

**Y Tribiwnlys Eiddo Preswyl**

**Residential Property Tribunal Service (Wales)**

**Reference: RPT/0005/09/16**

**In the matter of Woodland Park, Old Crumlin Road, Pontypool, NP46UP**

**In the matter of an Application under Section 12 of the Mobile Homes (Wales) Act 2013**

**Applicant: Hills Leisure UK Limited**

**First Respondent: Torfaen County Borough Council**

**Second Respondent: Woodland Park Residents Association**

**Tribunal :**  
**Jim Shepherd: Legal Chair**  
**Nick Hill: Surveyor Member**  
**Angie Ash: Lay Member**

**Venue: Pontypool Active Living Centre, Trosnant Street, Pontypool, NP4 8ET**

**DECISION AND REASONS OF RESIDENTIAL PROPERTY TRIBUNAL**

**Decision**

**The license conditions attached to this decision are confirmed.**

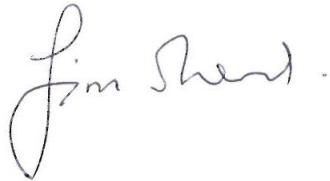
For reasons which will become obvious the reasons for this decision are short.

1. The tribunal was addressing an application made by Hills Leisure UK Limited ("The Applicant") appealing license conditions imposed by Torfaen Borough Council ("The First Respondent") in relation to a mobile homes site at Woodlands Park, Crumlin Road, Pontypool, NP466QP ("The Site"). The Woodland Park Residents Association who represent the residents on the site had been made Second Respondents to the application.
2. The site license granted by the First Respondent dated 4th August 2016 contained a number of license conditions. The Applicant challenged 23 of the license conditions. The Respondents opposed the application. The Tribunal was provided with substantial documentation and the matter was listed for a two day hearing.

3. On 6th June 2017, the first day of the hearing, the Tribunal inspected the site with representatives of each of the parties. The site occupies a south facing hillside and is backed by woodland. The mobile homes vary in appearance and age.
4. The hearing took place after the inspection and the tribunal took evidence and submissions. At an early stage the tribunal was asked to deal with a jurisdictional issue. The Second Respondent had sought to introduce wholly new license conditions aside of those contained in the proposed site license. The parties made submissions by way of skeleton arguments on this issue. The Tribunal decided that its powers under Section 12 of the Mobile Homes (Wales) Act 2013 were limited to imposing new conditions which were associated with conditions which had been varied or cancelled (see Section 12 (4)), it was not open to the Tribunal to impose wholly new conditions.
5. The substantive issue that the Tribunal was required to address was whether the license conditions were individually or collectively "unduly burdensome"- see Section 12 (3) of the Act.
6. On the morning of the second day of the hearing the Tribunal was presented with amended license conditions which were agreed between the Applicant and the First Respondent. There followed negotiation between these parties and the Second Respondent. Thereafter the Tribunal was asked by the Applicant's counsel for permission to withdraw the application because to all intents and purposes there was no longer a dispute between the primary parties. In accordance with Reg 35 of the Residential Property Tribunal Procedures and Fees (Wales) Regulations 2016 however the Second Respondent would have to consent to the application being withdrawn. They would not give this consent. They were particularly concerned about one of the proposed amended license conditions which required all future mobile homes on the site to have conformed to the relevant British Standards in force at the date of their construction (Clause 1.2). They did not consider that this clause was sufficiently specific or stringent in its requirements.
7. In the face of the refusal by the Second Respondent to consent to the withdrawal by the Applicant the tribunal deliberated on the question of whether the proposed amended license conditions should be accepted. It was decided that they should be accepted. The imposition of the conditions and the acceptance or challenge of those conditions is primarily within the remit of the council and the landowner. They had agreed amended license conditions and therefore were no longer in dispute. To a large degree the Tribunal's function was therefore at an end. Whilst the Tribunal recognised the concerns of the Second Respondent about Clause 1.2 it did not consider it was appropriate to vary the clause when the primary parties had agreed it. In any event the Tribunal did not consider that the clause was unduly burdensome.

8. The agreed license conditions are attached to this decision.

Dated this 15<sup>th</sup> day of June 2017

A handwritten signature in cursive script, appearing to read "Jim Sherr".

Chairman

**RESIDENTIAL PROPERTY TRIBUNAL**

**AND IN THE MATTER OF WOODLANDS PARK,  
CRUMLIN ROAD, PONTYPOOL, NP64 6QP**

**AND IN THE MATTER OF AN APPLICATION UNDER  
SECTION 12 (2) OF THE MOBILE HOMES (WALES) ACT 2013**

**B E T W E E N:**

**HILLS LEISURE UK LIMITED**

Appellant

**-and-**

**TORFAEN COUNTY BOROUGH COUNCIL**

Respondent

**WOODLAND PARK RESIDENTS ASSOCIATION**

Second Respondent

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**ORDER**

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**UPON THE HEARING OF THE APPEAL**

**AND UPON HEARING COUNSEL FOR THE APPELLANT, COUNSEL FOR THE RESPONDENT AND THE  
CHAIRMAN, SECRETARY AND, TREASURER OF THE SECOND RESPONDENT ON BEHALF OF THE  
SECOND RESPONDENT**

**UPON THE AGREEMENT OF THE PARTIES AND BY CONSENT**

1. The agreed conditions are approved save for condition 1.2

**UPON THE TRIBUNAL BEING SATISFIED THAT PROPOSED CONDITION 1.2 IS NOT UNDULY  
BURDENSOME**

1. Condition 1.2 be approved

**TORFAEN COUNTY BOROUGH COUNCIL**

**MOBILE HOMES (WALES) ACT 2013**

**WOODLANDS PARK SITE LICENCE CONDITIONS**

**Issued June 2017**

The Torfaen County Borough Council in pursuance of the provisions of Part 2 of the Mobile Homes (Wales) Act 2013 and applying the Model Standards 2008 for Caravan Sites in Wales impose the following conditions in relation to WOODLANDS PARK, CRUMLIN ROAD, PONTYPOOL NP4 6UP ("the site"). These licence conditions supersede any previous conditions issued under the Caravan Sites and Control of Development Act 1960 which are hereby cancelled.

**Conditions**

The person named in the application as the manager of the site is:

Mr Fred Thompson, 07589 613127, fred@hill-brothers.co.uk

In the event the manager or the manager's details change the site owner must notify the local authority in writing of any such change and provide a declaration to the local authority that any new manager is a fit and proper person to manage the site.

**1     Number and Condition of Mobile Homes**

- 1.1 No converted motor-bus or similar type of vehicle shall be allowed on the site and tents shall not be pitched on the site.
- 1.2 All future mobile homes to be sited on the site must have conformed to the relevant British Standards in force at the date of their construction.

**2     General**

- 2.1 The name of the site shall be displayed on a sign in a prominent position at the entrance to the site, together with:
  - (a) The name, current address and telephone number of the site licence holder (and Manager, if applicable) and emergency contact details for both. Details of the site owner and company details must also be clearly displayed.
  - (b) A copy of the site licence or the front page of the said licence with details of where the full licence and other information required to be available under this standard can be viewed and between which times (if not displayed on the notice board).

- (c) A current plan clearly showing the layout of the site with roads and pitches marked on it and including all other relevant structures, features and facilities.
  - (d) The most recent utility bills relating to the site.
- 2.2 In addition at a prominent place the following information shall also be available for inspection:
  - (a) A copy of the most recent periodic electrical inspection report for the common areas of the site.
  - (b) A copy of any current certificate of public liability insurance.
  - (c) A copy of the most recent fire risk assessment for the site.
  - (e) A copy of any current site rules.
- 2.3 All notices shall be suitably protected from the weather and displayed where possible out of direct rays of sun, preferably in areas lit by artificial lighting.

### **3 Site Boundaries and Plan of the Site**

- 3.1 The boundaries of the site from any adjoining land shall be clearly marked by a man made or natural feature.
- 3.2 No mobile homes or combustible structures shall be positioned within 2 metres of the site boundary. Any occupied mobile homes or other existing combustible structure which does not comply with these conditions at the date of this licence shall be exempt from the requirements of this condition until such time as it is renewed or replaced. Any new mobile homes shall be sited in accordance with the Model Standards in place at the time the mobile home is sited.
- 3.3
  - (a) A plan of the site must be supplied to the Local Authority upon the application for a licence and, thereafter within 28 days whenever there is a material change to the boundaries or layout of the site.
  - (b) The plan supplied must clearly illustrate the layout of the site including all relevant structures, features, facilities and known underground services and it shall be of suitable quality and shall be updated as and when the site owner becomes aware of any additional underground services not referred to on the plan.

#### **4     Density, Spacing and Parking between homes**

- 4.1 The gross density of the site shall not exceed 50 mobile homes per hectare, calculated on the basis of the usable area (i.e. excluding roads, communal areas and other areas unsuitable for siting units).
- 4.2 Except in the case mentioned in paragraph 4.4 and subject to paragraph 4.5 every mobile home must where practicable be spaced at a distance of no less than 6 metres from any other mobile home which is occupied as a separate residence.
- 4.3 No mobile home must be stationed within 2 metres of a main road or communal car park within the site or more than 50 metres from such a road within the site.

Any existing mobile home which does not comply with this condition at the date of the licence shall be exempt from the requirements of this condition until such time as it is renewed or replaced.

- 4.4 Where a mobile home has been retrospectively fitted with cladding that conforms with currently approved fire rated materials to its facing walls, then the separation distance between it and an adjacent mobile home may be reduced to a minimum of 5.25 metres or 4.25 metres where a porch which complies with section 4.5 below has been fitted.
- 4.5 In any case mentioned in paragraph 4.2 or paragraph 4.4 above:

- (a) Any porch attached to a mobile home may protrude a maximum of one metre into the separation zone and must not exceed 2 metres in length and 1 metre in depth. The porch must not exceed the height of the home. Where a porch is installed only one door is permitted at that entrance to the mobile home, either in the porch or into the mobile home. Any occupied mobile home which does not comply with this condition at the date of the licence shall be exempt from the requirements of this condition until such time as it or any such existing porch attached to it is renewed or replaced.
- (b) Eaves, drainpipes and bay windows may extend into the separation distance provided the total distance between the extremities of two facing mobile homes is not less than 5 metres.
- (c) Any structure, including steps, ramps etc. (except a garage or car port) which extends more than 1 metre into the separation zone must be of non-combustible construction. There should be a 4.5 metre clear space between any such structure and any adjoining mobile home.
- (d) A garage or car port may only be permitted within the separation distance if it is of non-combustible construction.

- (e) A clear space of 0.75 metres must be maintained around each mobile home so as not to interfere with means of escape in case of fire. Windows in structures within the separation distance must not face towards the mobile homes on either side. Any occupied mobile home with a garage or shed which does not comply with this condition as at the date of the licence shall be exempt from the requirement of this condition until such time as the mobile home, garage or shed is renewed or replaced.
- (f) Fences, walls, hedges or other similar structures, where allowed, forming the boundary between neighbouring mobile homes shall not exceed a maximum height of 1220mm measured from the ground level at the base of the structure on the mobile home owner's land. Any existing structures which do not comply with this condition at the date of the licence shall be exempt from the requirement of this condition until such time as they are renewed or replaced.

4.6 Any current parking provision on site for visitors shall be maintained in good condition.

## **5 Road, Gateways and Footpaths**

- 5.1 Roads shall be designed to provide adequate access for emergency vehicles and routes within the site for such vehicles must be kept clear of obstruction at all times.
- 5.2 One-way systems shall be clearly signposted.
- 5.3 All road signs and road markings shall be clearly visible and properly maintained.
- 5.4 New roads shall be constructed and laid of suitable bitumen macadam or concrete with a suitable compacted base.
- 5.5 All roads must be adequately drained and maintained in good condition and kept safe to the satisfaction of a suitably qualified Highways Engineer.
- 5.6 New two way roads shall be at least 3.7 metres in width, or, where they are designed for one way traffic, 3 metres wide. Where existing two way roads are less than 3.7 metres wide, passing places shall be provided, where practical.
- 5.7 Vehicular access and all gateways to the site shall be at least 3.1 metres wide and have a minimum height clearance of 3.7 metres.
- 5.8 Every new mobile home pitch shall be connected to a road by a footpath with a hard surface. All existing footpaths shall be maintained in good condition.
- 5.9 All new mobile home pitches, parking bays and paths edged by a steep drop which are the responsibility of the site owner shall be guarded where practicable with a suitable fence or wall. All existing such drops which are the



responsibility of the site owner which are guarded by a fence or wall shall be maintained in good order.

- 5.10 Where practicable, communal footpaths and pavements shall not be less than 0.9 metres wide.

## **6 Hard Standings**

- 6.1 Every mobile home shall stand on a concrete hard standing, reinforced as necessary, which shall extend over the whole area occupied by the mobile home placed upon it and shall project 1 metre outwards from the park homes entrance or entrances. Any mobile home occupied at the date of the licence which does not comply with this condition shall be exempt from the requirements of this condition until such time as it is renewed or replaced.
- 6.2 The hard standings must be constructed to the industry guidance, current at the time of siting, taking into account local conditions.

## **7 Fire Safety**

- 7.1 The latest version of the fire risk assessment carried out in accordance with the Regulatory Reform (Fire Safety) Order 2005 shall be made available for inspection by residents and shall be supplied to the Local Authority within 28 days of a demand by the Local Authority.

## **8 Supply and Storage of Gas etc**

- 8.1 Work on gas supplies and installations which are the responsibility of the site owner must only be carried out by persons who are qualified in the particular type of work being undertaken and must be in accordance with current relevant legislation and British or European standards.

## **9 Electrical Installations**

- 9.1 Work on electrical supplies and installations which are the responsibility of the site owner shall only be carried out by persons who are qualified in the particular type of work being undertaken and must be in accordance with current relevant legislation and British or European standards.
- 9.2 The installations shall be inspected at the frequency specified in the current relevant regulations unless a shorter time is specified on the most recent inspection certificate. When an installation is inspected it shall be judged against the current regulations.
- 9.3 The Inspector shall, within 1 month of such an inspection, issue an inspection certificate in the form prescribed in the current regulations which shall be retained by the site licence holder and displayed with the site licence. A copy of the test certificate must be sent to the Environmental Health Department of the Council within 28 days of issue. The cost of the inspection and report shall be met by the site operator or licence holder. Any remedial work or

recommendations shall be carried out within the time specified on the inspection certificate.

## **10 Water Supply**

- 10.1 All new water supplies shall be in accordance with all current legislation, regulations and relevant British or European standards.
- 10.2 All repairs and improvements to water supplies and installations shall be carried out to conform to current legislation and British or European standards.
- 10.3 Work on water supplies and installations shall only be carried out by persons who are qualified in the particular type of work being undertaken and in accordance with current relevant legislation and British or European standards.

## **11 Drainage and Sanitation**

- 11.1 Each standing shall be provided with a connection to a public sewer, sewage treatment works or by discharge to a properly constructed septic tank or cesspool. The foul drainage system must be capable of being made air-tight when not in use.
- 11.2 Surface water drainage shall be provided where necessary to avoid standing pools of water.
- 11.3 All drainage and sanitation provision must be in accordance with all current legislation and British or European Standards.
- 11.4 Work on drains and sewers must be carried out only by persons who are qualified in the particular type of work being undertaken and in accordance with current legislation and British or European standards.

## **12 Refuse Disposal**

- 12.1 Access must be made available for refuse and recycling vehicles on designated days as determined by the Local Authority.
- 12.2 Bonfires must not be used as a means of refuse disposal.

## **13 Car Parking**

- 13.1 Vehicles are permitted to be parked between adjacent mobile homes provided that no door to any home is obstructed.

## **14 Site Maintenance**

- 14.1 No building waste, household or garden rubbish shall be allowed to accumulate on the site. All roads and footpaths throughout the site shall be kept clear of debris of any kind.

- 14.2 Every 3 years a suitably qualified tree surgeon shall report on the safety status of the trees on site which are the responsibility of the site owner. Any actions made in the report shall be carried out by a suitably qualified tradesperson within the timescale indicated in the report.
- 14.3 Every 5 years a suitably qualified structural engineer shall report on the safety status of the retaining and boundary walls on site which are the responsibility of the site owner. Any actions made in the report shall be carried out by a suitably qualified tradesperson within the timescale indicated in the report.
- 14.4 Grass shall be cut regularly during the growing season.