

Report to the Cabinet

Report reference: C-012-2012/13

Date of meeting: 23 July 2012



**Epping Forest
District Council**

Committee: Housing Scrutiny Standing Panel (Chairman – Cllr S. Murray)

Subject: Adoption of Standard Caravan Site Licence Conditions for Permanent Residential Sites in the Epping Forest District

**Responsible Officer: Lyndsay Swan
Sally Devine (01992 564149).**

Democratic Services Officer: Gary Woodhall (01992 564470).

Recommendations:

(1) That following consultation with park home site owners, residents and statutory consultees, and having regard to Cabinet decision C-069-2010/11, the revised ‘Standard Park Home Site Licence Conditions for Permanent Residential Sites in the Epping Forest District’ attached at Appendix 2 be adopted, including the following clarifications and variations from the Model Standards 2008 for Caravan Sites in England as follows:

(a) That, with regard to closed porches:

(i) Mains-powered, interlinked smoke detection with integral battery back up should be required in all homes that have a closed porch, within 6 months of the date of the site licence. However, where home owners prefer battery powered detection, that they be allowed to install battery powered systems provided that they are interlinked, with one alarm being placed in the porch and one in the home, within no more than 6 months; and

(ii) That funding for the home owner’s preferred option is offered, whilst available, through C.A.R.E’s Handyperson Service to eligible home owners;

(b) That both;

(i) Porches; and

(ii) Decking

be considered as ‘structures’ for the purposes of Condition 2(iv)(c) of the ‘Standard Park Home Site Licence Conditions for Residential Sites in Epping Forest District’. Accordingly, any such new structures that extend more than 1 metre into the separation space shall be of non-combustible construction and there must be a 4.5m clear distance between any such structure and any adjacent park home. However, any porches and decking that contravene this Condition shall be allowed to remain until the park home is eventually replaced;

(c) That the following definitions be adopted for the purposes of the Conditions:

(i) With regard to fences, the same guidelines that are applied under Planning

legislation, in terms of adornments and calculation methodology, to assess whether the height of fences meets the requirements of the Site Licence Conditions; and

(ii) With regard to hedges, that a hedge is *'a number of woody plants, whether capable of growing into trees or not, which are so planted as to be intended to be in line and which, when mature, to be so integrated together as to form a screen or a barrier'*;

(2) That the Director of Housing be authorised to amend the licensing conditions to take account of any alterations to the licensing conditions agreed by the Cabinet on the recommendation of this Panel and any other changes made by the Cabinet itself; and

(3) That, if in the future, local authorities are able to charge for park home licensing functions, the Council reserves the right to charge for such functions in line with the relevant statutory legislation introduced.

Executive Summary:

It is a statutory requirement for local authorities to issue licences on all their park homes sites and to decide what conditions to attach. In 2008, the Government produced new standards for permanent residential park homes sites, providing a framework upon which councils can base the conditions they attach when re-licensing sites.

The Council's current standard site licence conditions have not been revised for many years and the Cabinet has previously determined that it would now be appropriate to set new conditions for the permanent, residential sites that are in line with these national 'model' standards, but to also include variations to take account of local circumstances and historic agreements, following consultation with park home residents and site owners.

Following two separate consultation exercises and consideration by both the Overview and Scrutiny Committee and the Housing Scrutiny Panel, 'Standard Park Home Site Licence Conditions for Residential Sites in Epping Forest District' have previously been agreed and these are attached at Appendix 2.

Since the time the Cabinet agreed the Licence Conditions, some issues have arisen in relation to the proposed Conditions, which officers asked us to consider in detail, which we did at our meeting on 28th June 2012. Accordingly, the Cabinet is asked to agree the changes and exceptions outlined in the Report and Recommendations, which take on board our recommendations with regard to some exceptions, so that new licences can be issued to all site owners of existing residential park home sites in the District.

Reasons for Proposed Decision:

The existing site licence conditions for park home sites in Epping Forest District have not been reviewed for many years. New proposed standard park home site licence conditions for permanent residential sites were previously agreed to ensure conditions are relevant, consistent and will adequately protect the health and safety of people residing at, or visiting, sites within the District.

The Cabinet agreed the conditions that would be attached to the new Site Licences on 18 April 2011 (ref: C-069-2010/11) but, following this certain matters came to light which required further clarification before the site licences could be issued. Further consultation has been undertaken

with site residents, site owners and Essex County Fire and Rescue Service (ECF&RS), whose views must be taken into account prior to any proposed amendments to site licence conditions affecting fire safety.

Bearing all of this in mind, we consider that:

(i) Having regard to all the relevant circumstances of the sites there are justifiable reasons for allowing some further contraventions that take place on the date of the new licence; and,

(ii) The benefits that the new licence conditions will achieve (by complying with the model standards) are outweighed by the interests of existing residents and site owners in respect of these issues, having regard to the substantial representations made.

In addition, we recommend that the Cabinet agrees to reserve the right to charge for licensing functions in accordance with the recent Government Consultation document, 'A Better Deal For Mobile Home Owners', as it seems sensible to do so while the site licence conditions are being reviewed. The Cabinet is asked to note that this will require primary legislation and, before charges can be introduced, further consultation will be necessary with interested parties and, following this, if appropriate, a further Report will be made to the Cabinet.

Other Options for Action:

The option of not agreeing the variations and allowing the conditions that were agreed by the Cabinet on 18 April 2011 has been discounted as this does not provide sufficient clarity for Officers to enforce Conditions that would be considered acceptable to park home residents and site owners and are within the spirit of the existing Cabinet decision.

For some of the matters under consideration, we considered alternative options which are outlined below. In making our recommendations to the Cabinet, we have had regard to the views of the Fire Authority, which we have been advised must be taken into account prior to any proposed amendments to site licence conditions affecting fire safety. We have also taken into account the views of park home owners and residents, which were made individually, at a consultation evening in November 2011 and by their chosen representatives at our recent meeting.

We have also discounted the option of not considering charging for licensing functions, as it seems prudent to reserve the right to do so while reviewing the site licence conditions.

Report:

1. It is a statutory requirement under Section 5(6) of the Caravan Sites and Control of Development Act 1960 for local authorities to issue licences on all their mobile homes sites and to decide 'what (if any) conditions to attach'. This applies to all park homes sites, including permanent residential sites, static holiday and touring caravan sites. There are currently 16 residential sites, 5 agricultural and 5 holiday sites in the District, the two largest of which are licensed for 250 and 209 units each. Site licence conditions cover health, safety and fire prevention issues and it is an offence for the site owner to fail to comply with the conditions set.

2. The Cabinet is reminded that for legislative purposes the term 'caravan site' is used. However, this is synonymous with the terms 'mobile home' and 'park home' which are more appropriate descriptions of the permanent residential sites now found, and are terms preferred by site owners and residents.

3. In order to ensure that conditions are relevant and in line with current legislation and guidance it is necessary to review and update conditions from time to time. In April 2008, the Government produced new standards for permanent residential park homes sites, the 'Model

Standards 2008 for Caravan Sites in England', providing a framework upon which councils could base their site licence conditions. As the Council's current standard site licence conditions are outdated and have not been revised on many sites for at least 30 years, in 2008 the Council began the process of revising its site licence conditions in line with the model standards.

4. Before amending any site licence the Council is obliged to consult the owner of the park home site and other relevant parties. A consultation process was undertaken on the Council's behalf by a specialist consultant, Park Homes Legal Services Ltd, on suggested new site licence conditions for the District. Comments from respondents were considered and where appropriate the draft conditions were modified accordingly.

5. At its meeting on the 7 June 2010, the Housing Portfolio Holder presented a report to the Cabinet on proposed new licence conditions for all new and existing permanent residential park home sites within the District (C-001-2010/11). Although the Cabinet agreed the recommendations in the Report, two aspects of the decision were called-in by Members, for review by the Overview and Scrutiny Committee.

6. The Committee met on 12 July 2010 to consider the Call-in and referred the decision back to the Cabinet for further consideration. The Housing Portfolio Holder agreed to ask us to undertake a detailed review of all the proposals and make recommendations on the way forward.

7. Last year's membership of the Housing Scrutiny Panel considered this at a meeting on 8 September 2010 and recommended that all residents and site owners be consulted on both the licence conditions proposed by the Cabinet and the Scrutiny Panel's recommendations. Officers carried out a further consultation exercise in December 2010 and the results of the consultation were included in a Report that was considered by the Cabinet on 18 April 2011 (C-069-2010/11) and approval was given adopt licence conditions which included variations from the Model Standards 2008 with regard to:

- (a) Domestic refuse storage disposal;
- (b) Closed porches being allowed if a mains-linked smoke detector is installed in a specified manner;
- (c) The height of hedges and fences between park homes on new and existing sites being no more than 2 metres;
- (d) Trees not being considered to be hedges and therefore not being subject to any height restriction, provided they do not present any nuisance or health and safety risk;
- (e) Sheds not being classed as structures in relation to fire risk; and
- (f) Timber and combustible sheds being allowed in the separation space between park homes.

8. The Cabinet also agreed that the following, being deviations from the conditions contained within the 'Standard Park Home Site Licence Conditions for Residential Sites in Epping Forest District', and also the Model Standards 2008, will be allowed to remain on existing sites, provided they are in place at the date of the new site licence.

- (a) Any park home, or combustible structure, positioned within 3 metres of the boundary of the site;
- (b) Any park home that is located less than 6 metres from any other park home;

(c) Any park home positioned within 2 metres of any road or communal car park within a site ; and

(d) Any porches, larger than 2 metres by 1 metre, unless they pose a fire risk or other danger.

9. Bearing these matters in mind, we were advised that officers carried out inspections on all of the sites, measuring and recording existing arrangements with respect to the positioning of homes and identifying any contraventions to the new Site Licence Conditions, both those that will be allowed and those that need to be remedied. It was important to do this as the Cabinet had agreed that certain contraventions may continue because they were agreed as exceptions to the Conditions and others that were not agreed as exceptions would have to be removed.

10. During the course of Officers' inspections, however, certain anomalies came to light which, not being specifically covered in the Conditions, they felt required a determination from Members on the interpretation to be adopted. These related to:

(a) The type of smoke detection to be considered acceptable in open porches;

(b) Whether porches and timber decking should be considered to be 'structures' under the terms of the Site Licence Conditions; and,

(c) Definitions of 'hedge' and 'fence' for the purpose of the Conditions.

11. It was agreed that site owners and park home residents should be consulted on these matters and that their views should be considered further by the Housing Scrutiny Panel. We were advised that a meeting also took place in January 2012 between the former Leader, the former Housing Portfolio Holder, and representatives of ECF&RS at which they expressed their views. We understand that Fire Officers declined an invitation to attend our meeting but did make a written representation to the Panel. The written comments of the ECF&RS are attached as Appendix 1. Two representatives of the park home residents associations and one representative of the site owners were also invited to give their views orally at our meeting.

12. We convened on 28 June 2012 and were reminded that the Fire Authority, whose views must be taken into account prior to any proposed amendments to site licence conditions affecting fire safety, consider that the Council should adopt the model standards without exception and that its view had not changed. However, we were also reminded that the Model Standards on which the proposed site licences are based do allow the Council to depart from the Model Standards, to exclude or change one or more of the conditions about which residents have concerns if, having regard to the model standards and the views of the Fire Authority, it considers that:

(i) The current licence conditions are adequate in serving their purpose in respect of these issues, and the new standards/conditions should not therefore, be applied;

(ii) Having regard to all the relevant circumstances of the sites, the Council is satisfied that it has justifiable reasons for allowing these contraventions that take place on the date of the new licence, after taking account of the representations made by existing park home owners and site owners; and,

(iii) The benefits that the new licence conditions will achieve (by complying with the model standards) are outweighed by the interests of existing residents and site owners in respect of these issues, having regard to the substantial representations made.

13. The specific issues that we considered and seek the Cabinet's agreement on are detailed below.

Porches and Smoke Detectors

14. This issue relates to park homes with a porch attached. While the 2008 Model Standards allows only one door to either the porch or the home, at its meeting on 18 April 2011, the Cabinet agreed that two doors could be allowed, provided mains-linked smoke detectors are installed both in the porch and the living space of the home, for fire safety. We have been advised that during inspections, however, many homes were found to have two doors but only had battery operated smoke detectors (as opposed to hard-wired) or had hard-wired smoke detectors that were not interlinked to the porch and living space and as such did not meet the specification agreed by the Cabinet.

15. We took into account the considerable resistance from residents against complying with the requirements as they stand and the views of ECF&RS. We were also made aware that additional funding of £20,000 has been made available to the Council's Home Improvement Agency, C.A.R.E., by the County Council's Supporting People Team to provide help to older and/or otherwise vulnerable people on Park Home Sites to meet certain Site Licence requirements.

16. In the light of these matters, although we consider it most appropriate for mains-powered, interlinked smoke detection with integral battery back up to be installed in all homes that have a closed porch, within 6 months of the date of the site licence, where home owners prefer battery powered detection, that they should be allowed to install battery powered systems provided that they are interlinked, with one alarm being placed in the porch and one in the home. We recommend that the Cabinet agrees this (Recommendation (1)(a)(i) and (ii).

Timber Decking

17. The issue under consideration is whether timber decking constitutes a 'structure' under the terms of the Site Licence Conditions. This is important as Condition 2(iv)(c) states that, 'Any structure including steps, ramps etc. (except a shed, garage or car port), which extends more than 1 metre into the separation distance shall be of non-combustible construction. There should be 4.5 metres clear distance between any such structure and any adjacent park home.'

18. We were advised that there are many cases on the sites of timber decking extending more than 1 metre into the separation distance and that in some cases decking surrounds the home on 3 sides. Furthermore, in some cases, the installation of timber decking has resulted in the 4.5 metre separation space between structures being compromised, particularly if the distance between the 2 mobile homes is less than the required 6 metres (but is being tolerated by virtue of being in place before the new site licences are issued).

19. We heard that Fire Officers do consider that decking is a structure and that they had again recommended that the Model Standards should be fully complied with in this respect. However, it was clear to us from officers' comments, the written responses received to the most recent consultation exercise and the statements given by representatives at our meeting that park home owners are strongly of the view that decking should not be considered to be a structure and, therefore, not be restricted in terms of size or construction. In the light of this, we considered the following options put forward by officers:

- (a) To interpret 'decking' as a structure within the terms of Condition 2(iv)(c) and, therefore, require that any combustible decking that extends more than 1 metre into the separation distance, or any decking that reduces the space between homes to less than 4.5m to be removed within , say, 12 months;

(b) To interpret 'decking' as a structure within the terms of Condition 2(iv)(c) but to allow any decking that contravenes the Condition, but is in place on the date the licence is issued to remain;

(c) To interpret 'decking' as a structure within the terms of Condition 2(iv)(c) but impose a maximum protrusion into the separation space (e.g. 1.5m), and/or allow a minimum distance between structures (e.g. the required 4.5m); or

(d) To interpret decking as being part of the property and as such allow existing decking to remain by virtue of Condition 2(i).

20. Taking these matters into account, we considered that decking should be considered to be a structure and, therefore, no new decking should be permitted that contravenes Condition 2(iv)(c). However, having regard to all the relevant circumstances, we felt that there are justifiable reasons for allowing contraventions that take place on the date of the new licence, after taking account of the representations made by existing park home owners and site owners and, in accordance with this, we recommend that the Cabinet agrees Option b) above, which appears at 1(b) in the Recommendations to this Report.

Fences

21. The issue under consideration concerns the definition of the term 'fences'. Condition 2(iv)(f) of the Council's Standard Licence Conditions states that, 'fences and hedges, where allowed and forming the boundary between adjacent homes, should be a maximum of 2 metres high'. It should be noted that the Government's Model Conditions state that the height should be 1 metre, but this has already been varied by the Cabinet for the Council's own Conditions.

22. We were advised that, over the years, many residents have erected decorative and sometimes elaborate constructions to separate themselves from their neighbours. These may be incorporated in the fencing (e.g. trellis on top of fencing) or an extension of it (e.g. archways and pergolas) and, as a result, it is subject to interpretation where the fencing starts and finishes as it appears to continue around the whole perimeter of the home.

23. We were also advised that Fire Officers confirm that for trellises, archways and pergolas the issues regarding combustibility are the same as they are for fences and hedges and, therefore, the requirements of the Model Standards in this respect should apply. However, we understand that some site residents have argued that the Condition relates to 'fencing' only and, therefore, any other timber constructions attached to the fencing should be allowed to remain and at any height. Many are very reluctant to remove some of these decorative arrangements as they add character and individuality to their homes and in many cases have been costly to provide.

24. We were informed that Planning legislation includes a requirement that fences over 2m in height require Planning Permission and that officers considered that it would be sensible to apply the same criteria and to measure the height of fences in the same way. We understand that, when applying this legislation, Planning Officers measure the height of fences from ground level to the top including any gravel board and/or trellising.

25. We recommend, therefore, that the Cabinet agrees that the same guidelines that are applied by Planning Officers are used to assess whether the height of fences meet the requirements of the Site Licence Conditions, namely that any construction made of combustible material and attached to a fence or forming a barrier between two homes within the separation distance is considered to be 'a fence'. Consequently, we recommend that the '2m rule' applies to it all, thereby requiring any structures that do not comply to be removed within 6 months of

the date of the Site Licence (Recommendation (1)(c)(i)).

Hedges

26. This issue relates to the definition of trees and hedges. The height of fences and hedges are covered in Condition 2(iv)(f) of the Site Licence Conditions but this does not mention trees. Fire Officers from ECF&RS are of the view that although trees are not specifically mentioned, the issues regarding combustibility are the same as they are for hedges and, therefore, they should not exceed the height of 1m as stated in the Model Standards.

27. However, at the Cabinet meeting of 18 April 2011 (C-069-201/11), Members agreed that the Council's own Conditions should depart from the Model Conditions and state that, 'trees are not considered to be hedges and therefore not being subject to any height restriction, provided they do not present any nuisance or health and safety risk'. This means that distinguishing between a tree and a hedge has implications in determining whether there is a height limit or not and we have been advised that it is not always a straightforward decision particularly where a row of trees stand close together to form something looking like a hedge.

28. On the advice of officers, therefore, we recommend that the Cabinet agrees that the following definition, which exists in common law, be applied: A 'hedge' is, '*a number of woody plants, whether capable of growing into trees or not, which are so planted as to be intended to be in line and which, when mature, to be so integrated together as to form a screen or a barrier*'.

Porches

29. Condition 2(iv)(a) states that, although porches may protrude 1m into the separation distance, they must be no more than 2m in length and 1m in depth. The Cabinet has already agreed that porches that do not comply with these dimensions at the date of the site licence will be allowed to remain until the home is replaced.

30. In addition to this, however, porches may be considered as 'structures' for the purpose of Condition 2(iv)(c) and, therefore, there should be a clear 4.5m clear distance between any such structure and any adjacent park home to reduce the risk of fire spread between park homes.

31. We were advised the reason that this may be an issue is that the Cabinet has also agreed that any park home that is positioned closer than the recommended 6m from any other park home could remain provided it was in position on the date of the Site Licence. This means that if homes that are already closer than 6m apart have porches that protrude more than 1m into the separation space, this may reduce the separation space to less than 4.5m. This would only be an issue if porches are considered to be 'structures' within the terms of Condition 2(iv)(c).

32. We understand that many of the park homes in the District do have porches and a significant number of these would contravene Condition 2(iv)(c). As with timber decking, Officers are of the opinion that porches are structures and are therefore covered by Condition 2(iv)(c) and require a separation distance of at least 4.5m. If this is the case, then any porches that do not meet the requirements would have to be removed which, understandably, park home residents and some site owners are strongly opposed to.

33. We explored the following options:

- (a) To consider porches to be 'structures' and not to allow any new porches to be positioned closer than a 4.5m clear distance from any adjacent park home and to require any porches that are already closer than this to be removed, within a period of,

say, 12 months from the date of the Site Licence.

(b) To consider porches to be 'structures' and not to allow any new porches to be positioned closer than a 4.5m clear distance from any adjacent park home but to allow any that are so positioned at the time the Site Licence is issued to remain.

(c) To not consider porches to be 'structures' for the purposes of 2(iv)(c) and therefore allow them to be positioned closer than 4.5m from any adjacent park home.

34. Taking these matters into account, we consider that porches should be considered to be structures and, therefore, no new porches should be permitted that contravene Condition 2(iv)(c) (and by virtue of Condition 2(iv)(a) new porches cannot extend more than 1m into the separation space even if they are built of non-combustible material). However, having regard to all the relevant circumstances of the sites, there are justifiable reasons for allowing contraventions that take place on the date of the new licence, after taking account of the representations made by existing park home owners and site owners and, in accordance with this, we recommend that the Cabinet agrees Option b) above, which appears at 1(b) in the Recommendations to this Report.

Charging for licensing functions

35. The Government has recently issued a consultation document 'A Better Deal For Mobile Home Owners'. This proposes, among other things, to allow local authorities to recover their costs in carrying out their park home licensing functions and to include the requirement to pay as a condition of the site licence conditions. We have been advised that any such implementation would require primary legislation and a further report to Cabinet. Officers also made it clear to us at our meeting that, before any charge is introduced, interested parties should be fully consulted again. However, we consider that it seems appropriate now, while reviewing existing licence conditions, to include a condition to the effect that it reserves the right to charge for licensing functions, should they be permitted in the future (Recommendation (3)).

36. The Cabinet is asked to consider this Report in the light of our deliberations and to agree the recommendations accordingly.

37. We were advised that the Government's Model Standards 2008 for Caravan sites in England excludes Gypsy/Traveller sites. However, several sites in the District have Planning Permission to be occupied by Gypsy and Traveller families on a permanent, residential basis and these sites are currently licensed in accordance with the existing licence conditions for the District's residential sites. In recent months several new planning applications have been received from Gypsy families on unauthorised sites wanting to legitimise them. The Cabinet has already agreed that a second consultation process will involve these sites with the objective that the Council's Standard Licence Conditions be extended to include Gypsy sites that are occupied on a permanent residential basis.

38. Finally, we were also advised that separate Model Standards exist for holiday caravan sites. A review of the Council's existing licence conditions for these sites, to bring them in line with the Model Standards, is proposed in due course.

Resource Implications:

A part-time Technical Officer post has been appointed to specifically issue new site licences and enforce the standard conditions.

Legal and Governance Implications:

Caravan Sites and Control of Development Act 1960
Model Standards 2008 for Caravan Sites in England

Safer, Cleaner and Greener Implications:

Adopting new standard conditions in line with the Governments Model Standards 2008 for Caravan Sites in England will ensure measures are in place to protect the health and safety of residents on permanent residential mobile home sites.

Consultation Undertaken:

Specialist Consultants Park Homes Legal Services have carried out the initial consultation process and further consultations have been carried out with all residents and site owners on both the licence conditions proposed by the Cabinet and the Housing Scrutiny Panel's recommendations in accordance with the Scrutiny Panel's wishes.

Impact Assessments:

Risk Management

Failure to set and ensure compliance with appropriate licence conditions would compromise the health and safety of residents on permanent residential mobile home sites by limiting the control measures that may be imposed.

Although it is the Fire Authority's view that the Council should adopt the model standards without exception, the Council may depart from these if it considers that the benefits that the new licence conditions will achieve are outweighed by the interests of existing residents and site owners. The Council considers that the substantial representations made by the site owners and residents, in the full knowledge of the Fire Authority's recommendations, justify a departure from the Model Standards, as indicated in the revised 'Standard Licence Conditions for Permanent Residential Park Home Sites in Epping Forest District Council' (Appendix 2), in this case.

Equality and Diversity

Did the initial assessment of the proposals contained in this report for relevance to the Council's general equality duties, reveal any potentially adverse equality implications? No

Where equality implications were identified through the initial assessment process, has a formal Equality Impact Assessment been undertaken? N/A

What equality implications were identified through the Equality Impact Assessment process?
N/A.

How have the equality implications identified through the Equality Impact Assessment been addressed in this report in order to avoid discrimination against any particular group?
N/A.

Essex County Fire & Rescue Service



Model Standards

The Model Standards are specified by the Secretary of State under Section 5(6) of the Caravan Sites Control and Development Act 1960. The Act allows the Secretary of State to modify the Model Standards from time to time, the two most recent revisions to the standards being 1989 and 2008 respectively.

The Model Standards are considered to represent those standards normally to be expected as a matter of good practice on caravan sites, it should be remembered that the standards are minimum standards. For this reason, the Essex County Fire and Rescue Service (ECFRS) considers that the current Model Standards (2008)ⁱ should be the basis for the conditions of a new site licence.

The 2008 Model Standards were developed by the CLG following a Consultation Paper for the Office of the Deputy Prime Minister in December 2005ⁱⁱ taking into account recommendations made by the Park Homes Working Party and the Local Authority Licensing of Park Home Estates Report.

When comparing the 1989 standard and the 2008 standard in relation to separation distances and what may or may not be allowed to occupy the separating space, it is noticeable that the differences are minimal meaning little in the standards has changed in over twenty years.

| Model Standards 1989 | Model Standards 2008 |
|---|---|
| Separation – Not less than 6m | Separation – Not less than 6m |
| Porches – May protrude 1m into the 6m and should be open | Porches – May protrude 1m into separation space, maximum size 1 deep by 2m wide, not to exceed height of caravan. Porch must have only one door, either at the entrance to the home or on the porch |
| Eaves, Drainpipes and Bay Windows – May protrude into 6m space providing that the separation between adjacent units is not less than 5.25m | Eaves, Drainpipes and Bay Windows – May protrude into 6m space providing that the separation between adjacent units is not less than 5m |
| Ramps, Verandah's and Stairs – There should be 4.5m clear space between units, they should not face | Any Structure including steps, ramps etc. – Which extends more than 1m into the separation distance shall |

| | |
|--|---|
| each other, and if enclosed, need to be considered part of the unit and as such not protrude into the 6m space | be of non-combustible construction. There should be 4.5m clear distance between any such structure and an adjacent caravan |
| Garage, Shed or Covered Storage Space – Only permitted if of non-combustible construction, car ports or covered walkways not allowed within 6m space. | A Garage or Car Port – These may only be permitted within the separation distance if they are of non-combustible construction |
| | Windows - Where included in structures within the separation distance shall not face toward a caravan on either side |
| | Fences and Hedges – Where allowed and forming a boundary between adjacent caravans should be a maximum of 1m high |
| | Private Cars – These may be parked within the separation distances provided they do not obstruct access and are a minimum of 3m from an adjacent caravan |

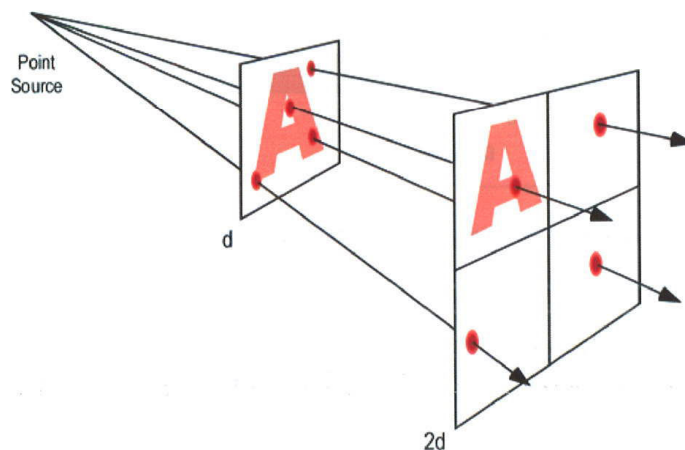
The basis of the separation distances used was testing conducted by the Building Research Establishment (BRE) in 1989, the results of which were published in the report 'Fire Spread between Park Homes and Caravans' ⁱⁱⁱ. The tests were conducted to see whether the separation distances from the previous 1977 Model Standards were still appropriate, the BRE conducted tests on both park homes and holiday caravans, here we shall concentrate on park homes.

Whilst conducting the tests, the BRE established ignition criteria for the park homes through testing samples supplied by park home manufacturers in the BRE's ISO Ignitability apparatus in order to establish a baseline for thermal radiation, the full scale tests were preceded by test burns on half caravans to establish patterns of fire development, mode of failure etc. Computer modeling was also used to estimate a radiation field around the caravan, and an investigation into a park home fire was also undertaken.

The ignitability criteria for a park home was established through testing of samples as being 17kW/m² and the ignitability criteria of other surrounding or intermediate items such as cars sheds etc. was 12.6kW/m², the latter figure is that used in The Building Regulations^{iv} to assess the appropriate separation distances for buildings.

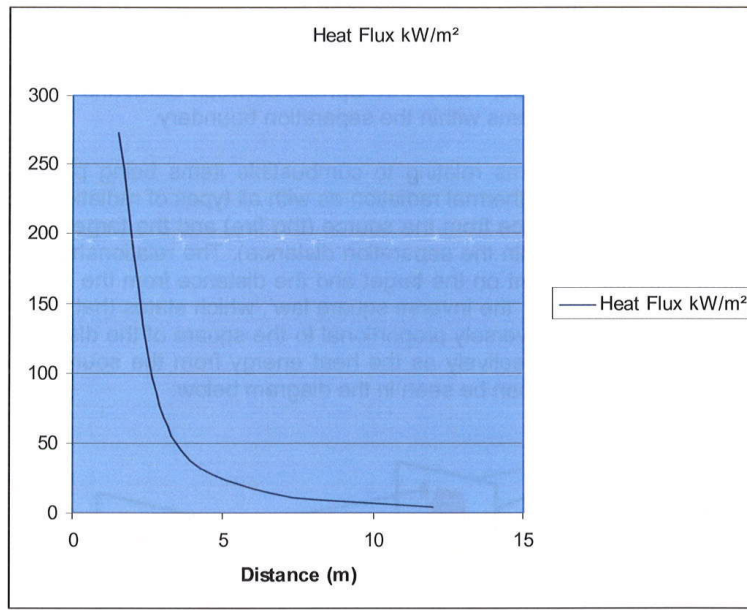
During the tests, a typical park home was burned and the heat flux levels were measured around the home, the heat flux levels indicated that the 6m spacing was still appropriate for a park home as the heat flux at this distance did not exceed 17kW/m^2 , the report also stated that 'On the basis of the fire test results it has to be presumed that any items other than those classified as incombustible within 3m of a burning caravan could ignite and be an additional source of fuel and radiation or indeed, direct flame impingement'. A paper based upon the report 'BRE Information Paper 15/91- Fire Spread between Caravans'¹¹ includes a table of the placement of items within the separation boundary.

The reason for the concerns relating to combustible items being placed in the separation distance is that thermal radiation as with all types of radiation is highly dependent upon the distance from the source (the fire) and the target which the radiation strikes (items within the separation distance). The relationship between the radiant heat flux incident on the target and the distance from the source can be simplified and is termed 'the inverse square law', which states that the energy received by the target is inversely proportional to the square of the distance from the source of the heat, effectively as the heat energy from the source radiates from a point it diverges as can be seen in the diagram below.



As the distance increases, the area upon which the radiation is incident has increased and therefore the radiation per unit area is reduced. Conversely if the distance from the source to the target is reduced, the radiation per unit area is increased and by halving the distance, the thermal radiation incident on the target would be quadrupled. So assuming that at 6m the radiation is 17kW/m^2 at 3m, the radiation would be 68kW/m^2 , far in excess of that required to ignite timber sheds, structures, trees, bushes etc.

The relationship between heat flux and distance is shown in the graph below and of particular note is the effect of placing a target within the 6m separation distance as the heat flux incident on the target is increasing exponentially.



(Draft) Report to the Housing Scrutiny Panel 31/1/12

Porches - From Para 9. of the draft Report to the Housing Scrutiny Panel it states that the Fire Officers have agreed a variation allowing closed porches fitted with battery operated detection. This is not the case as the ECFRS have continually stated that in their opinion that the Model Standard 2008 should be the basis of any new licence. However from discussion with Epping Forest District Council we were advised that this had already been passed by the Council. In this case and whilst not agreeing to the variation it is advised that the fitting of interlinked smoke detectors either mains or battery powered would provide a degree of compensation for the increased risk arising from the Housing Scrutiny Panel accepting a variation from the Model Standard 2008.

Para.31 of the draft report acknowledges that the dimensions of a porch should be limited to 1m deep by 2m wide as required by the Model Standard 2008 2(iv)(a), but that housing officers actually consider porches as 'structures' under 2(iv)(c) despite porches having specific requirements under the previously mentioned section, 2(iv)(c) requires a clear 4.5m

space between the structure and an adjacent park home (although if it extends more than 1m into the separation distance it should be of non-combustible construction), this definition allows the porch to potentially protrude 1.5m into the 6m separation space but does not limit the width/area of the porch. This in conjunction with the external porch door that has been agreed by EFDC means that there is potential for significant storage in these 'structures', which has the potential to significantly increase fire loading of a caravan and heat flux incident on adjacent caravans. Also the enclosure of such porches may mean that appliances such as washing machines, tumble driers, fridges freezers etc will be placed within the porch and will not only add to the fire loading but also increase the possibility of ignition due to their power supplies. For this reason the ECFRS maintain the position that the Model Standards 2008 should be complied with in this area and that Porches should be considered as porches and not structures as per the definitions in the Model Standards 2008.

Fences - The Model Standard 2008 is clear that fences and hedges, where allowed and forming a boundary between adjacent caravans should be a maximum of 1m high (MS2008 2(iv)(f)), this is backed up by the BRE paper Fire Spread between Caravans discussed previously, Table 1 of the paper lists restrictions of items to be placed within the separation boundary of an adjoining occupancy, for fences it states if they are non-combustible, there is no restriction, but if they are combustible they should be restricted to 'low (1m high max.) picket fences only'. This is based upon the experimental data obtained from burning a Park home style caravan and measuring radiative heat flux profile around the home.

As identified previously, the heat flux required to ignite a park home was determined through testing to be 17kW/m², the heat flux required to ignite intermediate items such as cars, sheds, awnings, gas cylinders and fences was just 12.6kW/m², this is the same level of heat flux used to determine the separation distances of traditionally constructed buildings in order to comply with building regulations as this is the recognised temperature at which timber will ignite.

During the BRE tests the heat flux was recorded at heights of 3m and 1.8m and for a holiday caravan the recordings at 5m were 17kW/m² and 12.6kW/m² respectively and an assumption was made that intermediate items associated with a caravan were unlikely to be higher than 2m from the ground. For a Park home type caravan the heat flux profiles determined that the caravan should have greater spacing distances of 6m due to the difference in the way in which they burned and their larger heat flux profiles.

The apparent reason for restricting the fence height to just 1m is that the fences assumed to sit on a boundary between two Park homes will be just 3m from each home, and due to the exponential increase in thermal radiation with the reduction in distance from the source discussed previously any intermediate items within 3m of a caravan, other than those that are non-combustible therefore are at significant risk of ignition and will contribute both to the fire load and the radiation incident on surrounding homes. For this reason, the ECFRS are of the opinion that there should be no variation from the Model Standard 2008.

For trellis, archways and pergolas, it is clear that the same issues would apply and therefore they should not be located within the boundary unless they are constructed of non-combustible materials or conform to the requirements set out for structures in the 2008 MS (2(iv)(c)).

Hedges – Hedges should be treated similarly to fences as per the Model Standards 2008 (2(iv)(f)) and limited in height to 1m when forming a boundary between adjacent caravans, the rationale for this has been explained previously, hedges are considered combustible.

Although the model standard does not specifically mention trees, similar to hedges trees are combustible indeed some species will burn particularly rapidly giving off significant heat radiation, which could assist fire spread between adjacent caravans.

For these reasons, ECFRS are of the opinion that there should be no variation from the Model Standard 2008 in relation to hedges and that trees represent a similar risk.

Timber Decking – It is the opinion of the ECFRS that timber decking should be considered as a structure, it will be constructed of similar materials and in a similar manner to ramps and steps that are mentioned in the Model Standard 2008 2(iv)(c)

Paragraph 13 of the draft report states that a Site Owner had commissioned a Fire Risk Assessment that stated high temperatures must be reached before decking will burn, ECFRS are in agreement with this, but it must be considered that in the event of a caravan fires high temperature are indeed reached and thermal radiation from such fires is generated at levels in excess of that required to ignite timber, this was proved empirically through experimentation by the BRE.

Sheds – These are also considered structures by the ECFRS, generally they are of lightweight timber construction, with combustible roof covering. Sheds are generally used either for storage purposes or as workshops and often contain flammable materials that will add to their fire load and

increase the radiant heat incident on neighbouring caravans, for this reason the ECFRS recommends that they should be in compliance with Model Standard 2008 2(iv)(c) & (e)

ⁱ Model Standards 2008 for Caravan Sites in England – Caravan Sites and Control of Development Act 1960-Section 5 (2008) Communities and Local Government

ⁱⁱ Revising the Model Standards for Park Homes – Consultation Paper on Revised Standards and Guidance (2005) Office of the Deputy Prime Minister

ⁱⁱⁱ Fire Spread Between Park Homes and Caravans (1989) Department of the Environment / Home Office / National Caravan Council

^{iv} The Building Regulations 2010 – Fire Safety Approved Document B Volume 1 Dwellinghouses (2010) HM Government

^v BRE Information Paper 15/91 – Fire Spread Between Caravans (1991) Building Research Establishment