7 November 2019

Dear James

The Caravan Sites Act 1968 (Amendment of Definition of Caravan) (Scotland) Order 2019 (SSI 2019/295)

Thank you for your letter of 15th October 2019 regarding the measures that exist to ensure the maximum permitted size of caravans are adhered to.

If the maximum size is breached then the structure is no longer considered a caravan and this would take the resident outside of the protections of the Mobile Homes Act 1983. A new licensing regime for permanent residential mobile home sites introduced by the Housing (Scotland) Act 2014 provides local authorities with a range of powers including measures to issue, effectively manage and revoke site licences. Local authorities can take a range of actions against site owners who do not comply with the licensing system or any site licence conditions.

Any structure that does not meet the definition of a caravan set out in the Caravan Sites Act 1968 may also face difficulties in regard to other legislation which references the definition of a caravan as set out in that Act. This could include the loss of certain permitted development rights under the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 (as amended) relating to the need for planning permission for siting of caravans on land in certain situations. At the same time, they would not benefit from the permitted development rights that apply to dwelling houses. Planning authorities could take enforcement action, which could require the removal of the structure from the land it is sited on where required planning permission has not been granted.
The UK caravan manufacturers provide a range of products to different specifications. The industry are therefore well aware of the restrictions on the size of mobile homes they produce for year-round occupation on fully licensed park home sites, so this should provide some assurance for site operators and residents.

Yours sincerely

KEVIN STEWART