road traffic legislation, does not include habitation of a caravan, it only applies to motorhomes which are unoccupied. If caravans are used for "habitation" they fall under the 1960 Act.

To occupy land in a vehicle without legal authority is a criminal offence under the Trespass (Scotland) Act 1865, as the Land Reform (Scotland) Act excludes motorised activity. You are not permitted to encamp on the highway.

So therefore, if I occupy my motorcaravan on land without permission, I am breaking the law. If I stay with permission, the landowner must be operating within and adhering to the requirements set out in the 1960 Act, or they are breaking the law.

If a landowner is operating legally within the 1960 Act, that land IS considered a caravan site. Any place allowing overnight habitation of a caravan which falls outwith the exemptions in the Act is an illegally operating caravan site, and should not be permitted.

Given the above, and the vast numbers involved, where are the huge numbers actually staying if they "choose" not to use caravan sites? And how can they be doing so legally?