

To Epping Forest District Council
Civic Offices, High Street,
Epping,
Essex,
CM16 4BZ.

4th July 2010

To Councillor Dave Stellan Housing Portfolio Holder and all Members of the Cabinet and The Overview and Scrutiny Committee.

From Residents of Owl Park, The Elms, Ludgate, Abridge Park, The Woodbine & Breach Barns.

Re: Revised Standard Caravan Site Licence Conditions

Enclosed

1 Report outlining our objections to the new regulations being imposed retrospectively

2. Challenges to the Cabinet Meeting 7th June

3. Petitions against the new regulations being imposed **Retrospectively**.

Petition from The Owl, Lippitts Hill, Loughton

Petition from The Elms, Lippitts Hill, Loughton

Petition from Ludgate House, Hornbeam Lane, Sewardstonebury

Petition from Breach Barns, Waltham Abbey,

Petition from The Woodbine, Waltham Abbey

Petition from Abridge Park, presented previously for Cabinet Meeting.

1 Report outlining our objections to the new regulations being imposed

The recent adoption by the Cabinet of the Revised Caravan Site Licence Conditions at the Cabinet meeting of the 7th June is causing untold worry and Stress to the residents of Owl Park and Elms Park. Some residents (many who are elderly) are so stressed that they are unable to sleep through worry about the possible ramifications, which could follow if the Licence Conditions are enforced in the current form.

We are aware that the Cabinet decision has been 'called in' and will now be considered by The Overview and Scrutiny Committee on the 12th July 2010. We are therefore requesting Members of the Overview & Scrutiny Committee and Cabinet Members to consider the points outlined in this report and to amend the decision in favour of our various objections and NOT to impose the new regulations retrospectively.

Use of word 'Caravan'

Firstly may we request that the word 'caravan' be removed from the title and replaced with the words 'Park Home' and also that all reference to 'caravan' be replaced with the same 'Park Home'. The Note (a) on Appendix 2 states that 'caravan', 'mobile home' and 'park home are interchangeable when the structure complies with the legal definition of a 'caravan'. The term 'caravan' is insulting and deriding to home owners. These homes are not caravans in the sense that 100% of all people would understand. The use of the word mobile home is also misleading as they are only mobile when they are on the back of a lorry when being delivered or are mobile in the sense they are placed on a chassis with wheels and can be nudged into position using the wheels when they are being sited. You cannot drive a Park Home nor can you tow a Park Home so by most peoples understanding of the word mobile it is not. They are occupied as a permanent residence and the Term Park Home is most appropriate.

General

We believe to adopt the new regulations retrospectively is unacceptable and we believe the new regulations should apply only to new homes from the date of adoption. We believe by the Councils own admission (Item 9 of the report to Cabinet) you have failed in your duty to enforce regulations and or give guidance to Site owners or home owners **has negated the Councils right to take enforcement action against any of the existing contraventions.** Many of the contraventions such as a minimum 3m distance of homes from the boundary of the site has stood from the inception of the Sites and the Council obviously gave permission at the time which was in fact in contravention of their own regulations. The 3m minimum distances from the boundary has not been known by the residents only by the Site owners. We are talking about a period of more than 45 years that many homes have been in their current position on the site and authorised through planning applications passed by the Council. Homes have been brought and sold many times during this period with the homeowners having no knowledge of this regulation. Also what about the 4 year rule?

Existing contraventions should therefore be tolerated **without condition** and the regulations should apply only to new homes. It is normal when new planning regulations are introduced over the years that they apply to new build only, otherwise half the homes in this country would be deemed to contravene modern regulations appertaining to toilets, bathrooms, footings, wiring, fuses, and fire rated building materials. We require the same sensible non-retrospective introduction of new regulations to apply to Park Homes.

Failure to remove the word **retrospective** and to introduce the new regulations from the date they are imposed **will** devalue our properties and make many homes virtually worthless. The unique nature and beauty of our homes has been built over many years with innovative planting and design with residents relishing their privacy and environment. No Solicitor would allow a client to purchase a home, which was in breach of the regulations. **Residents will seek full compensation from Epping Forest District Council and its Members for the loss of value and the unbearable stress caused home owners if the current homes are not fully exempt from the new regulations.**

Fences, Hedges and Sheds

With regard to the new regulations regarding wooden fences or hedges being a maximum of 1m high this is totally unacceptable and an infringement of residents 'Human Rights' and 'Right to Privacy' within their own gardens. The idea that Park Home owners should be subject to such a draconian regulation based on a Fire Service recommendation is insulting and condescending at the very least. There has been no fire at Owl Park in 45 years and only one fire in 40 years at The Elms and to our knowledge the fire did not spread and was contained within the one home. The fact is that there are hundreds of homes in Epping Forest with wooden structures (many terraced), barn conversions with wooden fences, wooden conservatories, Sheds and with Pergolas attached to the houses. The vast majority do not have an 18ft gap between them also of course brick houses burn as well. Park homes are always detached with a minimum of 18ft between every home surely making them less of a risk. These regulations must not be imposed retrospectively in fact it is doubtful they should be imposed even for new homes.

(Item 3. Appendix 2 Boundaries and Plan of Site ii) & (Item 4. Appendix 2 Density, Spacing and Parking Between Caravans ii)

Many or most of the residential homes on the Owl and Elms sites do not conform to the regulations and most worrying with regard to (Item 3. Appendix 2 Boundaries and Plan of Site ii) which states "No caravan or combustible structure shall be positioned within 3 metres of the boundary of the site", **it would be impossible to comply** with this regulation because there is no room to move the home. This would involve about one third of the 60 homes on these sites. These homes have been in place for about 25 years and the site plan was obviously agreed by the Council at the inception of the site. Home owners were not even aware of this regulation and have bought and sold their homes freely over the past 45 years without fear or favour. During these years the Council been receiving Council Tax as with all home owners and the site owner has complied with all Fire and Alarm conditions. Also the same applies to (Item 4. Appendix 2 Density, Spacing and Parking Between Caravans ii) which states, "No caravan shall be stationed within 2 metres of any road or communal car park. Again this would be impossible to implement.

It is therefore imperative that these homes are declared **exempt without exception** from the said regulations as stated in the above paragraph on the basis that by their historic nature they have been accepted by the Council via original site plans for the past 45 years and that if they were not specifically exempt the value of the homes would be all but worthless. We believe this would be an infringement of our human rights and would place untold stress and worry on the residents who are mostly elderly some in their late eighties.

The consequences of you imposing these regulations retrospectively are unimaginable. As it stands today all homes not complying with the Boundary regulations (PROBABLY 400 HOMES) are unsaleable and have in effect been made worthless by the Council. We the residents will hold the Council and its Members fully responsible for the financial loss and the stress this is causing. This applies **today** for all those currently trying to sell their homes.

2. Challenge Specific to the Cabinet meeting 7th June 2010

1. The Cabinet started the discussion about this most important item at 9.40pm after a long meeting. Nearly every Councillor who spoke on this item apologised to Members along the lines of “ sorry Members I know its getting close to the 10pm deadline but.....

It is obvious from the Webcast that this item was not given sufficient time and was rushed to beat the 10pm deadline. This is not acceptable. The item should have been deferred until the next Cabinet meeting.

2. Councillor Stallan opened the discussion by apologising that the letter from the Abridge Residents was only given to Members at the meeting and the letter was not read out as requested by the residents.

Again this is not acceptable, Members should have received the letter at least the previous day to have adequate time to study the content and it was only manners that the letter should have been read aloud as requested. Again this was probably because the 10pm deadline was looming. This is not acceptable. The item should have been deferred until the next Cabinet meeting.

3. A Councillor raised the issue that not all Site owners had received letters informing them of the proposed changes in fact only two site owners responded and others said they had not received a letter. The Officer said that he had instructed Park Homes Legal Services Ltd who had compiled the report to notify all Site owners and relevant parties. It was also admitted that none of the 835 home owners had been notified. It was agreed that letters would now be sent to all residents informing them about the revised regulations.

*This is totally unacceptable. The residents **who are** of course the most relevant parties have not had the opportunity to respond. Therefore the Council has failed to carry out their obligation to consult all Site owners and relevant parties as stated in item number 5 of the report to Cabinet. The Members were aware of this before they agreed to pass the report. This surely amounts to gross irresponsibility by the Members and a total disregard of the concerns of 835 residential home owners.*

4. Councillor Webster asked how the report by Park Homes Legal Services Ltd was compiled. The responsible Officer Sally Devine said that the main thrust of the report was aimed at preventing the possible spread of fire. She said that recommendations concerning the banning of wooden sheds between homes and the rule that fences and hedges should be no more than 1m high were taken from a Fire Services report, which was a general, report and was not specifically aimed at Park Homes. She then said that the information was fed into a computer simulation, which then produced the report.

It seems apparent that Members had not had the opportunity to study the report in depth and subsequently did not have the opportunity to evaluate the findings. The questions already covered above regarding letters to home owners and about how the

report was compiled demonstrate that Members were not in possession of the full facts and of course the whole discussion was being rushed to beat the 10pm deadline.

It is also clear that to impose these regulations on Park Homes only is blatant prejudice and victimisation of Park Home owners. The Officer said the Fire Services report was not specifically aimed at Park Homes so if the Council wish to impose these conditions it must include all properties of a wooden structure which would include all Barn conversions and many hundreds of homes built with wooden structures. Many of the new homes on the Meridian estate in Waltham Abbey fall into this category. If the Council are determined to impose these regulations they should not be retrospective.