

**EXPLANATORY MEMORANDUM TO  
THE CARAVAN SITES ACT 1968 AND SOCIAL LANDLORDS  
(PERMISSIBLE ADDITIONAL PURPOSES) (ENGLAND) ORDER 2006  
(DEFINITION OF CARAVAN) (AMENDMENT) (ENGLAND) ORDER 2006**

**2006 No. 2374**

1. This explanatory memorandum has been prepared by the Department for Communities and Local Government and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. **Description**

- 2.1 This Order amends section 13(2) of the Caravan Sites Act 1968 (“the 1968 Act”) to increase the maximum dimensions of a structure that can be defined as a twin-unit caravan and amends the definition of “caravan” in article 3(3) of the Social Landlords (Permissible Additional Purposes) (England) Order 2006 (S.I. 2006/1968) (“the 2006 Order”).

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

- 3.1 This Order amends primary legislation.

4. **Legislative Background**

- 4.1 Section 29 (1) of the Caravan Sites and Control of Development Act 1960 defines a caravan by reference to it being, “any structure designed or adapted for human habitation that is capable of being moved from one place to another”. Section 13 (1) of the Caravan Sites Act 1968 deals with twin-unit caravans and provides that such structures, “shall not be treated as not being (or not having been) a caravan within the meaning of Part 1 of the Caravan Sites and Control of Development Act 1960 by reason only that it cannot lawfully be moved on a highway when assembled.”.

- 4.2 Currently, section 13(2) of the 1968 Act prescribes the following maximum dimensions for “twin-unit caravans”:

- (a) length (exclusive of any drawbar); 60 feet (18.288 metres);

- (b) width: 20 feet (6.096 metres);

- (c) overall height of living accommodation (measured internally from the floor at the lowest level to the ceiling at the highest level): 10 feet (3.048 metres).

- 4.3 Section 13(3) of the 1968 Act enables the Secretary of State by order to substitute any figure mentioned in subsection (2) of section 13, after

consultation with concerned persons and bodies. This is the first occasion on which this power has been exercised.

4.4 The Order also amends the definition of “caravan” in the 2006 Order which was based on the definition in section 13 of the 1968 Act.

4.5 The increases to which the Order relates are:

Length – from 18.288 metres (60 feet) to 20 metres (65.616 feet), an increase of 1.712 metres

Width – from 6.096 metres (20 feet) to 6.8 metres (22.309 feet), an increase of 0.704 metres

Internal Height – from 3.048 metres (10 feet) to 3.05 metres (10.006 feet) and increase of 0.002 metres.

## **5. Extent**

This instrument applies in relation to England. The National Assembly for Wales has indicated that it will make a comparable order to similarly extend the maximum dimensions of a caravan as contained in the 1968 Act, in relation to Wales and the Scottish Executive will consider making a similar order for Scotland. The National Assembly for Wales has not made an order making equivalent provision to the 2006 Order

## **6. European Convention on Human Rights**

The Secretary of State for Communities and Local Government has made the following statement regarding Human Rights:

In my view the provisions of the Caravan Sites Act 1968 and Social Landlords (Permissible Additional Purposes) (England) Order 2006 (Definition of Caravan) (Amendment) Order 2006 are compatible with the Convention rights.

## **7. Policy Background**

7.1 Section 13(2) of the 1968 Act has never been amended. Concern has been raised over the maximum dimensions of a caravan, with particular reference to energy conservation and the reduction of greenhouse gas emissions.

7.2 DCLG are aware that several local authorities have been giving grants to firms to help to improve the energy efficiency of caravans, most noticeably park homes. Currently, the cheapest and most effective method of achieving this is to put external cladding on a caravan. The manufacturers of this external cladding advise that the thickness of the cladding used is between 5 and 15cm. As a result, where a caravan is already the maximum size permitted

under the 1968 Act, the addition of cladding will increase the dimensions beyond those permitted. Allowing larger structures to fall within the definition of a caravan will help with the installation of such energy efficiency measures.

7.3 External cladding is an extremely good method of insulating a caravan and is the preferred method for the following reasons:

- it dramatically increases insulation levels, with up to 30% energy saving;
- it leads to significant cost savings for occupiers;
- it is cheap and easy to install; and
- it increases fire retardant qualities. Most external claddings used have a Class O fire rating, which is the second highest available.

#### Revision of the British Standard for park home manufacture

7.4 The British Standard for park home manufacture, BS 3632, has recently been revised so as to highlight the need for greater energy efficiency. The new British Standard gives efficiency levels on a par with, and in some cases exceeding, conventional bricks and mortar homes. This has meant that greater wall insulation is needed. It is only possible to increase the insulation of caravans that currently have the maximum width of 6.096 metres by reducing their internal dimensions. This would mean smaller rooms and that certain layout designs are no longer possible. By permitting increased dimensions, existing designs may continue to be used.

7.5 The minor increase in the maximum internal height allowable is being introduced in order to round the metric figure up to the nearest centimetre.

#### Other considerations

7.6 Site licence conditions usually stipulate, among other things, the maximum density of caravans on the park and the minimum spacing distances between caravans and between any caravan and the site boundary, roads etc.

7.7 Any increase in the dimensions of a caravan may mean that separation distances between homes are less than the minimum specified in the current Model Standards, which form the basis of site licences for both holiday caravans and mobile homes. However, DCLG consider that the comparatively modest increase in dimensions will not have any significant impact on sites overall and, in particular will not adversely affect the number of caravans that can be stationed on any site.

7.8 The 2006 Order is being amended because the definition of caravan in article 3(3) is based on the definition in section 13 of the 1968 Act. If the two definitions were not aligned caravans manufactured to the increased 1968 Act dimensions would have to be excluded from sites funded under the new powers in the 2006 Order.

#### Consultation

7.9 Prior to the making of this Order the Secretary of State consulted organisations representative of the interests affected by the proposed

amendment of section 13 of the 1968 Act and other relevant persons. These included the British Holiday & Home Park Association and the National Caravan Council who represent between them more than 80% of the caravan sites in the country. The National Association of Park Home Residents, the Gypsy Council and the National Association of Caravan Owners, who together represent over 15% of occupiers, were also consulted along with individual home owners.

7.10 The proposed increased dimensions were the subject of a full 12 week public consultation, which ran from August to November last year. DCLG received a total of **48** responses including some “bulk” responses, representing several different organisations as well as responses from their individual members..

7.11 40 of those who responded to the consultation exercise were generally in favour of the proposals. Many respondents felt that the increase in the measurements could only benefit the occupants of the caravans concerned.

7.12 By far the largest area of concern expressed by respondents was the impact that increased dimensions would have on the spacing between caravans, as required in site licences. Most of those who responded on the issue of spacing stated that any changes would need to be accompanied by clear guidance, not just for local authorities but for all parties concerned. Additionally, the majority that commented on the issue of spacing, stated that the 6 metre separation space should not automatically be reduced as the requirement was imposed not only to reduce fire risk but also to deal with issues relating to privacy, which also needed to be taken into consideration.

7.13 DCLG acknowledges these concerns regarding separation distances. These issues were covered in our recent consultation on amending the model standards. The model standards form the best practice guidance on what may be included in the site licence conditions issued by local authorities. Each proposal on the model standards includes a section on enforcement of each individual standard, including guidance on the matters that should be taken into account when deciding whether to take action. The following text is proposed:

**‘Cladding can aid energy efficiency of caravans and also if type O fire rated materials are used will ensure that they are more fire retardant.**

**Cladding should be allowed if:**

**A) The spacing requirements are not affected.**

**B) If the homes are sited closer together (taking account of the matters under the enforcement section below) it is not seen as a risk for the separation distance to be reduced.**

**C) The park owner has given his approval to the resident.’**

7.14 A copy of the full consultation response can be found at <http://www.communities.gov.uk/index.asp?id=1163216>.

7.15 No separate consultation was carried out in respect of the amendment to the 2006 Order. However, the amendment made by this Order retains the principle that the definition of “caravan” in the order should reflect the definition in the 1968 Act.

## 8 **Impact**

8.1 A Regulatory Impact Assessment is attached to this memorandum.

8.2 The impact on the private sector is regarded as minimal. Local authorities own and run a tiny proportion of the overall number of park home and gypsy and traveller sites and it may not be necessary for them to amend the site licence conditions on the basis of these proposals alone, given the ongoing revision of the model standards.

## 9 **Contact**

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Tel: 0207 944 6226 or e-mail: [mark.coram@communities.gsi.gov.uk](mailto:mark.coram@communities.gsi.gov.uk) who can answer any queries regarding the instrument.

# Final Regulatory Impact Assessment (RIA)

## **TITLE OF PROPOSAL**

Amending the definition of a caravan in section 13(2) of the Caravan Sites Act 1968 and in article 3 of the Social Landlords (Permissible Additional Purposes) (England) Order 2006

## **PURPOSE AND INTENDED EFFECT OF MEASURE**

### **Objective**

To redefine the maximum dimensions of caravans, following representations received from interested parties in order to allow the addition of cladding for insulation purposes.

### **Background**

The current specification of the dimensions of a caravan are contained in the Caravan Sites Act 1968, and has not been amended since the Act came into force. Problems have arisen as a consequence of cladding being added to caravans for insulation purposes. The addition of cladding has in some cases meant that the caravan's dimensions have exceeded the maximum allowed under the Act.

### **Rationale for government intervention**

We are aware of the issues surrounding cladding and the definition of a caravan. We are also aware of the revision of various British Standards relevant to caravans. We therefore decided to investigate the matter further. If we do nothing, then it is likely that more court cases will arise and residents will continue to be disadvantaged by not being able to improve their home's energy efficiency.

## **CONSULTATION**

### **Within government**

DCMS, DEFRA, DFT, Scottish Executive, National Assembly for Wales, Small Business Service.

### **Public consultation**

Some informal consultation has taken place with stakeholders. A twelve week formal consultation has taken place and the stakeholders views have been taken into account to ensure that the proposed change is the correct option and implemented quickly and effectively. Taking account of respondent's recommendations we have amended the diagram of where measurement is from and plan to issue detailed guidance to local authorities to ensure that they fairly implement the changes taking full account of local circumstances.

## **OPTIONS**

THE PREFERRED OPTION

AMEND THE DIMENSIONS IN SECTION 13(2) OF THE 1968 AS FOLLOWS:

We propose to amend the definition of a caravan by altering the dimensions set out in

section 13(2) of the Act as follows:

(a) length (exclusive of any drawbar); 20 metres;

(b) width: 6.8 metres; and

(c) overall height of living accommodation (measured internally from the floor at the lowest level to the ceiling at the highest level): 3.05 metres).

Additionally we intend to set out our view in guidance that the measurements of length

and width should be taken between the exterior faces of the external body walls, excluding non-habitable projecting windows (i.e. projecting windows that do not extend to floor level), and excluding projecting eaves and minor projections such as gutters, down-pipes, door canopies, sills, thresholds and drip rails (see fig.1).

The definition is proposed as it deals with the difficulties created by the external cladding of caravans by increasing the external dimensions for caravans specified in section 13 (2) of the Act. It also allows some extra contingency in case new issues are

uncovered, in the coming years.

There was wide support for this option during consultation as long as the guidance was sufficient to deal with worries about spacing.

There was some concern over the figures on savings, and we have revisited these and amended them downward from those initially proposed in the consultation document. These are shown in the summary table below.

The order also amends the maximum dimensions of a caravan as contained in the Social Landlords (Permissible Additional Purposes) (England) Order 2006. The 2006 Order allows Registered Social Landlords to provide and manage Gypsy and Traveller sites and receive social housing grant for that purpose. At present the maximum dimensions of a caravan, as set out in the 2006 Order, mirror the dimensions contained in the Caravan Sites Act 1968 and amending the 2006 order is necessary to retain this consistency. The effect of this amendment will mean that Registered Social Landlords will be permitted to provide sites for Gypsies and Travellers with caravans that fulfil the newly proposed maximum dimensions of a caravan with the associated benefits set out below.

## **ALTERNATIVE OPTIONS CONSIDERED**

### OPTION 1 – DO NOTHING

Only a couple of respondents thought this was the correct way to move forward. There would be problems if we did nothing as some caravans may not be able to install

the cladding without breaching the maximum dimensions currently in place.

Additionally, some caravans already have the cladding installed and are in breach of the

current legislation.

Given the move towards more energy efficiency, doing nothing would cause problems

as some products would have to be installed on the inside of caravans so as to not breach the current law. By doing nothing we will not be helping towards various Government energy targets and be disadvantaging caravan residents.

## OPTION 2 – REMOVE THE DIMENSIONS ALTOGETHER

Again there was little support for this option.

This would require primary legislation. Although in theory this could be welcomed by manufacturers and possibly site owners, this would have significant problems with regard to environmental and planning concerns. In addition, there would be problems regarding transportation, as there is a limit on the size of a caravan under the Road Vehicles (Construction and Use) Regulations 1986. For the purposes of those Regulations, a caravan is treated as a trailer and must conform to the requirements set

out in the guidance for that legislation. Also the caravan industry has been built around

this definition and to remove it totally could be detrimental and create an unstable market for established manufacturers.

## **COSTS AND BENEFITS**

### **Sectors and groups affected**

The following areas will be affected:

- Manufacturers of caravans
- Refurbishers
- Insurers
- Residents
- Park Owners
- Holiday site owners
- Local Authorities

### **Race equality assessment**

We feel that the policy will affect all groups equally across the sector and that no group will be adversely affected by the proposals. Gypsies and Travellers are an ethnic group who will be positively affected by the proposals.

### **Health impact assessment**

We expect this to improve resident's health and reduce poverty levels with the reduction in heating bills. Many residents who live in caravans are elderly and often vulnerable and therefore these improvements will have a greater impact than on the general population.

### **Rural considerations**

This will have some impact on small rural firms, as most of the sites are in rural areas and are run by small and micro businesses. In the main, the proposed change will be considered good for businesses, with impact on business overall being negligible.

## **COSTS AND BENEFITS**

### OPTION 1 – DO NOTHING

Economic Benefits – None

Economic Costs – Continuing high fuel bills

Environmental Benefits – None

Environmental Costs – Continued higher levels of emissions

Social Benefits – None

Social Costs – Disadvantaged position for 260,000 residents who can not have their



homes insulated.

#### OPTION 2 – REMOVE DIMENSIONS ALTOGETHER

Economic Benefits – Would assist with energy saving by allowing the installation of cladding. We estimate savings on energy bills of an average of £120 per caravan, per year.

Economic Costs – Could lead to major costs to manufacturers, with new designs needed.

Environmental Benefits – Reduced emissions.

Environmental Costs – Environmental concerns arising from transportation of larger caravans by road and the visual aspect of sites seen as becoming less appealing.

Social Benefits – Larger Caravans, more storage and better quality of life from larger living space.

Social Costs – Visual aspect of sites becomes seen as less appealing.

#### OPTION 3 – EXTEND MEASUREMENTS TO 20MX 6.8M X 3.05M

Economic Benefits – Would assist with energy efficiency by allowing the installation of cladding. We estimate savings on energy bills of an average of £120 per home per year.

Manufacturers will save money in the long term as they will be able to install the cladding during construction.

Economic Costs – Initial costs to caravan owners and manufacturers – should be negligible as grants are available from local authority to meet the costs in putting the cladding on. In addition, the new British Standard, BS3632 also helps with standards for energy efficiency.

Environmental Benefits – Reduced emissions if cladding installed, and from reduction in need for more fuel. Keeping a maximum size means sites will not have their general character affected.

Environmental Costs – None.

Social Benefits – Reduced energy bills and better quality of living. Healthier residents due to better insulation.

Social Costs – None.

### **SMALL FIRMS' IMPACT TEST**

Most of the businesses affected by these proposals are small in nature. We do not feel

that there will be any significant impact on them in the short term. Indeed, we believe in the long term that the proposals will be beneficial, from construction and design of park homes by constructors, to the benefits of larger homes on sites for the site owners.

The consultation did not bring out any concerns in this area.

### **COMPETITION ASSESSMENT**

The Department has completed the competition filter. This requires that policy makers

consider the market that will be affected: i.e. the firms that compete against one another to sell the same or similar products or services.

No site owner owns more than 10% of the 1600+ residential parks in England and Wales, or the 3500+ holiday sites.

The costs of the regulation should not affect some firms more than others. The

proposed legislation should not result in higher set-up or running costs for new firms than existing firms do not have to meet and the market is not characterised by rapid technological change.

Cabinet Office advises that if policy-makers answer 'yes' to fewer than half the questions asked in the filter, there is unlikely to be a negative competitive impact from the new regulation. Therefore no detailed competition assessment would be required.

**None of the nine questions are answered in the affirmative for this market, so no detailed assessment will be required.**

## **ENFORCEMENT, SANCTIONS AND MONITORING**

### ***Enforcement***

#### **How will the proposal be enforced?**

This proposal amends the existing maximum dimensions of a caravan and existing enforcement procedures continue to apply. Local authorities can take enforcement action if the maximum dimensions are exceeded. Most site licences or planning permissions for sites contain a requirement that caravans on site must not exceed the maximum dimensions.

#### **Who will enforce the proposal?**

Local authorities will be responsible for any enforcement action taken against site Owners for breaches of site licence or planning conditions, as they are now.

### ***Sanctions***

#### **Will the legislation impose criminal sanctions for non-compliance?**

The current criminal sanctions remain in place. Our proposals do not affect them in any way.

### ***Monitoring and review***

Monitoring will take place via communications with local authorities, trade and residents associations. Contact will also come via the All Party Parliamentary Group for the Welfare of Park Home Owners.

## **IMPLEMENTATION AND DELIVERY PLAN**

The change in the maximum dimensions will be brought about by means of a Statutory

Instrument, to be laid before Parliament. Guidance to support these changes will be included in the documentation supporting the revised model standards, which are currently being consulted on. Beyond the detailed guidance and the amendment to the

Legislation, any use of the new measurements will be for the industry to decide on, with the caveat that any new caravans must meet their legal obligations under relevant legislation.

## **POST-IMPLEMENTATION REVIEW**

We will monitor the use of the new dimensions closely, and take account of any impacts

unforeseen at the time of the legislation being changed. The All Party Group for Park Homes will be a useful guide.

## **SUMMARY AND RECOMMENDATION**

Following the period of public consultation, and having considered all the comments

put forward by those who responded to the document, we are recommending that Option 3 is put forward. It is the most cost effective of all the proposals in terms of all the relevant costs and in keeping the dimensions of a caravan in line with all other relevant legislation.

Taking account of respondent's recommendations we have amended the diagram of where measurement is from and plan to issue detailed guidance to local authorities to ensure that they fairly implement the changes taking full account of local circumstances.

Option	Total cost per annum Economic, environmental, social	Total benefit per annum Economic, environmental, social
1 – Do nothing.	<ul style="list-style-type: none"> <li>• Higher fuel bills.</li> <li>• Higher emissions.</li> <li>• Disadvantaged position for 260,000 residents and owners of holiday homes on 3,500 sites.</li> </ul>	None.
2 – REMOVE DIMENSIONS ALTOGETHER.	<ul style="list-style-type: none"> <li>• £ Thousands to manufacturers to design new homes.</li> <li>• Visual aspects of sites deteriorate.</li> </ul>	<ul style="list-style-type: none"> <li>• £120 per property per year.</li> <li>• Reduced emissions.</li> </ul>
3 – EXTEND MEASUREMENTS TO 20MX 6.8M X 3.05M.	<ul style="list-style-type: none"> <li>• Minimal Initial cost of insulation.</li> </ul>	<ul style="list-style-type: none"> <li>• £120 per property per year.</li> <li>• Reduced emissions.</li> </ul>

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Taking account of respondent's recommendations we have amended the diagram of where measurement is from and plan to issue detailed guidance to local authorities to ensure that they fairly implement the changes taking full account of local circumstances.

## Declaration and Publication

I have read the regulatory impact assessment and I am satisfied that the benefits justify the costs

**Signed ...Angela Smith.....**

**Date 4th September 2006**

**Angela Smith  
Parliamentary Under Secretary of State  
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